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Date: 3 May 2018

TO: THE CHAIR AND COUNCILLORS OF THE TORRIDGE DISTRICT COUNCIL

ANNUAL MEETING OF THE COUNCIL

ON Monday 14 May 2018 at 6.30 pm

NOTICE OF MEETING

You are hereby summoned to the Meeting of the District Council at the aforementioned date and time

Head of Paid Service

P R A Y E R S
For those who wish to participate - Prayers will be held at 6.25 pm.

A G E N D A

1.	**APOLOGIES** To receive apologies for absence from the meeting.
2.	**ELECTION OF CHAIR OF THE COUNCIL**
3.	**ELECTION OF VICE CHAIR OF THE COUNCIL**
4.	**MINUTES** (PAGES 4 - 11) Confirmation of the minutes of the meeting held on 27 March 2018.
5.	**ACTION LIST** (PAGES 12 - 28)
6.	**PUBLIC CONTRIBUTIONS** 15 minute period for public contributions

7.	**TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR**
8.	**TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9**
9.	**ELECTION OF THE LEADER OF THE COUNCIL**
10.	**ELECTION OF DEPUTY LEADER OF THE COUNCIL**
11.	**SIZE OF COMMITTEES AND TERMS OF REFERENCE** (PAGES 29 - 43) To receive the report of the Senior Solicitor.
12.	**ALLOCATION OF SEATS TO POLITICAL GROUPS** (PAGES 44 - 45) To receive the report of the Senior Solicitor.
13.	**MEMBERSHIP OF COMMITTEES** (PAGES 46 - 48) To receive the report of the Senior Solicitor.
14.	**ELECTION OF CHAIRS AND VICE CHAIRS** Community and Resources Committee Audit and Governance Committee Plans Committee Licensing Committee Internal Overview and Scrutiny Committee External Overview and Scrutiny Committee Standards Committee
15.	**SCHEME OF DELEGATION** (PAGES 49 - 77) To receive the report of the Senior Solicitor.
16.	**SUBSTITUTION SCHEME** (PAGES 78 - 80) To receive the report of the Senior Solicitor.
17.	**MEMBERSHIP OF OUTSIDE BODIES** (PAGES 81 - 84) To receive the report of the Senior Solicitor.
18.	**LEAD MEMBERS** (PAGES 85 - 86) To receive the report of the Head of Paid Service.

19.	**APPOINTMENT OF NON-ELECTED REPRESENTATIVE TO INTERNAL & EXTERNAL OVERVIEW & SCRUTINY COMMITTEES** (PAGES 87 - 88) To receive the report of the Strategic Manager (Resources)
20.	**COUNCILLOR ALLOWANCES** (PAGES 89 - 91) To receive the report of the Head of Paid Service
21.	**ANNUAL REPORT AUDIT & GOVERNANCE COMMITTEE UPDATE** To receive a verbal update from the Chair of the Audit and Governance Committee.
22.	**ANNUAL REPORT EXTERNAL OVERVIEW & SCRUTINY UPDATE** (PAGES 92 - 97)
23.	**STRATEGIC PROPERTY ACQUISITIONS** (PAGES 98 - 102) To receive the report of the Strategic Manager (Resources).
24.	**BRIDGE BUILDINGS - PROGRESS REPORT** (PAGES 103 - 123) To receive the report of the Strategic Manager (Resources)
25.	**PETITIONS** To receive Petitions (if any)
26.	**NOTICES OF MOTION**
27.	**EXCLUSION OF PUBLIC** The Chair to move: “That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972”
28.	**PART II - (CLOSED SESSION)** Items which may be taken in the absence of the public and press on the grounds that exempt information may be disclosed.
	Meeting Organiser: Democratic Services Tel. 01237 428703

TORRIDGE DISTRICT COUNCIL

MEETING OF THE COUNCIL

Tuesday, 27 March 2018 - 6.30 pm

PRESENT: Councillor J Himan (Chair)
Councillor S Inch (Vice-Chair)

Councillors B Boundy, A Boyle, D Brenton, K Carroll, P Christie, C Cottle-Hunkin, K Davis, G Dezart, A Eastman, Z Gregorek, P Hackett, R Hancock, R Hicks, D Hurley, T Inch, K James, T Johns, R Julian, M Langmead, J Langton-Lockton, N Laws, R Lock, D McGeough, J Morrish, I Parker, P Pennington, C Simmons and P Watson

ALSO PRESENT: S Hearse, Strategic Manager (Resources)
J Hollis, Senior Solicitor
S Cawsey, Democratic Services Officer
T Vanstone, Democratic Services Officer

Non elected Members – Mr I Harper and Mr S Dengate

Members of the public 5

91. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: J Whittaker, M Brown, J Leaper, R Wiseman and A Dart and J Wallace, Head of Paid Service.

92. COUNCIL MINUTES

It was proposed by Councillor Watson, seconded by Councillor Hackett and -

Resolved: That the minutes of the meeting held on 5 February 2018 be confirmed as a correct record and signed by the Chair.

(Vote: 26, Abstentions 2)

Agenda item 12 - Transforming Torridge Programme

Councillor Christie noted the above report referred to Bridge Buildings. He enquired as to what was happening with the building. The Strategic Manager (Resources) explained reference to Bridge Buildings had been included because of staff relocation to Riverbank House. A report will be brought back to Full Council in due course.

Councillor Hancock arrived at the meeting.

It was proposed by Councillor Watson, seconded by Councillor Langmead and –

Resolved: That the minutes of the Budget Special meeting held on 26 February 2018 be confirmed as a correct record, subject to the following amendment:

Minute No. 87 – Budget 2018/19, Medium Term Financial Strategy and Capital Programme 2018/19

Councillor Lock had voted against a zero % increase in Council Tax.
Councillor McGeough had voted for a zero % increase in Council Tax.

(Vote: For 18, Against 2, abstentions 9)

93. ACTION LISTS

Actions from meeting held on 5 February:

Minute No. 66 - Public contributions

The Senior Solicitor had emailed a response to Mr Pearce.

Ms V Kassan - Discussions had taken place with the volunteer group, and a draft Agreement was being drawn up by the Legal Department.

Minute No. 71 – Relocation of Skate Board Park

The Community Engagement Officer had confirmed a specific report on noise and flooding had been requested. That information will be submitted when going out to tender. Councillor Christie asked that his concerns regarding leaves from the surrounding trees falling into the bowl and becoming slippery be included. The Senior Solicitor to speak to the Tree Officer.

Actions from the Budget Special meeting held on 26 February:

Minute No. 81 – Public contributions

A response had been sent to Mr Taylor, copying in Mr Durkin. The fence had not been removed at Gainsborough Drive, and at present the Council are not taking any further action.

Minute No.85 – Consultation on North Devon & Torridge Local Plan

A meeting to be arranged with the Senior Planning Policy Officer, the Leader and Lead Member for Planning. Date to be finalised next week.

Minute No. 86 – Council Tax Support Scheme

Councillor Pennington had now received a response from Age UK and they had confirmed that the information given by him at the previous meeting was correct. A copy of the response to be forwarded to Benefits Team Leader and Customer Support Manager.

94. PUBLIC CONTRIBUTIONS

Mr Peter Hames addressed the meeting regarding the decline in wildlife. He read to the meeting an article published in the Guardian newspaper which highlighted the destruction of over half of the biodiversity through the intensification of agriculture, and the devastation of the population of birds, butterflies and wild flowers. He asked that Members prioritise the protection and enhancement of wildlife especially when giving consideration to planning.

Mr Maurice Pearce spoke on the following matters:

- Lack of Agenda's for the public
- No resolutions on the agenda and requested more information on matters such as the Local Plan.

95. DECLARATIONS OF INTEREST

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

96. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

97. TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR

The following matters were raised by the Chair:

- Any proposed amendments to the recommendations to be put in writing and signed by the Proposer.
- All Members were reminded to vote either For, Against or to abstain.

The Chair proposed that Agenda Item 12 – Transforming Torridge Programme - be brought forward and presented prior to Agenda Item 8.
The motion was seconded by Councillor Parker.

(Vote: For – Unanimous)

98. TRANSFORMING TORRIDGE PROGRAMME (STANDING ITEM)

The Strategic Manager (Resources) presented the report which sought Members approval to the virement of £30k between the "Riverside" accommodation project to the "Riverbank House Customer Hub" project.

The report also provided Members with a progress report on what is the most fundamental change programme Torridge had embarked on.

Members were informed of the following updates relating to waste and recycling:

- Two of the vehicles had now arrived and are being stored at Middle Dock
- Now ready to go live with the payment system regarding waste services

The Strategic Manager (Resources) gave a slide presentation which, in addition to the information contained in the report, detailed the four options for consideration by Members. These were:

- To keep with the original budget and take out some of the work proposed
- Take out additional customer facilities
- Take out some additional staff facilities
- Include all proposed items and to transfer £30,000 from the existing Riverside budget and to add another £20,000 to the budget

When presenting this item, the Strategic Manager (Resources) stated that if Members agreed to the customer disabled toilets being included in the project, there would be additional costs in relation to cleaning.

Hard copies of the ground floor plan showing existing and the proposed changes to Riverbank House was circulated to Members. The plan was also displayed on the screens.

The Property and Procurement Manager addressed the meeting and identified on the plan the ten areas of proposed change not included in the original scheme.

The Strategic Manager (Resources) advised that the proposed changes and costs involved had been discussed at the Programme Board. The Board had agreed this matter should be taken to Full Council.

The pros and cons of agreeing with the recommendation - Option 4 - were discussed.

Councillor Simmons recommended an Option 5, that in order to save the transfer of £20,000, some of the proposed works be removed. This was seconded by Councillor Morrish. The Strategic Manager (Resources) explained this was fundamentally the same as Option 1. No vote was taken on this motion.

It was proposed by Councillor Laws, seconded by Councillor Eastman and –

Resolved:

a) That the progress made, highlighted in the report, be noted.

b) That Option 4 be approved, which involved the virement of £30k between the "Riverside" accommodation project to the "Riverside House Customer Hub" project and an additional £20k be allocated to the project.

(Vote: For 18, Against 11, Abstentions 1)

99. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

There were no questions submitted under Procedural Rule A9.

100. PAY POLICY

The Strategic Manager (Resources) left the room.

This item was introduced by the Senior Solicitor who explained that the purpose of the report was for Member agreement to a Pay Policy Statement, in accordance with the requirements of the Localism Act. The report did not call for Members to agree to any changes to the Pay Policy or the remuneration of Senior Officers.

In response to a question regarding who is responsible for making decisions on redundancy payments, the Senior Solicitor confirmed that this fell within the statutory role of the Head of Paid Service, although Members would be likely to be involved in the case of Senior Officer redundancies.

During the debate concerns were raised that in the past Members had had no input into or had seen any redundancy payments made to Senior Officers.

Legal advice was given by the Senior Solicitor following a question from Members regarding deferment of this item. He advised that the present Policy expires end of March, and the Authority must have a Policy in place at all times to be legally compliant.

It was proposed by Councillor A Inch, seconded by Councillor Laws and –

Resolved:

That the Pay Policy be approved.

(Vote: For 22, Against 7, Abstentions 1)

101. ANNUAL INVESTMENT AND TREASURY MANAGEMENT 18/19

The Strategic Manager (Resources) presented the report, the purpose of which was for Members to consider the Treasury Management Strategy, Prudential Indicators and Minimum Revenue Provision Policy for 2018/19.

The Committee were reminded that at the October 2017 Full Council meeting, Members had agreed to opt for Ethical Investment rather than the Property Fund recommended at the meeting. He referred Members to Appendix 5 which provided details on the two types of Ethical Investment, but emphasised this was not a type of investment being recommended for the Authority due to the investment being linked to equities and therefore more volatile in nature and a higher risk. It would also require further work to be done to determine what Members considered to be ethical.

Councillor Christie mentioned renewable energy which was listed in Appendix 5 as Ethical Overlay (have a "specific" objective), and asked that the Council look into providing their own renewable energy, such as a solar farm. The Strategic Manager (Resources) stated this is a matter that could be looked into.

The benefits of investing in a property fund were detailed by the Strategic Manager (Resources).

Councillor Watson proposed the recommendations in the report plus a third recommendation as follows:

3. That Members approve that the Council invest in a property fund.

This motion was seconded by Councillor Hackett.

A discussion followed on whether a vote should be taken on all three recommendations or to take the two recommendations and to vote separately on the third recommendation.

Legal advice was given by the Senior Solicitor regarding procedures on voting.

It was proposed by Councillor Watson, seconded by Councillor Hackett that recommendations 1, 2 and 3 be approved

(Vote: For 7, Against 20, Abstentions 3)

The motion was lost.

It was proposed by Councillor Simmons, seconded by Councillor Lock and –

Resolved:

1. That the Treasury Management and Investment Strategy and Counterparty List, Prudential Indicators and Minimum Revenue Provision Policy be approved.

2. That to Opt up from "Retail" Status to "Professional" Status with respect to MiFID II be approved.

(Vote: For 22, Against 2, Abstentions 5)

102. COMMUNITY GOVERNANCE REVIEW

Councillors Carroll, Brenton and McGeough left the meeting.

Councillor Pennington declared a personal interest – Ward Member for Littleham and Landcross, an area subject to a suggested change.

The Senior Solicitor presented the report, which updated Members on the outcome of the initial Community Governance Review consultation. The report also sought Member approval to a draft proposal for publication and consultation.

A power point presentation of the illustrative plans for the suggested changes were displayed at the meeting. Full details of the changes were given by the Senior Solicitor. Members were asked to consider and give approval to three changes, namely:

- Amend Abbotsham/Northam boundary to include all Kenwith Castle Garden residents in the Abbotsham Parish
- To amend the parish boundaries to include the parish of Bulkworthy in with Abbots Bickington Parish
- Littleham and Landcross Parish to include part of Bideford South (Outer)

The fourth suggested change to Westward Ho!/Northam boundary, had already been made as part of the recent review of District boundaries.

A brief discussion followed regarding the consultation, and invitees to the Task & Finish Group as this had come into question. Councillor Morrish requested confirmation that Councillor Hicks, Ward Member, had been invited to attend the Task & Finish Group.

Councillor Simmons suggested that, as there are only a few residents Affected in Councillor Hicks Ward, they should be contacted individually at the time of the next consultation.

It was proposed by Councillor A Inch, seconded by Councillor Simmons and –

Resolved:

That the suggested changes to parish boundaries outlined in the report be agreed and submitted for consultation

(Vote: For 24, Abstentions 3)

103. PETITIONS

There were no petitions.

104. NOTICES OF MOTION

There were no notices of motion.

The meeting commenced at 6.30pm and closed at 8.25pm

Chair: Date:

ACTION LIST

FULL COUNCIL – 27 March 2018

Minute No.	Action	By Who	Date Contacted	Completed
Meeting 26 .2.18 85. Consultation on North Devon & Torridge Local Plan	Representations to be made to the Inspector setting out the views of the Council regarding the site at Appledore	Senior Planning Policy Officer/Senior Solicitor		Requested representation drafted, agreed and sent to Programme Officer, to forward on to Inspector, on 6th April 2018. Letter to Inspector attached
93. Relocation of Skate Board park	Councillor Christie's concerns re leaves from surrounding trees making the area slippery to be forwarded to the Tree Officer	Senior Solicitor	Email 29.3.18	Tree Officer will be consulted when planning application submitted
93. Council Tax Support Scheme	Response received from Age UK confirming information given at Full Council. Copy to be forwarded to Benefits Team Leader and Customer Support Manager	Cllr Pennington	Email 29.3.18	Age UK information attached
102. Community Governance Review	Cllr Morrish had requested confirmation that Cllr Hicks had been invited to the Task and Finish Group. All effected residents to be contacted individually re the next consultation	Senior Solicitor Senior Solicitor	Email 29.3.18 Email 29.3.18	Copies of emails inviting Cllr Hicks to the meetings are attached Letters sent 6 April 2018

Please reply to : Jamie Hollis
Direct Dial : 01237 428701
Email : jamie.hollis@torridge.gov.uk

TORRIDGE DISTRICT COUNCIL

Mrs Wendy Burden
c/o Programme Officer
Lynton House
Commercial Road
Barnstaple
EX32 1DG

Our Ref : LP/EX/ST Your Ref :
Date 3rd April 2018

Dear Mrs Burden,

Examination of the North Devon and Torridge Local Plan
Land between Watertown and Staddon Road, Appledore

I write with respect to the examination of the North Devon and Torridge Local Plan ('the Plan') and in particular your consideration of the proposed main modification to remove the 'non-strategic housing site' known as 'Land between Watertown and Staddon Road' at Appledore; the basis for which arises from your note to the Councils (2HS14[1]) of the 16th February 2018.

Subsequent to the publication of your note, Torridge District Council resolved[2], at a meeting of the Full Council on the 26th February 2018, that a formal representation should be submitted to you to express the Council's support for the continued retention of "Land between Watertown and Staddon Road" as a non-strategic housing site in the Plan.

The Council are keen to make you aware that they continue to fully support the inclusion of the site as a non-strategic housing site, through its identification in Appendix 5 of the Plan. The Council's position on this matter has been set out consistently throughout the examination of the Plan, both through written material and in the presentation of oral evidence during the hearings. In the interests of brevity, and recognising that the Inspector is fully aware of previously submitted material and discussion, the evidence and position on this matter is not repeated at this stage; noting that the Inspector is obliged to take into account all relevant material when arriving at a conclusion on this matter.

We would however draw to your attention the Council's strength of feeling on the retention of the site within the Plan, as reflected by the Council's previous resolution at the meeting of Full Council on 26th June 2017, to retain the site within the Plan and not to move forward to consult on a proposed main modification which would have advocated the removal of it[3].

The Council recognises the Inspector's requirement for consultation on the proposed main modification, so as to enable all parties to put forward their

Office Hours
Mon, Tue, Wed, Thu
8:45am - 5:15pm
Friday
8:45am - 4:45pm

Head of Paid Service
Jenny Wallace

100%

[1] See http://consult.torridge.gov.uk/file/4878982
[2] See https://democracy.torridge.gov.uk/ieListDocuments.aspx?CId=135&MId=1775&Ver=4
[3] See https://democracy.torridge.gov.uk/ieListDocuments.aspx?CId=135&MID=1382#AI2944

views on this matter and to ensure that an informed decision may be made on the way forward.

The Council ask that you have full regard to the Council's position and views on this matter when coming to a conclusion on whether to proceed with the proposed main modification that would result in the omission of the site from the Plan.

We consider that this letter clearly sets out the Council's position on this matter, however if you require further representation to provide additional information or clarification, please do not hesitate to get in touch through the Programme Officer.

Yours sincerely,

Jamie Hollis
Senior Solicitor

Briefing

Universal Credit and couples if one is over Pension Credit age

October 2012

The Welfare Reform Act 2012 changes the way that couples are treated within the benefits system when one is over the qualifying age for Pension Credit and the other younger. In the future, couples in this situation could receive much lower benefit support. This paper looks at the impact of the proposed reforms.

Key points

- Couples where one partner has reached Pension Credit age and the other is younger could receive £100 less a week under Universal Credit compared to the current system of Pension Credit if neither is in work. The older partner could be financially better off living alone and claiming Pension Credit.
- Under Universal Credit older partners may have to draw more on their retirement savings to support a younger partner who is unable to work.
- Carers and people with limited capacity to work who have an older partner will receive additional elements in Universal Credit but could still face lower incomes than under the current system. And it is unclear whether, and if so how, rates will be increased if the older partner is disabled.
- Older people with a younger partner receiving Universal Credit could also lose other support linked to Pension Credit such as Cold Weather Payments and the Warm Home Discount.
- The Government should carry out a detailed analysis of the impact of treating mixed age couples as working age for benefit purposes including providing information about the numbers and circumstances of those affected over time.
- The Government wants to ensure that the younger person has incentives to work. However this will be achieved through the work-related requirements that are being introduced and it is unnecessary and unfair to also impose a large financial penalty.
- While it is right to consider State Pension reforms alongside Universal Credit, it will be some time before any changes to pensions are agreed. It would

therefore be reasonable to delay any changes to Pension Credit entitlement until this happens.

- The Government said that pensioners should not be adversely affected by either localisation of council tax support nor size restrictions for social tenants claiming Housing Benefit. However it appears that this will not apply to pensioners who have a younger partner.

- Age UK is concerned that the changes could affect the health and wellbeing of some older people, will increase pensioner poverty, force people to use their retirement savings to support a younger partner, and put pressure on family relationships.

- The Government should provide extra support within Universal Credit where one partner has reached Pension Credit age. It should also protect pensioners with younger partners from reductions in Housing Benefit and Council Tax Benefit which were not intended to affect pensioners.

Background

Currently couples can claim Pension Credit as long as one partner has reached the qualifying age - which is gradually increasing in line with rises in women's State Pension age. However the Welfare Reform Act changes the age criteria so that in the future, couples will only be able to claim Pension Credit when both have reached the qualifying age. The Government has said that 'this is to ensure that all claimants who have not attained the qualifying age for State Pension Credit are required to claim Universal Credit and, if appropriate, be subject to work-related conditions of entitlement.[1]'

The expected timetable for the introduction of Universal Credit is for a trial in the North West from April to October 2013, then new claims being taken in one district in each region from October 2013, followed by the new system being rolled out so that by mid 2014 all new claims will be for Universal Credit. We do not yet know when mixed age couples will need to claim Universal Credit instead of Pension Credit but a DWP note states that this 'will be no earlier than October 2013'[2].

This note looks at the arguments and debates around this change, considers the impact and sets out Age UK's views. In this paper we describe couples where one is under, and the other over, Pension Credit age as 'mixed age couples'.

What we know about the impact

We do not have any detailed analysis of the numbers and circumstances of people who are affected by this change. However in 2011 there were over 93,000 couples receiving Pension Credit where one partner was aged below 60 - about 15 per cent of couples receiving Pension Credit[3]. In addition there were some 7,300 couples

[1] *Welfare Reform Act 2012 – Explanatory notes* 2012.
[2] *Universal Credit frequently asked questions* July 2012, DWP.
[3] *Hansard* 8 Nov 2011, col 214W. (Although figures are given for age 60, Pension Credit age is linked to women's State Pension age which is rising and reached 61 in April 2012).

receiving Income Support or Jobseeker's Allowance where one was over the age of 60[4]. Those already receiving Pension Credit at the time when Universal Credit is introduced will continue to receive it but in the future, couples where one partner is younger will have to claim Universal Credit.

Currently when a mixed age couple claims Pension Credit the younger partner does not have to fulfil any work-related requirements. This will change with Universal Credit. Unless the working age partner is not expected to be in paid work because they are a carer or incapable of working due to ill health or disability, they will need to be seeking work and fulfil agreed activities around finding a job.

Mixed age couples where one or both have some earnings from work could benefit from the system of Universal Credit due to the more generous earnings disregard and taper. Under the Pension Credit system only £10 of a couple's earnings are disregarded and after that every extra £1 of income is counted in full.

However where neither partner is working, the weekly support could be considerably less. The October 2011 Universal Credit Impact Assessment looked at the overall changes for all households from the reforms. This showed that 200,000 households would receive over £75 a week less under Universal Credit once fully introduced, and another 200,000 would be £50 to £75 a week worse off[5]. Although there is no breakdown of who these households are, the paper states 'some of the heaviest notional losers for couples without children are in cases where one member is of working age and one is currently eligible for Pension Credit'.

An Equality Impact Assessment published in early November shows that the introduction of Universal Credit, once fully implemented will affect 7.6 million households of which 1.8 million have a head of household aged 50 or over[6]. Of these:

- 26 per cent (0.5 million) will receive a higher entitlement – an average gain of £34 a week
- 37 per cent (0.7 million) will be unchanged
- 37 per cent (0.7 million) will have a lower entitlement - an average loss of £41 less a week.

There is no breakdown to show the specific impact of the change for mixed age couples. However mixed age couples claiming Universal Credit in the future could receive incomes that are £100 or more lower than under the current system. In addition they could lose other benefits linked to the receipt of Pension Credit.

[4] Reference as above. (Note: although someone whose partner has reached Pension Credit qualifying age can claim Pension Credit they may be able to receive Jobseeker's Allowance or Income Support instead. In this case it include a pensioner premium which gives a higher level of benefit.
[5] *Impact Assessment – Universal Credit* October 2011, DWP
[6] *Welfare Reform Bill – Universal Credit* Equality Impact Assessment, Nov 2011, DWP.

Benefit rates will be published later this year but standard rates are expected to be linked to current Jobseeker's Allowance (JSA) or basic Employment and Support Allowance (ESA). Benefit rates for 2012-13:

Personal allowance couples aged 18 or over ESA/JSA	£111.45
Pension Credit standard minimum guarantee couple	£217.90
Pension Credit standard minimum guarantee single	£142.70

It can be seen that if mixed age couples are treated in the same way as younger couples a pensioner could have a higher income living alone and claiming Pension Credit than receiving Universal Credit as a couple.

The information given here provides an indication of the impact on mixed age couples. However we would like the Government to provide a more detailed analysis of the impact including numbers over time, the circumstances of couples affected, and changes in the overall level of financial support.

Capital

Pension Credit does not currently have a capital limit although savings over £10,000 are treated as providing £1 a week additional income for every £500 over this threshold. During debates on the Welfare Reform Bill the Government said a capital limit will be introduced 'but it will be a higher capital limit than for working age claimants'[7]. Under Universal Credit there will be a £16,000 capital limit with savings over £6,000 treated as providing £1 a week income for every £250 over this threshold. Nearly 150,000 people claiming Pension Credit have more than £16,000 savings[8]. In the future those with a low income but over £16,000 savings who have a younger partner will be excluded from Pension Credit but will not be entitled to Universal Credit due to their savings. And those with £6,000 to £16,000 will face a much steeper withdrawal of benefit. As a consequence some older people will find they have to use up more of their retirement savings to support a younger partner.

Welfare Reform Bill debates and the Government's position

In the Committee Stage in the House of Commons, Labour Spokesperson Stephen Timms put forward an amendment which would have allowed couples where one partner is younger to continue to claim Pension Credit[9]. The Minister, Chris Grayling, argued that it is an important principle that in return for receiving support from the state, people of working age people should look for work. He said if there is someone of working age 'Why should we not say to the person of working age "Your household is on a low income, you need more money, get a job"?'. When asked about the position if the younger person was a carer he responded that they would receive support through other benefits via existing provisions.

The Minister also said 'This is not a saving measure as such. We have not calculated a saving out of it'. However the Government later admitted that in the current spending period they could save up to £100 million[10]. He said the Government had

[7] *Hansard* 3 November 2011, col GC486. (A capital limit is being proposed because help with rent through Housing Benefit which currently has a £16,000 limit, except where someone receives Pension Credit guarantee, will be incorporated into Pension Credit).
[8] *Hansard* 14 November 2011, col 556W.
[9] *Hansard* 28 April, 2011, cols 551-554.
[10] *Hansard* 18 October 2011col 936W.

not been able to provide an estimate of longer term savings because of the interaction with changes to support for pensioners. However as the numbers covered by transitional protection reduces over time, savings resulting from lower benefit levels, are likely to increase.

Peers returned to this issue in Committee in the House of Lords when Crossbencher Baroness Greengross argued for additional support for couples if one was over Pension Credit age[11]. She agreed that younger partners should seek work but felt if they were not able to work the basic level of benefit should reflect the fact that one partner was older. She also highlighted the difficulties that older workers face in finding employment.

The amendment was supported by the Labour opposition. Baroness Drake described this as a 'couples penalty' and expressed concern for low income couples due to lower benefit income under Universal Credit and the loss of passported benefits. She also highlighted the role of older women as carers.

The Minister Lord Freud confirmed that the policy would only apply to future claimants although he said that they would need to decide how to deal with cases where people move off Pension Credit but then need to claim again in the future.

However he rejected the amendment on two grounds. Firstly a higher level of benefit could reduce work incentives. Secondly as the Government is planning to reform State Pensions for future claimants it is important to make sure 'any arrangements for pensioners dovetail closely with Universal Credit to ensure a smooth interface'. Until thinking is developed 'we only have one side of the equation'.

Age UK's comments

In this section we set out our views around the treatment of mixed age couples under Universal Credit and consider the Government's arguments for reforms.

Work conditionality

Age UK accepts that it is reasonable to expect younger people who are able to work to be subject to work related conditions. However it will be important to ensure that there is appropriate support for the younger partner especially in situations where people have been out of work for some time. This might apply, for example, to a couple where the woman has spent many years raising a family or being a carer and the older partner is forced to retire earlier than expected due to redundancy or ill health.

Levels of benefits

For many years older people have been entitled to higher levels of means-tested benefits and couples have always been assessed based on the age of the older member. It is certainly the case that means-tested benefit levels are higher for older people and have been made more generous over recent years with the introduction of Pension Credit. However we do not believe that the benefits are overgenerous. There are still 1.7 million of pensioners living in poverty and any reduction in support is likely to lead to these numbers increasing.

[11] *Hansard* 24 October 2011, 173GC.

Under the current system it can be argued that a younger person has a financial advantage in the benefit system if they have an older partner. However even if the Government believes that this issue should be addressed we do not agree that the outcome should be that a pensioner is penalised because he or she has a younger partner. And people should not be put in a situation where they would be better off living alone. This could put pressure on existing relationships and may affect decisions of couples considering their financial position if they move in together.

We do not accept the Government's argument that providing more support would reduce work incentives. Work-related requirements, and the possibility of sanctions if these are not carried out, will be sufficient to ensure people actively seek employment. It is still Government policy that people who have reached Pension Credit age do not have to fulfil work requirements in order to receive benefits. In any other situation if one partner in a couple is not expected to seek work for reasons such as caring responsibilities or incapacity for work, additional elements will increase the level of Universal Credit. Age UK believes this should also apply where one partner is older.

Link with the single tier State Pension

In debates on the changes the Minister pointed to the need to take into account planned changes to the State Pension system. We agree that policy changes in linked areas need to be considered together. However:

The timetables are different: A White Paper on State Pension reform is not expected until Autumn 2012 and any changes are unlikely to be introduced before 2016 or later. Universal Credit is due to start to be rolled out from October 2013. If Ministers want to align reforms then they will need to delay Pension Credit changes.

As proposed the pension changes will only affect future pensioners Even if changes are introduced in 2016 many mixed age couples will not benefit from State Pension reforms. For example if a couple aged 60 and 76 in 2016 need to claim Universal Credit, the older person will be too old to receive the single tier State Pension and the younger person would not reach State Pension age until 2022.

A higher State Pension may reduce benefits for mixed aged couples where the younger partner is not working Someone who has been a low earner for most of their life may benefit from a higher State Pension if the Government introduces a single tier pension of around £140 a week. However if they have a partner who is unable to work then they may still be worse off than under the current Pension Credit system. This is because unless they have other sources of income, the higher State Pension will still be insufficient for the couple to live on without claiming other means-tested support including help with housing costs.

Transitional issues

Age UK believes it is essential to allow those in receipt of Pension Credit when the new system is brought in to continue to receive the benefit. However this could result in couples with very similar circumstances receiving greatly differing support simply because they claim before or after a certain date. And rather than providing incentives to work, as the time when mixed age couples will have to claim Universal Credit approaches, those in work with an older partner may want to consider if they would be better off giving up their job and claiming Pension Credit before the

changes are introduced. Similarly there could be disincentives for those in receipt of Pension Credit to take up work because if they need to claim benefit again in the future they may have lost their right to claim Pension Credit.

Carers and disabled people

Where the younger person is not subject to work requirements because they are a carer or unable to work due to ill health or disability the issue of incentives to work is irrelevant. Universal Credit will include additional elements where someone is a carer or has limited capability for work. For carers the addition is expected to be equivalent to the amount currently provided to carers claiming Pension Credit or other income-related benefits (£32.60). For those who are ill or disabled a DWP note refered to two additions – a lower one equivalent to ESA work-related activity component (currently £28.15 a week) and a higher one for those in the support group. The current ESA support component is £34.05 but the Government has said that the aim is to increase this in stages to £77 (2011-12 prices) 'as resources become available'.[12] However mixed age couples are still likely to be worse off if neither partner is able to work.

Carers

The hypothetical example below shows the potential impact for a carer. Although the couple receive the carer element with Universal Credit, under Pension Credit they would have received an addition in recognition of caring responsibilities on top of the higher basic rate. The level of Universal Credit could be higher if a carer was looking after a disabled partner as explained below although they are still likely to receive less than under Pension Credit. We also acknowledge that where the carer is able to combine caring with part-time work there will be situations where Universal Credit will be beneficial.

Alan is 70 and has state and private pensions of £120 a week. His wife Jenny is 58 and is receiving Carer's Allowance of £58.45 because she is looking after her mother.

Pension credit guarantee - £217.90 plus carer addition £32.60 = £250.50

Their total income of £178.45 will be topped up to £250.50 by Pension Credit and all their council tax will be covered by benefit.

Universal Credit – standard amount £111.45 plus carer element £32.60 = £144.05.

They would not be entitled to Universal Credit and would have to pay at least some of their council tax depending on their local authority's scheme.

Disabled people

If one partner is disabled, under Pension Credit the couple will still normally receive the standard rate of benefit. In Universal Credit if the younger partner is incapable of work they could receive an additional element, as set out above which in time could

[12] http://www.dwp.gov.uk/docs/ucpbn-1-additions.pdf

be up to £77 (2011-12 rates). This element will reduce, but not remove, the difference between Universal Credit and Pension Credit rates for couples in this situation.

It is not clear how the system will work if the older partner is disabled. They will not be assessed for work capability but will they still get additional support and, if so, how will this be assessed? Receipt of a benefit such as Attendance Allowance or Disability Living Allowance/Personal Independence Payment could be used as a proxy for limited capability for work, however this could result in a higher threshold of disability for older people than for younger people. Alternatively people would need to undergo some form of additional medical or disability assessment.

Loss of other support

A pensioner would still be able to receive age-based support such as the Winter Fuel Payment and bus concessions. However it seems likely that for any other income-based support they will be treated as 'working age' if they have a younger partner so would lose the support that this and previous Governments have deemed as needed by pensioners.

Benefits linked to Pension Credit: In addition to lower rates of benefits under Universal Credit, a pensioner with a younger partner who is not eligible for Pension Credit in the future would lose out on linked support such as Cold Weather Payments and the Warm Home Discount.

Other passported benefits: Although people of all ages can receive additional support linked to income such as help health costs, these are provided at higher income levels for pensioners. In the future many couples where one is retired and the other younger may find that they are excluded from means-tested support due to modest levels of state and private pension, whereas under the current system they would qualify for help.

Council tax Support: The Welfare Reform Act abolishes Council Tax Benefit and instead, from April 2013 local authorities will be responsible for support. Funding will be provided from Government but with a 10 per cent cut in expenditure. The Scottish Government has said it will protect all claimants and the Welsh Government has consulted on the change. In England the Government has said that current pensioners and those claiming in the future should get the same level of support as under the present system. Age UK has welcomed the protection for older people in England although we are concerned that giving one group an entitlement from a fixed and restricted budget puts greater pressure on the support available for younger groups. We are also worried that there will be no incentive for local authorities to encourage take-up.

Full details of how the new scheme will work are not yet available. However draft regulations state that people will not be considered to be a 'pensioner' if their partner is receiving Universal Credit or other benefits such Jobseeker's Allowance. So it appears that again older people may be financially disadvantaged simply because they have a younger partner.

Housing Benefit size criteria for social tenants: The Welfare Reform Act restricts the level of Housing Benefit for tenants in social housing who are considered to have more rooms than they need. The Government said this measure would not apply to pensioners however once Universal Credit is introduced pensioners with younger

partners will be counted as ‘working age’ and the rent restrictions will apply to the housing element in Universal Credit. The Equality Impact Assessment[13] looks at the impact for Housing Benefit claimants so excludes those over State Pension age, including couples where one is younger. Of the 670,000 claimants affected, an estimated 200,000 will be aged 45 to 54 and 170,000 people will be aged 55 to State Pension age. It notes that ‘Older claimants (but below state pension age) are more likely to be impacted by the measure and are more likely to be under-occupying accommodation once their children have left home’.

We do not have any information on numbers of mixed age couples in social housing who will be affected in the future but it is likely that many will have an additional room. Although they may no longer have children living at home it is often very important to have a spare room, for example to be able to accommodate social visits from family, have grandchildren to stay, and to be able to provide space for a friend, or relative to stay to provide temporary support at times of illness. There is provision for an extra room if someone has a non-resident carer who needs to stay overnight however this is unlikely to help people who need occasional support or whose needs may change in the future. And there is no concession for an extra bedroom for couples who need to sleep apart due to the health needs of one partner.

Unless mixed age couples receiving Universal Credit are protected from the size restrictions a pensioner with a younger partner could find their benefit cut if they have one or more spare rooms whereas if they lived alone restrictions would not apply. Couples who face restrictions would have the option of living on an inadequate income, or if suitable smaller accommodation was available moving, but risking having insufficient space if, at a later date then need spare room for a carer.

Below is an example of how a couple is currently struggling with benefit restrictions. In the future couples of this age who need support will have to apply for Universal Credit and face a lower weekly income and size restrictions will apply to social tenants of this age with an additional bedroom as well as private tenants.

A local Age UK was contacted by a 74 year old man with a 59 year old partner. He receives Attendance Allowance and she receives Carer’s Allowance because she looks after him. They receive Pension Credit and Housing Benefit but they are private tenants and there is a shortfall of well over £100 a week from Housing Benefit because their rent exceeds the rate allowed for a one bedroomed property. They are unlikely to find anything cheaper in the area where they are close to support networks and they want to continue to have two bedrooms because they need separate rooms due to the husband’s health condition. The Local authority has been providing additional support through discretionary Housing Benefit but this has now stopped.

[13] *Housing Benefit: size criteria for people renting in the social rented sector* Equality Impact Assessment, DWP. October 2011.

Conclusion

Age UK believes that it is very unfair to put older people with younger partners in position where they would be better off financially living alone and to deny those who live with a younger partner the support that other older people receive.

We are concerned that the changes could affect the health and wellbeing of some older people, will increase pensioner poverty, force people to use their retirement savings to support a younger partner, and put pressure on family relationships.

We understand that the Government wishes to encourage anyone under Pension Credit age to work but we believe that can be done through work-related requirements. We are urging the Government to introduced changes to provide extra support within Universal Credit where one partner has reached Pension Credit age. We also believe that the Government should protect pensioners with younger partners from reductions in Housing Benefit and Council Tax Benefit which were not intended to affect pensioners

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London WC1H 9NA
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E contact@ageuk.org.uk
www.ageuk.org.uk

Jamie Hollis

From: Jamie Hollis
Sent: 21 February 2018 17:09
To: Councillor Hicks R; Councillor Watson P; Councillor Simmons; Councillor Davis K
Cc: Charlotte Gordon; Councillor Leaper
Subject: Task & Finish Group - Community Governance Review - Reminder

Categories: Egress Switch: Unprotected

Dear All,

Just a reminder of the meeting next week in relation to the above – the meeting is scheduled for 2pm on Thursday 1 March at Riverbank House. I will also send an invite to those ward members that may be affected by the consultation responses we have received so far.

Kenny – are you happy to attend as Deputy Group Leader?

Jane – email just for info

Charlotte will send over some background documents ahead of the meeting.

Kind regards

Jamie

Jamie Hollis, Senior Solicitor & Monitoring Officer
Torridge District Council
Riverbank House, Bideford, Devon EX39 2QG
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Torridge - a great place to live, work and visit

Jamie Hollis

Subject:	Task & Finish Group - Community Governance Review
Location:	Riverbank House
Start:	Thu 01/03/2018 14:00
End:	Thu 01/03/2018 16:00
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Jamie Hollis
Required Attendees:	Councillor Hicks R; Councillor Watson P; Councillor Simmons; Councillor Robinson; Councillor Leaper

First meeting of the Community Governance Review Task & Finish Group – to consider the responses to the initial consultation and start to devise proposals for the area.

Sam / Jane – I have included you as group leaders, please feel free to nominate someone to attend in your absence if you prefer.

Jamie Hollis

From: Charlotte Gordon
Sent: 23 February 2018 16:44
To: Councillor Hicks R; Councillor Watson P; Councillor Simmons; Councillor Davis K
Cc: Councillor Leaper; Jamie Hollis
Subject: RE: Task & Finish Group - Community Governance Review - Reminder
Attachments: Community Governance Review responses summary.docx; First consultation responses.docx; Littleham suggested boundary change.pdf; Abbotsham and Northam including Kenwith Castle Gardens labelled.pdf; Bulkworthy communication.pdf

Dear All,

Please find attached the background documents for next week's Task and Finish Group. Attached is:

- A summary of responses received
- The full consultation responses
- Communication from the former Chair of Bulkworthy Parish Meeting
- A map showing the requested boundary change in Littleham Parish Council
- A map showing the location of Kenwith Castle Gardens in relation to the Abbotsham/Northam boundary

Best wishes,

Charlotte Gordon
Senior Electoral and Democratic Services Officer

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Cc: Charlotte Gordon; Councillor Leaper
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Jamie

Jamie Hollis, Senior Solicitor & Monitoring Officer
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Jamie Hollis

From: Jamie Hollis
Sent: 08 March 2018 17:42
To: Cllr Cottle-Hunkin; Councillor Simmons; Councillor Laws; Councillor Pennington P; Councillor Watson P; Councillor Brown M; Councillor Hicks R; Councillor Boyle; Councillor Hurley; Cllr Langton-Lockton J
Subject: Full council report - Community Governance Review
Attachments: 19.03.18 Report to full Council - CGR.docx

Importance: High

Categories: Egress Switch: Unprotected

Dear All

Could I please have any comments in relation to the attached? Apologies for the rush as we don't have much time to work with, but if you could let me know by tomorrow that would be very helpful! If that's not possible I will bring any further comments to full Council as an update.

Many thanks

Jamie

Jamie Hollis, Senior Solicitor & Monitoring Officer
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Torridge - a great place to live, work and visit

REPORT OF **Senior Solicitor**

To: **Full Council**

Subject: **Size of Committees and Terms of Reference**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

To confirm the size of Committees and their Terms of Reference

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the size of Committees and their Terms of Reference as set out In Part 3 of the Constitution each year at the Annual General Meeting

2. REPORT

The Committees current size are set out in the following table:

Committee	**Number of Seats**
Community & Resources Committee	12
Audit & Governance Committee	6 (plus 1 non-elected)
Overview & Scrutiny (Internal)	9 (plus up to 3 non-elected)
Overview & Scrutiny (External)	9 (plus up to 3 non-elected)
Plans Committee	9
Joint Crematorium Committee	5
Proportional Representation not required:	
Licensing Committee	10
Standards Committee	7 (plus up to 2 parish reps)
Joint Local Plan Working Group	7

The Committees existing Terms of Reference as set out in Part 3 of the Constitution is attached in Appendix 1.

3. IMPLICATIONS

Legal Implications
It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
It is a requirement of the Council's Constitution that this is agreed each year

Ward Member and Lead Member Views
n/a

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the size of Committees and their Terms of Reference as set out In Part 3 of the Constitution each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

- Approve the size of Committees as stated in this report and their Terms of Reference as set out in Appendix 1.

COMMUNITY & RESOURCES COMMITTEE

Terms of Reference and Function

The Council's Community and Resources Committee shall take decisions relating to:-

1. The formulation (but not the adoption or approval) of:-

    a) the Policy Framework,
    b) the budget; and
    c) the Council's objectives and priorities.

2. The control and management of resources including land, finance and staff to further the Council's objectives.

3. Ensuring compliance with the Council's budget including it's revenue and capital budgets and the management of the Council's assets.

4. Overall responsibility for the performace framework of the Council.

5. The adoption and approval of strategies and policies not forming part of the Policy Framework apart from those policies for which delegated power is given to the Head of Paid Service to approve under Part 3 Chapter 2.

Responsibility

The Council's Community and Resources Committee shall be responsible for managing and/or making decisions relating to any function, duty or power of the Council which is not delegated to an officer, member or Committee, or reserved for decision by Full Council under this Constitution or by law.

Composition

1. The number of seats shall be Twelve (12) councillors.

2. The quorum shall be Seven (7).

OVERVIEW & SCRUTINY COMMITTEES

Statement of Purpose

The Council's Overview & Scrutiny Committees have been appointed to discharge the functions conferred by Section 21 and 21A of the Local Government Act 2000, regulations made under Section 32 of the Local Government Act 2000, the Police & Justice Act 2006 and the Crime and Disorder Act 1998 in relation to the work of Full Council, Council's established Committees and other external bodies.

The Council has appointed 2 Overview & Scrutiny Committees: an Internal Overview & Scrutiny Committee and an External Overview & Scrutiny Committee. As a guide:-

Internal Overview & Scrutiny Committee

The Internal Overview & Scrutiny Committee will exercise its functions in respect of the Council's policies, decisions, performance framework and actions with an "inward facing" emphasis.

External Overview & Scrutiny Committee

The External Overview & Scrutiny Committee will exercise its functions in respect of the performance of partners and external public sector bodies and council services with an "outward facing" emphasis on the area of Torridge and its inhabitants.

The Council's Overview & Scrutiny Committees will conduct their functions in accordance with the following principles:-

a) they will provide a "critical friend" challenge to decision makers and external bodies and agencies;

b) they will reflect the voice and concerns of the public and the community;

c) they will take the lead and own the scrutiny process on behalf of the public; and

d) they will endeavour to make an impact to improve the delivery of public services.

Terms of Reference, Function and Responsibilities – Applicable to Both Overview & Scrutiny Committees

The following terms of reference, functions and responsibilities shall apply equally to both Internal and External Overview & Scrutiny Committees. Either of the Council's Overview & Scrutiny Committees shall:-

a) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Council and/or any committees of the Council in accordance with the Overview and Scrutiny Procedure Rules and to recommend that either the decision be reconsidered or that the decision be exercised/implemented by the Council;

b) hear any matter brought to it as a Community Call for Action under powers adopted under section 21A Local Government Act 2000 and make any necessary reports and/or recommendations on the same;

c) make reports and/or recommendations to Full Council and/or any Committees in connection with the discharge of any of its functions;

d) assist the Council and its Community & Resources Committee in the development of its budget and policy framework by in-depth analysis of policy issues;

e) question members of the Council's Committees and in particular, as appropriate, the Chairman, Vice Chairman and chief officer regarding their views on issues and proposals affecting the District;

f) make recommendations to the Council's Committees and/or Full Council arising from the outcome of the scrutiny process;

g) question and gather evidence from any person (with their consent); and

h) call officers to account under the relevant Petition Scheme from time to time in force and contained at Part 8 of the Constitution

Finance

The Overview & Scrutiny Committees may exercise overall responsibility for any budgets made available to them.

Annual Report

Each Overview & Scrutiny Committee will report annually to Full Council on its workings, and make recommendations for future work programmes and amended working methods as necessary.

Officers

The Overview & Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

Internal Overview & Scrutiny Committee - Terms of Reference, Function and Responsibilities

The following terms of reference, functions and responsibilities shall apply to the Council's Internal Overview & Scrutiny Committee only. The Council's Internal Overview & Scrutiny Committee shall:-

a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions including decisions taken by the Community & Resources Committee or by an officer;

b) review matters previously decided by the Community & Resources Committee of the Council and referred to it by Full Council under the Referral Procedure set out in Article 12.6 and Part 4 of this Constitution;

c) exercise any of its functions in respect of decisions relating to the overall resource of the Council, both land and finance;

d) monitor the overall budget of the Council and ensure compliance with that budget (both revenue and capital) and the Council's assets, including arrangements for audit and review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

e) monitor compliance with the Council's overall policy framework;

f) monitor the efficient administration of the Council's trading responsibilities;

g) question members of the Community & Resources Committee and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

h) consider Ombudsman reports as relevant to the Community & Resources Committee.

External Overview & Scrutiny Committee - Terms of Reference, Function and Responsibilities

The following terms of reference, functions and responsibilities shall apply to the Council's External Overview & Scrutiny Committee only. The Council's External Overview & Scrutiny Committee shall:-

a) consider any matter affecting the area or its inhabitants;

b) conduct research and reviews in relation to matters which are not the responsibility of the Council but which affect the Council's area or its inhabitants and submit reports and/or recommendations to the Council, its Committees or other relevant organisations;

c) conduct research of the community and other consultation in the analysis of policy issues and possible options;

d) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;

f) review and scrutinise the performance of other public bodies and bodies with whom the Council works in the area and invite reports from them by requesting them to address the External Overview & Scrutiny Committee and local people about their activities and performance;

g) act as Crime & Disorder Scrutiny Committee under section 19 of the Police & Justice Act 2006.

Composition of both Internal and External Overview & Scrutiny Committees

1. The Council's Overview & Scrutiny Committees shall be made up of up to Twelve (12) members.

2. Membership of the Council's Overview & Scrutiny Committee shall be made up as follows:-

    a) Nine (9) District Councillors; and
    b) Up to Three (3) Non-Elected Representatives.

3. The quorum shall be Six (6).

4. Non-Elected Representatives are entitled to vote at Committee meetings in accordance with the Council's adopted Voting Scheme.

AUDIT & GOVERNANCE COMMITTEE

Statement of Purpose

The purpose of an audit & governance committee is to provide assurance of the adequacy of the risk management framework and the associated control environment, scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Terms of Reference, Function and Responsibilities

The Council's Audit & Governance Committee shall be responsible for:-

1. Audit Activity

   a) To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
   b) To consider summaries of specific internal audit reports as requested;
   c) To consider reports dealing with the management and performance of the providers of internal audit services;
   d) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
   e) To consider the external auditor's annual letter, other relevant reports, and the report to those charged with governance;
   f) To consider specific reports as agreed with the external auditor;
   g) To comment on the scope and depth of external audit work and to ensure it gives value for money;
   h) To liaise with the Audit Commission over the appointment of the council's external auditor;
   i) To commission work from internal and external audit.

2. Regulatory Framework

   a) To maintain an overview of the Council's constitution in respect of contract procedure rules, financial procedure rules and codes of conduct and behaviour;
   b) To review any issue referred to it by the Head of Paid Service or a director, or any Council body;
   c) To monitor the effective development and operation of risk management and corporate governance in the council;
   d) To monitor council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the council's complaints process;
   e) To approve and adopt the Council's Annual Governance Statement or Statement on Internal Control.

f) To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
g) To consider the council's compliance with it's own and other published standards and controls.

3. Accounts

a) To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council;
b) To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.

Composition & Administration

Composition

1. The Council's Audit & Governance Committee shall be made up of Seven (7) members.

2. Membership of the Council's Audit & Governance Committee shall be made up as follows:-

a) Six (6) District Councillors; and
b) One (1) Independent/Non-Elected Representative.

3. The quorum shall be Four (4).

Administration

The Council's Audit & Governance Committee and its members shall:-

a) Be independent of the Council's scrutiny function and Overview & Scrutiny Committees;
b) Have clear reporting lines and rights of access to other committees/functions, for example scrutiny and service committees, corporate risk management and other strategic groups;
c) Meet regularly – about five times a year, and have a clear policy on those items to be considered in private and those to be considered in public;
d) Meet privately and separately with the external auditor and audit manager;
e) Include as regular attendees, the chief finance officer or deputy, the audit manager and appointed external auditor and relationship manager. Other attendees may include the Monitoring Officer, Head of Paid Service and Head of Finance. These officers should also have access to the committee, or chair, as required;
f) Have the right to call any other officers or agencies as required;
g) Be properly trained to fulfil their role.

PLANS COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Plans Committee shall:-

1. Be responsible for making decisions in respect of the Council's regulatory responsibilities in connection with the Council's Planning function to include decisions on:-

    a) development control;
    b) enforcement obligations; and
    c) the Council's tree preservation system.

2. Provide assistance to constituents where appropriate, by advising them to seek pre-application advice and/or guidance from the Council's Development Control and Policy Sections.

3. Discuss and clarify with Officers what is "good" development for the District.

4. Where applications are in the District's interests but against the Local Plan, the Plans Committee shall discuss these applications as 'test cases' and have informed discussion at the Plans Committee meetings.

Decision Making by and Public Participation at Plans Committee

1. All decisions of the Plans Committee will be made having due regard to the Local Development Framework and supporting policies which together form the Council's Local Plan unless there are any overriding considerations.

2. In the event that the Plans Committee is minded to approve a planning application and the planning application:-

    (i) has been recommended by the Council's Head of Service with the responsibility for Planning for refusal; and
    (ii) the recommendation to refuse is made in the whole or in part on the basis that approval would run contrary to planning policy

    the application shall stand deferred for a further report to be presented at a subsequent meeting of the Plans Committee at which the implications, process and risk issues for the Council of an approval shall be considered by Members before reaching a decision.

3. Members of the public will be allowed to speak at a Plans Committee Meeting for a maximum time of three minutes and subject to the approved Guide to Public Participation and Code of Conduct which can be found at Part 5 of the Constitution.

Composition

1. The Council's Plans Committee shall be made up of up to Nine (9) qualified councillors.

2. The quorum shall be Six (6).

LICENSING COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Licensing Committee shall:-

1. Carry out the functions of the Council as Licensing Authority so far as required or permitted by the Licensing Act 2003 in accordance with sections 6,7,9 and 10 of that Act and regulations thereunder.

2. Carry out the functions of the Council as Licensing Authority under the Gambling Act 2005.

3. Be responsible for the following licensing and associated issues (excluding the fixing of fees and charges and other financial issues which fall to the Council's Community and Resources Committee):

   a) Food Premises;
   b) Body Piercing, Acupuncture, etc;
   c) Hackney Carriage and Hire Cars;
   d) Boats and Boatmen;
   e) Street Collections;
   f) House to House Collections;
   g) Animal Welfare;
   h) Caravan Sites;
   i) Entertainment, etc;
   j) Consumption of Alcohol in Public Places;
   k) Loudspeakers in the Street;
   l) Scrap Metal Dealers & Motor Salvage Operators;
   m) Vessels;
   n) Amusements with Prizes, Betting, Gaming and Gambling; and
   o) such other licensing and associated issues that are not dealt with by any other Committee.

Composition

1. The Council's Licensing Committee shall be made up of up to Ten (10) qualified councillors.

2. The quorum shall be Six (6).

3. The functions of the Council's Licensing Committee may be discharged by up to Three (3) sub-committees subject to approval at Annual Council.

4. Membership of the Council's Licensing Committee shall be cross-party and non-political.

STANDARDS COMMITTEE

Terms of Reference, Function and Responsibility

The Council's Standards Committee shall:-

1. Promote and maintain high standards of conduct by the members and co-opted members of the Council;

2. Assist Members and co-opted members of the Council to observe the Members' Code of Conduct;

3. Advise the Council on the adoption or revision of the Members' Code of Conduct;

4. Monitor the operation of the Members' Code of Conduct;

5. Advise, train or arrange training for members and co-opted members on matters relating to the Members' Code of Conduct;

6. Grant dispensations to Members and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;

7. Deal with any reports relating to complaints from the Monitoring Officer;

8. Provide the same function in relation to parish councils and members of the parish councils as in relation to Torridge District Council and members of Torridge District Council;

Powers to Impose Sanctions

1. The standards Committee shall have the following powers when dealing with and deciding upon a complaint:-

(a) To issue a censure to a Councillor,
(b) To request that a Councillor issue a written apology
(c) To recommend that a Councillor undergo appropriate training,
(d) To recommend to the relevant Group Leader and to Full Council and/or a Parish/Town Council that other action be taken against a Councillor

Composition

1. The Council's Standards Committee shall be made up of up to Nine (9) qualified members.

2. Membership of the Council's Standards Committee shall be made up as follows:-

Seven (7) District Councillors; and

Two (2) Town/Parish Representatives:

3. The quorum shall be Five (5)

4 The functions of the Council's Standards Committee may be discharged by sub-committees appointed by the Standards Committee.

5. The Town/Parish representatives shall not be entitled to vote at Standards Committee meetings but shall be able to take part in the discussions.

LOCAL DEVELOPMENT FRAMEWORK GROUP

Terms of Reference, Function and Responsibility

The Local Development Framework is an overarching and core element of every aspect of the service provided by the Council and responsibility for it does not sit with one Committee. It will impinge on the work of all Committees and sub-groups.

The Local Development Framework Group will receive Head of Paid Service support and play an important role, for example, linking all aspects of the Regional Spatial Strategy (RSS) to the work of Development Control and the Council's strategic priorities.

The Local Development Framework Group shall have no decision making powers other than the power to make recommendations to the Council's other Committees or to Full Council.

Composition

1. The Council's Local Development Framework Group shall be made up Seven (7) Councillors.

2. The quorum shall be Five (5) with:

    a) Two (2) members from the Council's Community & Resources Committee; and
    b) Three (3) other members, all of whom must be qualified to sit on the Council's Plans Committee.

REPORT OF **Senior Solicitor**

To: **Full Council**

Subject: **Allocation of Seats to Political Groups**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

To agree the number of seats on the Committees allocated to each of the Political Groups

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the number of seats on the Committees allocated to each of the Political Groups each year at the Annual General Meeting

2. REPORT

The Committee seats are allocated on a political proportionality basis.

Details will be tabled at the meeting in view of the by-election on the Thursday 3 May.

3. IMPLICATIONS

Legal Implications
It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
It is a requirement of the Council's Constitution that this is agreed each year

Ward Member and Lead Member Views
n/a

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the number of seats on the Committees allocated to each of the Political Groups at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

- Approve the number of seats on the Committees allocated to each of the Political Groups

Agenda Item 13

REPORT OF **Senior Solicitor**

To: **Full Council**

Subject: **Membership of Committees**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

To agree the Membership of Committees

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve (or delegate to Group Leaders to agree) the Members serving on Committees each year at the Annual General Meeting

2. REPORT

The current Committee membership is attached for Members information at Appendix 1.

3. IMPLICATIONS

Legal Implications
It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
It is a requirement of the Council's Constitution that this is agreed each year

Ward Member and Lead Member Views
n/a

4. CONCLUSIONS

Members are asked to either agree the membership on each Committee or delegate to Group Leaders to agree.

5. RECOMMENDATIONS

Members are recommended to either:

- Agree the membership on each Committee, or
- Delegate to Group Leaders to agree the membership on each Committee

Membership of Committees

May 2018

Committee	Conservative	Non Aligned	Independent	UKIP	Lib Dems
Community & Resources Committee 12 seats (1 Vacancy) 7 quorum	J Morrish D Hurley J Whittaker R Lock D McGeough J Himan **6 Seats**	D Brenton **1 Seat**	R Hicks R Wiseman A Dart **3 Seats**	**1 Seat**	J Leaper **1 Seat**
Audit & Governance Committee 6 Councillors 1 Non elected (Ashworth) (1 Vacancy) 7 seats (4 quorum)	P Hackett B Boundy J Himan **3 Seats**	D Brenton **1 Seat**	R Julian **1 Seat**	**1 Seat**	**0 Seat**
Overview & Scrutiny Internal 9 elected 3 non-elected (Lockwood, Harper & Dengate) 12 seats (6 quorum)	P Watson S Inch M Langmead A Inch **4 Seats**	C Simmons **1 Seat**	P Pennington K James **2 Seats**	K Davis **1 Seat**	C Cottle-Hunkin **1 Seat**
Overview & Scrutiny External 9 elected 3 non-elected (Topham, Mason & Bines) 12 seats (6 quorum)	M Langmead S Inch A Eastman I Parker A Boyle **5 Seats**	C Simmons **1 Seat**	P Pennington N Laws **2 Seats**	**0 Seat**	T Johns **1 Seat**
Standards Committee 7 TDC Councillors 2 Town & Parish (R Clark, H Martin) 9 seats (Quorum – 5)	K Carroll B Boundy M Langmead **3 Seats**	 **0 Seat**	M Brown R Julian **2 Seats**	G Dezart **1 Seat**	J Leaper **1 Seat**
Licensing Committee 10 seats 6 quorum	A Inch D McGeough J Himan A Eastman M Langmead **5 Seats**	P Christie **1 Seat**	K James R Wiseman **2 Seats**	R Hancock **1 Seat**	C Cottle-Hunkin **1 Seat**
Plans Committee 9 seats 6 quorum	R Lock P Hackett M Langmead P Watson J Langton-Lockton **5 Seats**	P Christie **1 Seat**	M Brown R Julian **2 Seats**	K Davis **1 Seat**	 **0 Seat**
Crematorium Joint Committee 5 seats	S Inch M Langmead A Inch **3 Seats**	 **0 Seat**	P Pennington **1 Seat**	G Dezart **1 Seat**	 **0 Seat**

REPORT OF	**Senior Solicitor**	
To:	**Full Council**	
Subject:	**Scheme of Delegation**	
Date:	**14 May 2018**	**Reference:**

PURPOSE OF REPORT:

To approve the Council's Scheme of Delegation

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation each year at the Annual General Meeting

2. REPORT

The Scheme of Delegation as set-out in Appendix 1 has previously been approved by Councillors.

3. IMPLICATIONS

Legal Implications
It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation

Ward Member and Lead Member Views
Full Council have previously agreed this Scheme of Delegation.

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the Scheme of Delegation each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

- Approve the Scheme of Delegation as set-out in Appendix 1

PART 3 – Chapter 2

Officer Delegations

A: INTERPRETATION AND GENERAL

1. For the avoidance of doubt unless the context otherwise requires the following words and expressions have the following meaning:

   a) **"the Constitution"** shall be deemed to be the Torridge District Council Constitution as adopted from time to time including the published Rules of Procedure, Financial Procedure Rules, Contract Procedure Rules and all delegations;

   b) **"the Planning Acts"** shall mean the Town and Country Planning Act 1990, the Town and Country Planning Act 2008, the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 the Caravan Sites and Control of Development Act 1960 (and in respect of them all any amendments as may be made from time to time) and any regulations and orders made pursuant to the same including in particular, but without prejudice to the generality of the foregoing the General Permitted Development Order 1995, the Hedgerow Regulations 1997, Town and Country Planning (Control of Advertisements) Regulations 1992 and the Town and Country Planning General Regulations 1992 (including in respect of them any amendments as may be made from time to time);

   c) Policies of the Council shall be deemed to be such policies as adopted from time to time and as amended from time to time including the Financial Procedure Rules and the Contract Procedure Rules,

   d) Legislation shall be deemed to include reference to any amendment, extension, application or re-enactment of it and includes any subordinate laws for the time being in force made under it and all orders, regulations, notices, codes of practice and guidance made under it.

   e) A formal caution shall include reference to a simple and conditional caution.

2. Where a power is delegated to more than one Officer then all Officers to whom the power is delegated shall be able to exercise that power.

3. In the absence of the Monitoring Officer or the Statutory Finance Officer, any officer duly appointed by them to act as their deputy may exercise any powers or duties delegated to them in their capacity as Monitoring Officer or Statutory Finance Officer (as the case may be), or any role or responsibility allocated to them within any part of the Constitution.

4. Any post specifically referred to below shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

5. All Delegated Powers shall be exercised and be subject to the content of all relevant policies adopted by the Council from time to time. In the event of any

conflict between these Delegated Powers and any such policy, the policy shall prevail.

6. In the absence of the Head of Paid Service, powers delegated to the Head of Paid Service under the Scheme of Delegation shall be exercisable by the Monitoring Officer and the Statutory Finance Officer.

B: DELEGATIONS

B1 ALL OFFICERS

1. To act as a witness;

   a) on behalf of the Council in any proceeding in which the Council is directly involved;
   b) where so directed by a court, tribunal or other formal inquiry with power so to do; or
   c) in any other circumstance with the prior written approval of the Monitoring Officer.

B2 HEAD OF PAID SERVICE

Policies

1. To adopt and approve policies made by the Council which relate to the operational requirements of the Council, its equipment or staff and to implement all policies adopted by the Council.

Establishment

2. To consider, amend and revise the manpower establishment **provided** any such amendments or revision is in accordance with any approved establishment plan and budgetary framework of the Council (as may be amended from time to time).

3. To appoint temporary staff or authorise the appointment of external resources to undertake work normally undertaken by a Service subject to the costs thereof not exceeding the available budget of that Service.

4. To act as the Head of Paid Service for the purposes of the Local Government and Housing Act 1989.

5. To consider and determine pursuant to Part V of the Local Government Discretionary Payments Regulations 1996 (or any statutory provision replacing or re-enacting the same) including any amendments thereto:

   a) the amount of any injury allowance payable to an Officer; and
   b) any time period(s) associated therewith or to any death benefit payments referred to in those provisions.

6. To consider, and approve or refuse (with or without modification) any application by the Head of Paid Service, Monitoring Officer, Statutory Finance Officer or, where appropriate, Senior Solicitor or Strategic Manager to carry forward annual leave from one leave year to the next **provided** that any such approval or refusal shall be in accordance with any approved Council policies as have been adopted, and relate to the same.

7. To recruit, select and appoint any Officer of Senior Solicitor or Strategic Manager level or below provided that such appointment is in accordance with Council policies and all relevant legislation.

8. With the exception of any matter which directly relates to the Head of Paid Service, in relation to an Officer to hear, consider and determine:

   a) any grievance and / or harassment matter;

   b) any disciplinary matter provided the Officer is of Senior Solicitor or Strategic Manager level or below; and

   c) any appeal in relation to a decision resulting from a grievance, harassment and / or disciplinary matter other a decision taken by the Head of Paid Service, Committee or a Sub-Committee;

   including in all cases, power:

   (i) to authorise such action as the Head of Paid Service deems appropriate in relation to any determination that is made (whether formal or informal) including the suspension and / or dismissal of any Officer of Senior Solicitor or Strategic Manager level or below, provided that this shall be in accordance with all relevant legislation, and

   (ii) to nominate any other Officer to exercise on his/her behalf all or any the powers contained in this delegation.

   Notwithstanding anything contained in this provision 8, the Head of Paid Service shall have the power to suspend any Officer pending an investigation in relation to that Officer provided that such suspension shall be in accordance with the Council policies and all relevant legislation.

9. To arrange for, and where appropriate undertake, an investigation into any disciplinary matter relating to the Senior Solicitor, Strategic Manager, Monitoring Officer, Statutory Finance Officer or any other Officer exercising the role of Monitoring Officer or Statutory Finance Officer where the disciplinary action relates to their performance of such a role.

10. Power to consider and approve or refuse requests to fill staff vacancies and authorise any other Officer to exercise such a power.

11. To authorise and sign identity cards on behalf of any Officer within their Service Area as may be necessary for the proper performance of their duties.

12. To authorise officers and/or other persons to undertake those matters identified within the identity cards and to issue and sign the same where in the opinion of the Head of Paid Service this is necessary for the proper performance of their duties.

13. To consider and refuse or approve (with or without modification):

   a) essential car user allowances;
   b) essential telephone user payments;
   c) applications for car loans; and
   d) applications under the Cycle to work scheme adopted by the Council,

provided that if the Council has approved policies (as amended from time to time) relating to the same, then any approval that is given shall be in accordance with such policies.

14. To consider and determine whether to designate posts as casual car users or essential car users.

15. To determine a reasonable charge for sale of documents or copies of documents which are not subject to any statutory scales.

General

16. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Head of Paid Service within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

17. For the purposes of any budget or manpower resource within the control of the Head of Paid Service, the power to exercise all those delegated powers as are delegated to the Senior Solicitor or Strategic Managers.

18. To exercise all the powers referred or delegated to any other Officer.

19. In consultation with either the Leader or person presiding at a meeting, to consider whether television and sound recordings, broadcastings or other reporting of all or any part of a meeting is disruptive to the extent that it should cease, each case being considered on its merits.

20. In consultation with either the Leader and/or any other Member that the Head of Paid Service at his/her discretion deems appropriate, to respond to consultation papers.

21. To attest the Council seal and sign any document necessary to give effect to:

    a) a resolution of the Council (as the case may be); and/or
    b) the exercise of a power or function delegated by the Council, (as the case may be),

    provided that any such attestation or signing accords with the provisions of Article 13 of the Constitution (as may be amended from time to time).

22. To act as “Proper Officer” for all functions detailed in:

    a) Local Government Act 1972;
    b) Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000; and
    c) the Constitution not otherwise specifically delegated to another Officer, including the power:

        (i) to consider and nominate in writing any other Officer to act as a proper officer where this is permitted by law; and
        (ii) in consultation with the Human Resources Manager to negotiate and approve variations to an Officers terms and conditions of employment, in order to facilitate the same

    provided that any such appointment or variations do not exceed any budget allocated for such a purpose.

23. For the purpose of surveillance operations to which the Regulation of Investigatory Powers Act 2000 apply (or any statutory provision modifying, replacing or re-enacting the same), the power:

    a) to provisionally authorise a surveillance operation; and
    b) to further delegate the power to provisionally authorise surveillance operations to other Officers

    provided that such provisional authorisation is only given in accordance with the Council's adopted policy.

24. To authorise the making of an application under the Crime and Disorder Act of Anti-Social Behaviour Orders in consultation with the Senior Solicitor.

25. In consultation with the Regulatory Services Manager, the power to authorise the giving of an authorisation under section 30 of the Anti Social Behaviour Act 2003.

26. In consultation with the Leader, to consider and approve or refuse (with or without modification) drafting amendments to the Community Strategy produced for the purposes of the Local Government Act 2000 or any policy document produced for the purposes of the Planning Acts which in the opinion of the Head of Paid Service is of a minor nature **provided** that any amendment shall be reported to the next available meeting of the Full Council.

27. Power to appoint and authorise officers to act under section 29(5)(a) and (b) of the Regulation of Investigatory Powers Act 2000.

28. Power to provisionally authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any guidance and Codes of Practice and the Council's adopted policy.

29. <u>Ombudsman Complaints</u>

    Power to authorise complaint/ombudsman compensation for up to £2,000, subject to prior consultation with the Leader or Deputy Leader.

    <u>Members</u>

30. To receive Group nominations for relevant Committees and Sub-Committees subject to Council being notified of the Group appointments.

31. For the purposes of Members' Approved Duties, to consider and determine Members' claims for travelling allowances including the power to consider and determine whether to authorise meetings for such purposes:

    a) with Government Departments or their representatives;
    b) other Government Bodies or their representatives, and
    c) meetings involving Group Leaders, including meetings with external organisations.

32. To receive and consider notices and questions submitted by Members pursuant to the Constitution.

33. To approve, in conjunction with the relevant Committee Chairman and the Leader, any urgent decisions required under the procedure outlined in the Constitution.

Development Control

34. Subject to provision 2 below, to consider and determine any application submitted under the Planning Acts including:-

    a) Applications for Planning Permission (Outline and Full) and for approval of Reserved Matters;
    b) Applications for Advertisement Consent;
    c) Applications for Listed Building Consent;
    d) Applications for Conservation Area Consent;
    e) Consultations by Devon County Council on county matters;
    f) Applications and consultations by Statutory Undertakers or their successors;
    g) Applications for a grant of planning permission subject to a new time limit;
    h) Applications for a non-material change to a planning permission;
    i) Applications for Certificates of Lawful Use or Development; and
    j) Applications to vary or revoke Planning Obligations or section 52/106 Agreements.

35. The exceptions to provision 1 above, which will be determined by the Plans Committee, are as follows:

    a) Applications made by Torridge District Council;
    b) Applications made by or relating to land owned by Members, Officers or any immediate family members of any Members or Officers which are recommended for approval;
    c) Applications in respect of which the Development Manager receives within 21 days of notification of receipt of the application being first sent to Members a written representation from the Ward Member or a Member of the Plans Committee which in the opinion of the Development Manager contains planning reasons indicating why the matter should be determined by Committee;
    d) Upon the Development Manager or Head of Paid Service exercising a discretion to refer the matter to the Plans Committee

    Note: For the purpose of provision 2(a) above, “immediate family” includes all or any of an Officer or a Member’s:-

    (i) spouse or partner;
    (ii) brother or sister;
    (iii) son or daughter;
    (iv) mother or father; or
    (v) grandparents

36. Applications for non-material changes to planning permissions shall be determined by the Head of Paid Service subject to prior consultation with the Chair and/or Vice Chair of Plans Committee.

37. To exercise and determine all functions of the Council arising from the Planning Acts or any regulations made pursuant to them (as revoked and replaced or modified from time to time) which in the opinion of the Head of Paid Service can reasonably be regarded as ancillary to the process of determining applications made pursuant to the Planning Acts, including in particular (but without prejudice to the generality of the foregoing):

a) the determination of whether an environmental impact assessment is required in relation to an application;
b) the determination of any scoping or screening opinion in relation to environmental impact assessments;
c) whether and what additional information is required in respect of an application;
d) whether any matters which would normally be reserved matters should be required as part of an outline application;
e) to determine when to place an application (whether previously deferred by any Committee or otherwise) on an agenda;
f) to determine whether to refer an application to the Secretary of State as a departure from the Development Plan;
g) to determine whether or not to decline to determine an application submitted within two years of a previous submission dismissed on appeal;
h) to seek the securing of the withdrawal of applications outstanding for a period in excess of one calendar year;
i) to refuse requests for deferment by any party if the Head of Paid Service is satisfied that there is sufficient information available for the matter to be determined;
j) to approve requests for deferment of an application; and
k) to determine sign and issue decision notices.

38. To consider and determine any matter arising in respect of the Council's planning function (including the power to issue and serve any approval, consent, notice or other document relating to the same), including in particular, but without prejudice to the generality of the foregoing:

a) the approval or refusal (with or without modification) of footpath diversions/extinguishments;
b) consultation responses to Forestry Authority matters;
c) whether to issue a Building Preservation Notice;
d) whether to make a direction for the purposes of Article 4 of the Town and Country Planning General Permitted Development Order 1995;
e) the exercise of all the Council's powers in relation to the Hedgerow Regulations 1997 (as may be amended from time to time);
f) determinations in respect of telecommunication applications pursuant to the Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
g) determinations in respect of agricultural and forestry buildings and operations Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
h) the making of recommendations to a neighbouring planning authority when consulted on an application;
i) the determination of circular 18/84 applications;
j) whether to require and the content of a planning obligation for the purposes of an application under the Planning Acts;
k) whether to approve an application for variation or revocation of a planning obligation;
l) whether to approve demolitions pursuant to the Town and Country Planning General Permitted Development Order 1995 (as amended from time to time);
m) whether to exercise such rights of entry as are available to Officers or others as the Head of Paid Service may authorise so far as is permitted by the Planning Acts;
n) the determination of whether or not to grant consent for overhead lines;

o) the determination of the appropriate course of action, and to undertake all actions relating to, any appeal arising under the Planning Acts or otherwise in connection with Council's planning functions;

p) to determine whether or not to issue notices, and arrange for the removal or obliteration of illegal advertisements, placards or posters (so far as permissible by law), including power to designate Officers as "authorised Officers" for such purposes.

39. To investigate and determine whether or not to issue and serve any notice which in the opinion of the Head of Paid Service is appropriate in order to regulate planning breaches (including conditions attached to any permissions or consents) pursuant to the Planning Acts, including in particular but without prejudice to the generality of the foregoing:

a) Requisitions for Information and Planning Contravention Notices;
b) Enforcement Notices (including those relating to listed buildings and conservation areas);
c) Breach of Condition Notices;
d) section 215 Notices;
e) repairs notices pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended from time to time);
f) Stop Notices; and
g) notices relating to Tree Preservation Orders,

40. To authorise the instigation of prosecution proceedings or such other action as in the opinion of the Head of Paid Service is appropriate in order to regulate planning breaches pursuant to the Planning Acts, including in particular but without prejudice to the generality of the foregoing:

a) non-compliance with any notices issued pursuant to provision 29 above;
b) unauthorised advertisements;
c) unauthorised works to listed buildings; and
d) unauthorised works to trees.

41. To respond to notifications from the Forestry Commission in respect of Woodland Grant Schemes and similar programmes and applications for tree felling licences.

42. Determination of applications for consent under an order under Section 198 of the Town and Country Planning Act 1990 to the cutting down, topping, lopping or felling of trees.

43. Granting of permission for the erection of temporary direction signs by motoring organisations.

44. Determination of what constitutes a county matter.

45. Serving of notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of works for the preservation of listed buildings.

46. To determine whether to make a Tree Preservation Order.

47. Responding to notifications from the Caravan and Camping Club, or other certified organisations, under the provisions of the Control and Development of Caravan Site Acts 1960 in respect of (5 Caravan) Certified Sites.

48. Collection of Planning fees in accordance with the relevant regulations and Government Guidance.

49. Determination of applications for conservation grants to assist the enhancement/restoration of Listed Buildings, Conservation Areas or other buildings and areas of importance in accordance with approved initiatives.

50. Responding to consultations by Devon County Council relating to public footpaths.

51. Determination of applications for a Certificate of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961.

52. To accept and agree amendments to submitted applications.

Community Planning

53. To prepare Planning Policy documents to meet the requirements of the Planning and Compulsory Purchase Act 2004 including:

a) The preparation and consultation on draft local development schemes or amendments to such schemes;
b) The identification, scoping and progression of evidence gathering requirements;
c) The agreement of briefs or project specifications for detailed study once the project is included in the approved work programme;
d) The preparation of draft options reports, development plan documents and supplementary planning documents and other planning policy guidance as required for consultation and to undertake the appropriate consultation necessary to commission strategic environmental assessment, sustainability appraisal and other similar exercises as appropriate on relevant local development documents and other supporting policy documents;
e) The preparation for public examination, including the engagement of specialist advice as required; and
f) The printing and publishing of adopted local development documents.

54. Subject to the limits imposed by the Council's Financial Procedure Rules and in consultation with the Chair of the Council's Community and Resources Committee to negotiate and authorise the release of funds from the affordable housing capital fund to enable the delivery of approved affordable housing schemes across the District.

B3 STATUTORY FINANCE OFFICER

General

1. To act as the officer appointed under Section 151 of the Local Government Act 1972 and to maintain and enforce the Financial Procedure Rules and Contract Procedure Rules.

2. For the purposes of any budget or establishment resource within the control of the Statutory Finance Officer, the power to exercise all those delegated powers as are delegated to the Senior Solicitor or Strategic Managers.

3. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Statutory Finance Officer within the

Constitution whether specifically identified in the delegated powers to Officers or otherwise.

4. In respect of any proceedings and in consultation with the Senior Solicitor, to consider and determine whether the Council should lodge a formal offer with the Court the amount of any such offer and whether, and upon what grounds, it may be appropriate for such amount to be varied.

5. To administer and implement the Council Tax Support Scheme and Exceptional Hardship Policy adopted from time to time by the Council including the power to approve or refuse claims and make decisions and consider appeals as required or allowed by the Scheme and Policy, in accordance with the relevant primary and secondary legislation applicable at the time.

6. The power to review a decision as to whether compensation is payable and amount of any compensation so payable under relevant legislation.

7. Consultation with the Lead Members for Revenues and Benefits to make amendments to the Council Tax Reduction Policy to take account of typographical issues and further changes in law, Government guidance or policy.

Financial

8. In consultation with the Senior Solicitor, to consider and determine whether to authorise:

   a) the instigation of bankruptcy proceedings against an individual(s); and/or
   b) the winding up of an organisation.

9. To write off Council Tax debts, National Non-Domestic Rates, sundry debts and overpayments of Housing Benefits to the limits set out in the Financial Procedure Rules.

10. In consultation with the member(s) in whose ward the debtor is located and/or the debt originated, to write off Council Tax debts, National Non-Domestic Rates, sundry debts and overpayments of Housing Benefits.

Accountancy

11. To be responsible for the preparation of the Council's Statement of Accounts in accordance with proper practices.

12. To implement annual awards affecting wages, salaries and conditions of service.

13. The investment and re-investment of Council monies provided the same is undertaken in accordance with the Financial Procedure Rules and any other relevant policies as may be adopted by the Council in respect of the same (as amended from time to time).

14. To borrow and raise loans on behalf of the Council provided the same is undertaken in accordance with the Financial Procedure Rules and any other relevant policies as may be adopted by the Council in respect of the same (as amended from time to time).

15. To make a determination on the amount of useable capital receipts to be used to finance capital expenditure or for such other purpose as allowed by

Regulations made under the Local Government Act 2003 as amended by the Local Government and Public Involvement in Health Act 2007:

16. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Strategic Manager (Resources) within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

17. To plan and manage the Council's cash flow requirements within approved borrowing limits and in accordance with the Council's policies on treasury management and to manage the budgets of the Council in accordance with accepted practice and professional guidance.

18. To consider and determine whether the Council should opt to tax any property for the purposes of VAT to preserve the interests of the Council and manage and account for the VAT implications of the Council's activities.

19. To authorise payments of precepts to precepting bodies within the area of the Council.

20. To authorise payment of levies properly issued on the Council by levying bodies.

21. To monitor and administer ongoing requirements for insurance provision in the light of changing services and assets, ensuring provision of adequate cover directly or via contractors' cover.

22. To liaise with the Council's insurers and their properly nominated representatives in respect of any claims brought against the Council under any of the Council's insurance policies and to undertake those activities necessary, in conjunction with the insurers and/or their representatives to resolve or settle those claims, including the signature of any documents incidental to the resolution or resettlement of any claim.

23. To advance duly authorised loans to third parties.

24. To take action to recover loan repayments due to the Council.

25. To commence repossession action proceedings, in consultation with the Senior Solicitor.

26. To declare Interest rates under the Housing Act 1985 or any statute replacing it and other interest rates appropriate to a class of loan.

Exchequer

27. To administer the provision of car loans and associated financial procedures in accordance with the Council's car loan scheme.

28. Administer the processing of authorised instructions and make payments in respect of payroll costs and allowances to staff and Members.

29. Process authorised instruction and make payment in respect of supplies of goods services etc., and refunds of sums due to customers.

B4 MONITORING OFFICER

General

1. For the purposes of any budget or establishment resource within the control of the Monitoring Officer, the power to exercise all those delegated powers as are delegated to the Senior Solicitor or Strategic Managers.

2. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Monitoring Officer within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

3. Power to deal with, consider and determine complaints regarding the conduct of District and Parish Councillors, including the power to make recommendations to Committees and Full Council, the power to consult with an Independent Person and the power to refer a complaint to the Standards Committee.

4. To authorise in writing any Officer:

   a) to act as a witness; or
   b) to represent the Council;

   in any actual or potential legal proceedings whether instigated by or on behalf of the Council or otherwise, in relation to any matter in which the Council is, has been, or may become involved, whether directly or indirectly.

5. To act as the qualified person for the purposed of the Freedom of Information Act 2000 and any instrument made thereunder.

6. To act as the Council's Data Protection Officer under the Data Protection Act 1998.

   Establishment

7. In consultation with the Human Resources Manager to negotiate and approve variations to an Officers terms and conditions of employment for the purposes of appointing one or more Deputy Monitoring Officers, subject to any such variations not exceeding any budget allocated for such a purpose.

   Dispensations

8. Following consultation with the Chair and/or Vice Chair of the Standards Committee and an Independent Person, to determine requests for dispensations under section 33 of the Localism Act 2011, if the requests are justified by reference to one of the following conditions:

   a) that so many members of the decision-making body have an interest preventing participation that it would 'impede the transaction of the business'; or
   b) that without the dispensation, the representation of different political groups on the decision-making body would be so upset as to alter the outcome of any vote on the matter.

B5 SENIOR SOLICITOR AND STRATEGIC MANAGERS

General

1. The responsibility for:-

a) ensuring that any duty placed on the Senior Solicitor or a Strategic Manager in any policy adopted by the Council is implemented in respect of their Service Area and the functions undertaken by it;
b) for the accountability and control of staff and security, custody and control of all other resources including plant, buildings, materials, cash and stores appertaining to their Service Area; and
c) the day to day management of the Service Area of the Senior Solicitor or a Strategic Manager and its personnel in accordance with any approved Council policies as have been adopted, and relate to the same.

2. To generate reports relating to the functions undertaken by the Service Area of the Senior Solicitor or Strategic Manager, in consultation with such other units / Officers as the Senior Solicitor or Strategic Manager deems appropriate and ensuring compliance with any Council policies in this regard.

3. The power for the Senior Solicitor or Strategic Managers, to act on behalf of any Service Area and the Council, including the exercise of any powers delegated to them, when instructed to do so in connection with any matter for which that Service Area has power, including engaging in correspondence, negotiations or any other action that is necessary to fulfil that instruction.

4. To investigate and resolve complaints (whether made through the formal Council complaint procedure or otherwise) relating to the functions of the Service Area, provided that:

a) details of the complaint and any resolution are recorded on a central record in accordance with the Council's complaints procedure;
b) where a resolution of a complaint outside of the Council's formal complaint procedure (as amended from time to time) involves the payment or waiving of money then the same can be met without any increase to Service Area's existing budget and the prior consent of the Statutory Finance Officer is secured; and
c) where a complaint is received using the Council's complaint's procedure (as amended from time to time), then all relevant provisions contained therein are complied with.

5. To undertake any roles, actions or measures, including power to consider and determine any matter, allocated to the Senior Solicitor or Strategic Managers within the Constitution whether specifically identified in the delegated powers to Officers or otherwise.

6. To consider and determine whether to issue a formal caution in respect of any matter for which the a Strategic Manager has a delegated power to consider, authorise or approve the taking of criminal proceedings (or an alternative to the instigation of such proceedings), provided that prior to any such determination full regard must be had to any guidance that may be issued for the benefit of crown prosecutors in relation to the same, and that in the event of any doubt the Strategic Manager consults with the Senior Solicitor.

7. The responsibility for the monitoring, storage, archiving and destruction of Council documentation resulting from or held by their Service Area provided the same is in accordance with Council policies.

<u>Financial</u>

8. To authorise the ordering of goods and services and payment in respect of the same in relation to the functions administered by the Service Area, **provided**

the same does not exceed overall budgetary provisions for the Service Area and is in accordance with any policies adopted by the Council relating to the same.

9. Provided that it is in accordance with the Financial Procedure Rules, authorise instructions for

   a) the raising of customer accounts;
   b) to cancel customer accounts; and
   c) to make recommendations to the Statutory Finance Officer regarding the write off of customer accounts in respect of any functions of the Service Area.

Establishment

10. To authorise any other Officer within the Service Area of the Senior Solicitor or a Strategic Manager to discharge a power delegated to the Senior Solicitor or a Strategic Manager on his/her behalf, subject to such authorisations being in writing and registered with the Senior Solicitor **unless** it is specifically stated that the power may not be delegated.

11. To authorise Officers and any other persons (including inspectors appointed on behalf of the Council) to carry out inspections and to exercise powers of entry for any purpose which in the opinion of the Senior Solicitor or a Strategic Manager is reasonably necessary for the performance of a delegated or referred power or duty.

B6 STRATEGIC MANAGER (RESOURCES)

Revenues and Benefits

1. To administer, operate and collect the Council Tax and National Non-Domestic rates schemes, including the granting of exemptions, discounts, disabled banding reductions in accordance with current legislation and guidelines.

2. To administer and implement the Housing Benefit and Council Tax benefit schemes, including the exercise of any discretion on behalf of the Council in respect of the same, all in accordance with relevant primary and secondary legislation applicable at the time and such Council policies and strategies as may be in place from time to time.

3. To represent the Council at meetings called to discuss the potential bankruptcy of an individual third party or the liquidation of a company/limited partnership etc.

4. To approve or refuse applications for mandatory rate relief under Section 43(6) of the Local Government Finance Act 1988 (as may be amended or re-enacted from time to time), subject to details of approvals being reported to the appropriate Area Committee for information only.

5. To approve or refuse claims for a reduction in Council Tax due as a consequence of the statutory provisions of the Local Government Finance Act 1992 (or as may be amended or re-enacted from time to time).

6. To determine rate relief applications from district wide organisations under the statutory provisions of the Local Government Finance Act 1988, and the Local Government and Rating Act 1997 and to determine rate relief applications under the Rating (Former Agricultural Premises and Rural Shops) Act 2001.

7. To represent the Council in the Magistrates Court on all applications associated with debt recovery to include Liability Orders and Committal proceedings in respect of Council tax and Non Domestic Rates.

8. To administer the Discretionary Housing Payment Scheme and to make decisions in respect of applications.

9. To administer formal cautions for offences relating to housing benefit and council tax benefit fraud, in consultation with the Solicitor.

10. To offer administrative penalties as an alternative to prosecution for housing benefit and council tax fraud cases.

11. To instigate, defend, attend at, represent and take further action as deemed appropriate in respect of housing benefit and/or council tax benefit appeal.

12. To select and appoint bailiffs for recovery of debt in accordance with the Financial and Contract Procedure Rules.

13. To sign, issue and serve completion notices under section17 Local Government Act 1992 or any statutory amendment or re-enactment thereof.

14. To administer the invoicing of customers and recovery of sums due.

15. To authorise writing-off customer invoices, subject to the amount to be written off in respect of one customer not exceeding the limits set under the Financial Procedure Rules.

16. To take any applicable recovery action in respect of outstanding sums due to the Council including, subject to approval of the Senior Solicitor, appearing in the County Court before a District Judge.

17. The power to agree valuations and arrangements for payment for the purposes of the clawback agreement contained within the contract/transfer of the Council Housing stock to Tarka Housing subject to consultation with the Member Asset Management Working Group or any replacement thereof.

18. Subject to consultation with the Leader/Deputy Leader the power to take a decision as to whether as asset is an asset of community value and a decision on whether compensation is payable and the amount of any compensation so payable under relevant legislation.

19. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.

B7 STRATEGIC MANAGER (SERVICES)

1. To appoint Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors of the Council necessary for the discharge of the functions, powers and duties contained or referred to in the legislation specified below.

2. To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the

said functions, powers and duties, on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.

3. To take whatever action s/he deems appropriate, including the power of entry, taking such action as may be permitted or required, service of notices, issuing, granting, refusing,varying, cancelling, suspending and revoking of consents, permits, authorisations, approvals, licences and registrations and carrying out works in default and issue requests and service of requisitions for information in respect of all functions, powers and duties specified under the following legislation.

4. To consider representations in relation to 'minded to' notices and to review 'deferred action' notices.

5. To consider and determine whether to issue a formal caution in relation to any criminal matter for which the Strategic Manager (Services) has an express or implied delegated power.

6. For the avoidance of doubt where provided for by the legislation specified below the Strategic Manager (Services) and any other Officer(s) appointed by him/her shall be appointed as an authorised officer and/or Inspector for the purposes of that legislation.

7. To manage and administer the Northam Burrows Country Park.

8. Where the Strategic Manager (Services) considers it appropriate and after consultation with the Senior Solicitor to prosecute any offences under the said legislation.

9. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.

10. In the absence of the Head of Paid Service, Senior Solicitor and Statutory Finance Officer the power to execute the Exclusive Right of Burials.

Legislation

Animal Boarding Establishments Act 1963
Animal Welfare Act 2006
Animals Act 1971
Anti Social Behaviour Act 2003
Bovine and Bovine Products (Trade) Regulations 1998
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Building Act 1984
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Cinemas Act 1985
Civil Contingencies Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Crime and Disorder Act 1998
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976

Deer Act 1991
Dogs (Fouling of Land) Act 1996
European Communities Act 1972
Environment Act 1995
Environmental Protection Act 1990
Food and Environmental Protection Act 1985
Food Safety Act 1990
Gambling Act 2005
Health Act 2006
Health and Safety at Work etc Act 1974
House to House Collections Act 1939
Hypnotism Act 1952
Landlord and Tenant Act 1985
Licensing Act 2003
Live Music Act 2012
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993 – 2000
Mobile Homes Act 1983
Motor Salvage Operators Regulations 2002
Noise Act 1996
Offices Shops and Railway Premises Act 1963
Pet Animals Act 1951
Police Act 1997
Police Factories etc (Miscellaneous Provisions) Act 1916
Police Reform and Social Responsibility Act 2011
Pollution Prevention and Control (England and Wales) Regulations 2000
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Private Water Supplies Regulations 1991
Protection of Freedoms Act 2012
Public Health (Control of Disease) Act 1984
Public Health (Infectious Diseases) Regulations 1988
Public Health Act 1936 – 1961
Public Health Acts Amendment Act 1907
Road Safety Act 2006
Riding Establishments Act 1964 and 1971
Safeguarding Vulnerable Groups Act 2006
Scrap Metal Dealers Act 2013
Sunday Entertainments Act 1932
Sunday Trading Act 1994
Town Police Clauses Act 1847
Vehicles (Crime) Act 2001
Water Industry Act 1991
Water Industry Act 1991
Zoo Licensing Act 1981

Building Control

11. To consider, determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations insofar as they relate to the function of Building Control.

12. To serve such Notices or take such action as is considered appropriate under the Highways Act 1980 in so far as such provisions relate to public safety or the condition of buildings or land.

13. To relax or dispense with Building Regulations approvals and to sign and issue such decisions.

14. To withdraw Building Regulation approvals not exercised within three years. To refer to the Magistrates' Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.

15. To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.

16. To instruct the Senior Solicitor to institute proceedings for infringement of the Building Act 1984, Highways Act 1980 or any Regulations made thereunder.

17. To serve Notice requiring removal or alteration of work not conforming with the Building Regulations (Section 36 of the Building Act 1984).

18. To issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984 and to sign and issue such Notices.

19. To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.

20. To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.

21. To appoint Consulting Engineers in accordance with the Financial Procedure Rules and Contract Procedure Rules.

22. To set Building Regulation fees, in consultation with the Strategic Manager (Resources).

23. To serve requisitions for information under s16 Local Government (Miscellaneous Provisions) Act 1976 and to instruct the Senior Solicitor to prosecute for any non-compliance with the same.

24. To exercise all rights of entry on to land or buildings given to the Council under any legislation for the purposes of exercising any functions under the Building Act 1984, the Highways Act 1980 and any regulation made under either.

Housing

25. To appoint Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors of the Council necessary for the discharge of the functions, powers and duties contained or referred to in the legislation specified below.

26. To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the said functions, powers and duties, on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.

27. To take whatever action s/he deems appropriate, including the power of entry, taking such action as may be permitted or required, service of notices, issuing, granting, varying, revoking, cancelling, refusing, and suspending of consents, permits, authorisations, approvals, licences and registrations and carrying out works in default and issue requests and service of requisitions for information in respect of all functions, powers and duties specified under the following legislation.

Legislation

Title of Act	**Relevant Part**
Building Act 1984	Sections 59, 76, 79, 95, 96, 97 and 99
Energy Act 2012	
Environmental Protection Act 1990	Sections. 79, 80 and 81 Schedule 3, para 2
Home Energy Conservation Act 1995	
Housing Grants Construction and Regeneration Act 1996	Chapters I, II, III and IV
Regulatory Reform Order 2002	Paragraphs 1 to 12 and Schedules 1 to 6
Housing Acts 1985 and 1996	
Housing Act 2004	Parts 1 to 6
Housing and Regeneration Act 2008	Parts 1 to 3 and Schedules
Homelessness Act 2002	
Landlord and Tenant Act 1985	Sections 4, 5, 6 and 34
Law of Property Act 1925	Part 3
Local Government (Miscellaneous Provisions) Act 1976	Sections 15, 16 and 33
Local Government (Miscellaneous Provisions) Act 1982	Sections 17 and 29
Prevention of Damage by Pests Act 1949	Sections 4, 5 and 22
Public Health Act 1936	Sections 48, 83, 84, 275, 287, 290 and 291
Public Health Act 1961	Sections 17 and 74

28. To manage and administer the giving of grants under the Housing Grants, Construction and Regeneration Act 1996, the regulatory reform (Housing assistance)(England and Wales) Order 2002 and the Council's policies made thereunder.

29. To approve such grants up to the maximum values specified within the Council's policy from time to time.

30. To serve such notices and take such action as the Strategic Manager (Services) shall deem appropriate to enforce the provisions of the Housing Act 2004, including instructing the Senior Solicitor to take such legal action as s/he shall deem appropriate.

31. To manage and administer a licensing system for Houses in Multiple Occupation as required by Part 2 of the Housing Act 2004, including the power:

a) to approve or refuse applications for licences subject to such conditions as the Strategic Manager (Services) shall deem appropriate;
b) to revoke or vary any licence granted; and

c) to take such action, including the service of Notices or the instigation of legal proceedings, to enforce the provisions of the licence and/or the Housing Act 2004.

32. To investigate any allegations of illegal eviction and to instruct the Senior Solicitor to take such action as s/he shall deem appropriate.

33. To consider and determine all matters arising under Part VI and Part VII of the Housing Act 1996 including in particular, but without prejudice to the generality of the foregoing the determination:

a) as to whether a person is a qualifying tenant;
b) under any housing allocation scheme adopted by the Council from time to time;
c) as to whether a person should be removed from the Housing Waiting list;
d) of allocations (including nominations) of residential properties to persons; and
e) of homelessness applications, reviews and other determinations to be made in relation to persons purporting to be homeless.

34. To negotiate private sector leasing schemes with private landlords and to instruct the Senior Solicitor to prepare such documentation as may be necessary to give effect to those agreed schemes.

35. The power to execute on behalf of the Council agreements relating to occupation of Council homeless accommodation

36. The power to award grants and loans for the purpose of preventing homelessness and for providing local welfare support up to and including a value of £3,000 subject to the same being within budget and being in compliance with adopted policies.

37. The power to award grants and loans for the purpose of preventing homelessness and for providing local welfare support for a value of between £3,000 and up to and including a value of £5,000 subject to the same being within budget and in compliance with adopted policies and subject also to prior consultation with the Statutory Finance Officer and the appropriate Lead Member.

38. To consider and accept or refuse offers of re-purchase and determine applications for consent pursuant to covenants imposed on right to buy sales under the Housing Act 1985 (as amended).

39. To consider and determine applications for postponement of the council's discount charge on properties purchased under the right to buy scheme contained in the Housing Act 1985 (as amended).

<u>Waste</u>

40. The power to manage, administer and operate a waste collection service in order to carry out the functions of the Council as Waste Collection Authority under the Environmental Protection Act 1990, the functions or powers of the Council under the Refuse Disposal (Amenity) Act 1978, Public Health Act 1961 and the Civic Amenities Act 1967 and any other such legislation giving powers to or imposing duties on the Council to collect waste or refuse.

41. The power to manage, administer and operate a litter collection service in order to carry out the duties and powers under the Environmental Protection Act 1990

and any other such legislation giving powers to or imposing duties on the Council to collect litter.

42. Without prejudice to the generality of the above, the power:-

a) to determine whether a place at which waste is situated is so isolated as to make the cost of collection unreasonably high;
b) to set charges for the collection of waste whether permitted by legislation;
a) to determine whether to collect industrial waste or other waste which the Council has the discretion to collect under any legislation;
b) to dispose of any waste collected in accordance with legislation;
c) to require the use of specific receptacles for storage and collection of waste;
d) to prepare a waste collection plan in accordance with legislation;
e) to serve litter clearing notices; and
f) to serve all notices, including Fixed Penalty Notices, and make all such determinations as permitted by the legislation referred to in provision 40 and 41 above.

Abandoned Vehicles

43. To exercise all powers and duties given to the Council to remove and dispose of abandoned and other vehicles under the Refuse Disposal (Amenity) Act 1978: Road Traffic Regulation Act 1984 and the Clean Neighbourhoods and Environment Act 2005.

Road Traffic and Car Parking

44. The power to manage, administer and operate the Council on-street car parks in accordance with the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 and any other relevant legislation.

45. The power, in consultation with the appointed Lead Member with responsibility for Parking or the appropriate Committee Chairman, to decide whether to waive the requirement to pay for parking in any parking place where an organised event is taking place.

46. Without prejudice to the generality of provisions 44 and 45 above:

a) the power to issue Penalty Charge Notices;
b) the power to deal with representations and appeals;
c) the power to commence proceedings for recovery of sums due;
d) the power to prosecute for breaches of the Off Street Parking Places Order;
e) the power to carry out any works to the off street parking places as are considered necessary provided such works are within existing budgets and comply with all relevant Council Rules; and
f) the power to request information under the Road Traffic Regulation Act 1984.

Street Scene

47. The power to serve such notices and take such other action as are deemed appropriate under the Anti Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005, including the power to serve fixed penalty notices.

48. The power to appoint authorised officers under the Anti-Social Behaviour, Crime and Policing Act 2014 following consultation with the Lead Member or Member Champion.

49. To serve Community Protection Notices pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

50. To issue Fixed Penalty Notices for non-compliance with Public Spaces Protection Orders and Community Protection Notices pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

51. Authority to establish the local threshold and procedures for the purposes of the Community Trigger, consistent with those established by the Safer North Devon Partnership or any equivalent successor body, pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

Harbour Undertaking

52. The power to manage, operate and administer the Council's harbour undertaking in accordance with the all local and national legislation and guidance.

53. Without prejudice to the generality of the above, the power:-

a) to admit ships and boats to the harbour;
b) to levy such charges as the Council shall deem appropriate;
c) to enforce the provisions of local and national legislation and byelaws with regard to the use of the harbour;
d) where the Strategic Manager (Services) deems it appropriate, to liaise with the Maritime and Coastguard Agency and all other statutory bodies with regard to management of the harbour and the vessels using the same; and
e) to manage and operate a pilotage service within the Taw Torridge estuary.

Economic Development

54. To enter into and manage contracts with external suppliers, service providers and professional consultants provided that the Contract Procedure Rules and the Financial Procedure Rules are complied with; and

55. In conjunction with the Community Council of Devon agree awards in Torridge under the County Council's Village Hall Grants Scheme.

56. Agree Councillor Community Grant awards and Town and Parish awards under the DCC scheme in accordance with the Grant schemes criteria in consultation with the Head of Paid Service.

57. In consultation with the Strategic Manager (Resources), to dispose of plant and equipment used within the Service Area provided that the Financial and Contract Procedure Rules are complied with.

Culture and Leisure Services

58. To manage the Council's leisure and arts facilities.

59. To agree or refuse requests for the holding of events on Council leisure facilities and to instruct the Senior Solicitor to prepare temporary event licences for such purposes.

60. To undertake initiatives and promotions seeking to encourage the use of the Council's leisure facilities or the promotion of sport, arts, culture and leisure within the Council's District provided such promotions and initiatives fall within existing budgets.

B8 SENIOR SOLICITOR

1. In consultation with such other Strategic Manager as the Senior Solicitor deems appropriate, to instruct and use Counsel and other external professionals / experts / advisors in respect of any legal issues relating to the Council provided the same is in accordance with the Financial and Contract Procedure Rules.

2. To instigate, prosecute, defend, and appear in any legal proceedings (including tribunals, hearings and inquiries) on behalf of the Council, together with the undertaking of such preliminary or further work in relation to the same as the Senior Solicitor deems appropriate, including in particular but without prejudice to the generality of the foregoing, proceedings in relation to:

    a) prosecutions,
    b) injunctions,
    c) possessions,
    d) appeals; and
    e) complaints

    subject to the Senior Solicitor applying any Council policy or other guidance in deciding whether to commence or defend an action.

3. To prepare, issue and serve any Notices, Orders, Requisitions or other documents arising from or relating to the carrying out of any function of the Council (including the power to withdraw, vary or revoke the same (as the case may be)) which by virtue of any primary and/or secondary legislation the Council is empowered to issue and serve.

4. To take such further action as the Senior Solicitor at his absolute discretion deems necessary for the purposes of implementing, enforcing in respect of breaches of, or regulating any decisions, Notices, Orders, Requisitions or other documents (including any conditions relating thereto) issued by or on behalf of the Council, including authority to authorise direct action, **provided** any costs in respect of the same can be met from existing budget provision.

5. To consider applications for, any representations received (within any time period specified in respect of the same, or if none, then prior to the date when a determination is made) in respect of, and determine whether to grant or refuse (with or without modification) a road closure pursuant to the Town Police Clauses Act 1847, **provided** that where any objection is received within the representation period as identified above then such power shall only be exercised after consultation with the Member(s*)* within whose ward(s) the road closure lies.

6. To make and determine whether or not to confirm (with or without modification) a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.

7. To consider and determine whether to vary and/or revoke a Tree Preservation Order pursuant to the Town and Country Planning Act 1990.

8. To make, and where no objections have been received, determine whether or not to confirm any bylaw for which the Council has the statutory power to issue, **provided** that where an objection has been received in respect of the matters herein, then determination by the Senior Solicitor can still be made, but only if:

    a) in the opinion of the Senior Solicitor there is an urgent need for a decision; and
    b) there is prior consultation as to the reason for the urgency with Chairman of the Committee (or Vice-Chairman if the Chairman is unavailable) that incorporates the function directly affected by the proposed decision.

9. To attest the Council seal and sign any document necessary to give effect to:

    a) a resolution of the Council (as the case may be); and/or
    b) the exercise of a power or function delegated by the Council, (as the case may be),**provided** that any such attestation or signing accords with the provisions of Article 13 of the Constitution (as may be amended from time to time).

10. Power to amend and update the Council's corporate policy and procedures document on the Regulation of Investigatory powers Act 2000.

11. To act as the Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.

12. Power to authorise covert surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000 provided the same is in accordance with the above legislation, any relevant guidance and Code of Practice and the Council's adopted policy.

13. Power to amend, update and vary the Council's Freedom of Information Act 2000 publication schedule and charging policy.

14. The power to review a decision as to whether an asset is an asset of community value.

Ombudsman Complaints

15. Power to authorise complaint/ombudsman compensation for up to £2,000, subject to prior consultation with the Leader or Deputy Leader.

Human Resources

16. To deliver advice and guidance to officers in relation to terms and conditions of employment.

17. To interpret employment policies, custom and practice and implement processes and/or decisions based on either the policy or the custom and practice of the Council.

18. To act on the advice of medical practitioners with regard to retiring employees on grounds of ill health.

19. To negotiate revised terms and conditions of employment with recognised trades unions.

20. To develop employment policies and negotiate with recognised trades unions prior to adoption by Council.

21. To purchase procurement of Personnel consultants/training providers as necessary within the Financial Procedure Rules and Contract Procedure Rules.

22. To apply employment legislation/EC Directives as appropriate which may impact on staff terms and conditions, including pay.

23. To implement procedures in relation to training and development activities.

24. To act as the lead countersignatory for the Council and nominate other countersignatories for the Council in respect of the Disclosure and Barring Service.

25. To negotiate compromise agreements subject to consultation with the Head of Paid Service and Monitoring Officer as appropriate, with the final agreement to be signed off by the Senior Solicitor.

26. To seek external employment advice within budget as necessary.

27. To place job adverts in appropriate publications.

28 To approve relocation expenses as appropriate.

29. To approve interview expenses.

30. To advise the Council and act on behalf of the Council on all matters relating to the recruitment and termination of employees.

31. To execute the agreements for the engagement of Officers.

Audit

32. The maintenance of an effective internal audit function

33. To provide an independent and objective opinion on the internal control environment put in place by the Council in accordance with the Accounts and Audit Regulations 2011 and the relevant CIPFA guidance.

34. Authority to enter any Council premises at all reasonable times, to have access to all records, assets, personnel and documents relating to financial and other transactions of the Council and require any Council employee to produce such documentation or property under their control for the purpose of carrying out the Audit function

35. To conduct an independent investigation into any referrals of suggested or potential irregularities and to take such steps as are necessary by way of investigation and report.

36. To provide an annual audit opinion on the effectiveness of the Council's system of internal control.

37. To provide an independent and objective Annual Audit opinion on the effectiveness of the Council's internal control environment in accordance with

the Accounts and Audit Regulations 2011 and the relevant CIPFA guidance.

38. To report to all senior management, the Head of Paid Service and the Audit Governance Committee on all aspects of risk management, control and governance processes and to deliver an audit opinion on those matters.

39. Authority to enter any Council premises at all reasonable times, to have access to all records, assets, personnel and documents relating to financial and other transactions of the Council and require any Council employee to produce such documentation or property under their control for the purpose of carrying out the audit function

40. To conduct an independent investigation into any referrals of suggested or potential irregularities and to take such steps as are necessary by way of investigation and report.

Corporate Property and Procurement

41. To carry out the Council's statutory functions as Street Naming and Numbering Authority in accordance with section 19 of the Public Health Act 1925 and sections 21, 64 and 65 of the Town Improvement Clauses Act 1847.

42. To authorise assignments of Leases where such assignments, under the terms of the existing Lease, might not be unreasonably withheld.

43. To refuse applications to purchase Council land and/or buildings if the application is contrary to an adopted Council policy.

44. To agree the change of use of shops owned by the Council (subject always to compliance with planning legislation) where for the purposes of good management such a change is justified.

45. To determine applications and set charges for temporary access over Council land and to determine applications for temporary licences for use of Council land.

46. To determine applications for Wayleave Agreements, licences and Easements across Council land.

47. To acquire areas of land where the consideration is less than £3,000 and provided a budget exists for the purchase.

48. To issue and renew annual Licences.

49. To set charges for new and existing Licences.

50. To dispose of land, whether on a freehold or leasehold interest, up to a value of £5,000 consideration or £1,000 per annum rental except where in the opinion of the Statutory Finance Officer the land is considered to be of significance to the Council's land holding portfolio or appears to be a key piece of land in relation to any adjoining development potential.

51. To consider and determine all rent reviews and lease renewals.

52. To refer rent reviews to third party determination if no agreement is made.

53. To serve such Notices as are necessary to be served under Landlord and Tenant legislation or otherwise in accordance with the property management function.

54. To undertake the roles in relation to asset management as may be identified in the Asset Management Plan (as may be amended from time to time).

55. To accept surrenders of interests in Council owned land and or buildings.

56. For the avoidance of doubt, the above powers shall be exercisable by the Statutory Finance Officer in respect of land even if delegated power in respect of that land has been given to another officer.

57. To carry out the Council's functions as Land Drainage Authority in accordance with the Land Drainage Act 1991 and subsequent amendments.

58. To carry out the Council's functions as Maritime District Council in accordance with the Coast Protection Act 1949 and subsequent amendments.

59. To manage and administer the Council's procurement systems.

60. To manage and administer the Caddsdown Business Park including:-

    a) Instructing the Senior Solicitor to prepare tenancy agreements in respect of the same;
    b) Taking such action to regain possession of any part of the Business Park as shall be deemed appropriate by the Special Projects Manager in consultation with the Senior Solicitor;
    c) Authorising assignments of leases at the Business Park where such assignments, under the terms of the existing lease, might not be unreasonably withheld;
    d) Serving such Notices as are necessary to be served under Landlord and Tenant legislation or otherwise in accordance with the property management function above; and
    e) To accept surrenders of interests in Council owned land and or buildings at Caddsdown Business Park.

REPORT OF **Senior Solicitor**

To: **Full Council**

Subject: **Substitution Scheme**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

To approve the Council's Substitution Scheme

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year at the Annual General Meeting

2. REPORT

Members may recall that to help with clarity they agreed a revised scheme last year. If the Substitution Scheme is not approved then it shall cease to have affect.

3. IMPLICATIONS

Legal Implications
It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year

Ward Member and Lead Member Views
Members agreed a revised scheme last year

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve the Substitution Scheme each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

Approve the Substitution Scheme as set-out in Appendix 1.

A4.5 Substitution Scheme

This procedure rule shall be subject to review at each Annual Meeting of the Council and shall cease to apply unless the Council resolves it shall continue.

Any Member of the Council may act as a substitute for another Member at any meeting of a committee (or other body constituted by the Council or its committees), subject to the following rules:

a) Overview & Scrutiny Committee members may not substitute on the Community & Resources Committee.

b) Community & Resources Committee members may not substitute on any Overview & Scrutiny Committee.

c) Substitution can take place on to the Standards Committee provided the substitute Member had undertaken the appropriate training.

d) A Member may act as a substitute at a meeting of any outside body to which the Council nominates or appoints Members (provided that the rules of that body so permit). In such a case the substitute need not be a member of the same political group as the member being replaced provided the substitution is agreed and notified by the political group to which the member being replaced belongs.

e) In the case of substitution to the Plans or Licensing Committees the substitute must be a member agreed by the Head of Paid Service to be competent by training or qualification to take part in the committees work.

f) A substitute may only act when an appointed Member of the Council, committee or one of the bodies named above is not in attendance at the start of the meeting and the substitution shall last for that meeting only, not substitute midway through.

g) A substitute member will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable (for example a Chairman’s responsibility) by the person they are substituting.

h) Before the start of any meeting at which a substitute is acting, the substitute shall notify the Committee Clerk of the substitution or, in the case of an outside body, shall arrange to conform with that body’s requirements.

i) At the start of any meeting at which a substitution has been arranged in accordance with these rules, the Committee Clerk shall announce that the named substitute is acting to serve as a substitute for the named absent member.

j) If the absent Member is subsequently able to attend a meeting for which a substitute is acting, but arrives after the meeting has opened and the announcement has been made in paragraph i) above, he shall be treated as a non-member of the committee for that meeting only.

REPORT OF **Senior Solicitor**

To: **Full Council**

Subject: **Membership of Outside Bodies**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

To agree the Membership of Outside Bodies

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve (or delegate to Group Leaders to agree) the Members serving on Outside Bodies each year at the Annual General Meeting

2. REPORT

The current membership on Outside Bodies is attached for Members information at Appendix 1.

3. IMPLICATIONS

Legal Implications
It is a requirement of the Council's Constitution that this is agreed each year

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
It is a requirement of the Council's Constitution that this is agreed each year

Ward Member and Lead Member Views
n/a

4. CONCLUSIONS

Members are asked to either agree the membership on Outside Bodies or delegate to Group Leaders to agree.

5. RECOMMENDATIONS

Members are recommended to either:

- Agree the membership on Outside Bodies, or
- Delegate to Group Leaders to agree the membership on Outside Bodies

Membership of Community Groups & Outside Bodies
May 2018

Organisation	No of reps	Council Representative	Contact
Bideford Bay Childrens' Centre	1	David Brenton	
Bideford Community Archive Council	1	Peter Christie	
Bude Canal Trust	1	Ken James	Chair: Steve.church1@googlemail.com
Burton	1	Phil Pennington	Judith Gentry judithgentry@thrivingivy.com
Coastal & Market Towns Initiative – Holsworthy	1	Peter Watson	
County (Locality) Committee	2	Jane Whittaker David Hurley	
Devon & Cornwall Housing Association (Sanctuary Road project)	1	Ken James	Debs.Montague@dchgroup.com
Devon Districts Forum	1	Jane Whittaker	
Devon Waste Management Committee	1	Mervyn Langmead	
Great Torrington Community Development Trust	1	Cheryl Cottle-Hunkin	Ian Lovell – 01805 626100
Harbour Bideford (Homeless Charity)	1	Gaston Dezart	
HATOC (joint meeting with DCC)	2	David Brenton Richard Wiseman	
Holsworthy Memorial Hall Management Committee	2	Bob Hicks	Vanessa Saunders 01409 253312
Integr8	1	Dermot McGeough	admin@intagr8.net 01237 477363
Lundy Marine Protected Area	2	Anna Dart Alison Boyle	Secretary – Robert Irving Keith Hiscock Khis@MBA.ac.uk
North Devon Coast Areas of Outstanding Natural Beauty	1	Ken James	Jenny Carey-Wood 01271 388758 Janny.carey-wood@devon.gov.uk

North Devon +	2	Jane Whittaker David Hurley	
Police & Crime Panel	1	Philip Hackett	
Pollyfield	1		pollyfield@pollyfieldcentre.co.uk
Tarka Rail Association	1	Kenny Davis	Phillip J Tarry 07885287429 01237 472136 Janet Welch – welch44@BTInternet.com
Taw & Torridge Voluntary Services TTVS	1	Jane Whittaker	
Torridge, North Devon, Mid Devon and Bude CAB	1	John Himan	
Torrington Care forum	1		Richardrumbold18@gmail.com
Torrington Together	2	Margaret Brown Cathrine Simmons	
Westward Housing	1	Cathrine Simmons	

REPORT OF **Head of Paid Service**

To: **Full Council**

Subject: **Lead Members**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

To approve Lead Members

1. INTRODUCTION

It is a requirement of the Council's Constitution that Full Council approve Lead Members each year at the Annual General Meeting

2. REPORT

The current Lead Members and Lead Member roles are:

Economy	James Morrish
Community, Culture & Leisure	Phil Pennington
Environment	Ken James
Health & Wellbeing/Community Safety	Philip Hackett
Planning & Development	Peter Watson
Internal Resources	Nick Laws
Customer Services	David Hurley
Democratic Support	vacant
Housing	Cathrine Simmons
Waste & Recycling	Mervyn Langmead

There is currently a vacancy for the Democratic Support Lead Member role.

3. IMPLICATIONS

Legal Implications
It is a requirement of the Council's Constitution that Full Council approve Lead Members

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
It is a requirement of the Council's Constitution that Full Council approve Lead Members.

Ward Member and Lead Member Views
n/a

4. CONCLUSIONS

It is a requirement of the Council's Constitution that Full Council approve Lead Members each year at the Annual General Meeting

5. RECOMMENDATIONS

Members are recommended to:

- Approve the following Lead Member roles and Lead Members and appoint a Councillor to the vacant Democratic Support role:

Lead	**Councillor**
Economy	James Morrish
Community, Culture & Leisure	Phil Pennington
Environment	Ken James
Health & Wellbeing/Community Safety	Philip Hackett
Planning & Development	Peter Watson
Internal Resources	Nick Laws
Customer Services	David Hurley
Democratic Support	vacant
Housing	Cathrine Simmons
Waste & Recycling	Mervyn Langmead

REPORT OF **The Head of Paid Service**

To: **Full Council**

Subject: **Appointment of Non-Elected Representative to Internal & External Overview & Scrutiny Committees**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

To approve the appointments of a Non-Elected Representative to Internal and External Overview & Scrutiny Committees

1. INTRODUCTION

It is the responsibility of Full Council to appointment Non-Elected Representatives to the Council's Overview & Scrutiny Committees.

2. REPORT

We currently have one vacancy on the Internal Committee and one vacancy on External.

The vacancies were advertised and there were applicants. The three candidates were interviewed on 9 April, which was conducted by a panel comprising Councillors Whittaker, Langmead and Watson with Jenny Wallace.

The panel concluded that the three candidates interviewed all demonstrated the necessary skills, experience, enthusiasm and commitment required to fulfil the roles. However, as there were only two roles currently vacant the panel had to decide which two from the three to appoint.

The Panel therefore recommend to Full Council that:

Mr Phillip Topham be appointed as Non-elected Representatives to External Overview and Scrutiny Committee for a period of four years.

Mr Ian Rice be appointed as Non-elected Representative to Internal Overview and Scrutiny Committee for a period of four years.

3. IMPLICATIONS

Legal Implications
Full Council must approve all non-elected appointments

Financial Implications
None

Human Resources Implications
None

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
This complies with the Council's Constitution.

Ward Member and Lead Member Views
N/a

4. CONCLUSIONS

That Mr Phillip Topham and Mr Ian Rice be appointed as Non-elected Representatives to serve on the External and Internal and Scrutiny Committees respectively.

5. RECOMMENDATIONS

It is recommended that Full Council appoint:

Mr Phillip Topham as Non-elected Representatives to External Overview and Scrutiny Committee for a period of four years.

Mr Ian Rice as Non-elected Representative to Internal Overview and Scrutiny Committee for a period of four years.

REPORT OF **Head of Paid Service**

To: **Full Council**

Subject: **Councillor Allowances**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT:

For Members to decide whether to increase the Councillor Allowances.

1. INTRODUCTION

As part of the Member Allowance Scheme Councillors must decide if they want to increase their basic allowance and the Special Responsibility Allowances in line with the pay award agreed for staff by NJC.

2. REPORT

The NJC has agreed a 2% pay increase per year for two years for the majority of staff from the 1 April 2018 (the agreement includes a larger increase for some staff to bring them in line with the living wage).

As part of the Member Allowance Scheme Councillors must decide if they want to increase their basic allowance and the Special Responsibility Allowances in line with the pay award agreed for staff by NJC.

The relevant extract from the Member Allowance Scheme is as follows:

UPDATING AND INDEXATION

18. The above allowances will increase in line with the following indices or principles:

Allowance	Index/Principle	Automatic or Approval Required
Basic	By equivalent of pay award agreed for staff by NJC	Approval
SRA	By equivalent of pay award agreed for staff by NJC	Approval
Travel Allowances	By amendment of the Contribution Free Allowance set by Inland Revenue	Automatic
Subsistence Allowance	Officer rates	Automatic
Carers Allowance	National minimum wage for over 21 years	Automatic

Under the Local Authorities (Members' Allowances) (England) Regulations 2003 we can only use the above indices for the increase in Members Allowances for four years before seeking a further recommendation from the independent remuneration panel.

An independent remuneration panel will need to be established to agree the Members Allowances from 2019.

The current Councillor Basic Allowance is: **£4660.47**

A 2% increase would mean the Basic Allowance rising to **£4,753.68** an increase of **£93.21** pa. This would increase the Basic Allowance budget to **£171,132.45** an increase of **£3,355.54.**

Special Responsibility Allowances:

Position	**SRA (current)**	**2018/19 (2% Increase)**
Leader	£10,974.48	£11,193.97
Deputy Leader	£4,389.78	£4,477.58
Chair of Council	£4,389.78	£4,477.58
Chair of Community and Resources	£4,389.78	£4,477.58
Chair of Overview and Scrutiny (Internal)	£4,389.78	£4,477.58
Chair of Overview and Scrutiny (External)	£4,389.78	£4,477.58
Chair of Plans	£4,389.78	£4,477.58
Chair of Audit and Governance	£2,194.90	£2,238.80
Chair of Licensing	£2,194.90	£2,238.80
Chair of Standards	£658.50	£671.67
Vice Chair of Community Resources	£658.50	£671.67
Vice Chair of Overview and Scrutiny (Internal)	£658.50	£671.67
Vice Chair of Overview and Scrutiny (External)	£658.50	£671.67
Vice Chair of Plans	£658.50	£671.67
Vice Chair of Licensing	£329.19	£335.77
Vice Chair of Audit and Governance	£329.19	£335.77

The Current total annual total SRA budget is **£45,653.86**.

An increase of 2% would increase the annual SRA budget to **£46,566.94** is an annual increase of **£913.08**

(NB - Only one Special Responsibility Allowance is payable to an individual Councillor so actual figures may be lower)

3. IMPLICATIONS

Legal Implications
This report is in accordance with the Members Allowance Scheme

Financial Implications
The financial implications are covered in the report

Human Resources Implications
There are no Human Resource implications regarding this proposal

Sustainability/Biodiversity Implications
n/a

Equality/Diversity
n/a

Risk Management
n/a

Compliance with Policies and Strategies
This report is in accordance with the Members Allowance Scheme

Ward Member Views
This affects all Councillors

4. CONCLUSIONS

As part of the Member Allowance Scheme Councillors must decide if they want to increase their basic allowance and the Special Responsibility Allowances in line with the pay award agreed for staff by NJC.

5. RECOMMENDATIONS

For Members to decide whether or not to:

1. Increase the Councillor Basic Allowance by 2% from the 1 April 2018

2. Increase the Councillors Special Responsibility Allowances by 2% from the 1 April 2018

Torridge District Council

External Overview & Scrutiny

ANNUAL REPORT

2017/2018

Membership of the Committee

Chair	Councillor M Langmead
Vice Chair	Councillor P Pennington
Councillors	A Boyle A Eastman S Inch T Johns N Laws I Parker C Simmons
Non-elected representatives	Mr K Bines Mr D Mason Mr P Topham
Supporting the Committee	Jamie Hollis, Senior Solicitor Sean Kearney, Commercial & Leisure Services Manager Mary Richards, Democratic Services Officer

The Role of External Overview & Scrutiny

The Council has two Overview & Scrutiny Committees, an **External** Overview & Scrutiny Committee and an **Internal** Overview & Scrutiny Committee.

The Overview & Scrutiny Committees have the power to review the policies of the Council and its objectives, and are entitled to 'call in' decisions made by the Community & Resources Committee which are not yet implemented. They can also recommend that the Community & Resources Committee reconsider such decisions. Issues that remain unresolved will be referred to the Full Council for determination.

The External Overview & Scrutiny Committee scrutinises the performance of selected external bodies and companies serving the community within Torridge.

The External Overview & Scrutiny Committee is also the Council's Crime and Disorder Committee.

The Council remains committed to its current policy of involving the community in its decision making process and includes community representation on both Overview & Scrutiny Committees.

Introduction by the Chair

Welcome to the Annual Report by External Overview and Scrutiny 2017/18. The aim of the report is to introduce a summary of the work that the Committee has been involved in. My first year as Chair of the External Overview and Scrutiny Committee has proved to be an interesting and rewarding journey.

Scrutiny is a valuable asset to the public sector in Torridge. It provides opportunities to gather evidence and make recommendations for improvements. Throughout the year guest speakers from partner agencies and external organisations addressed our meetings, enabling us to build up our knowledge and understanding of how they help deliver our priorities. We are grateful to these partners for giving up their time to attend meetings.

The Scrutiny Committee has considered some sensitive and important subjects. Our officers have shared some valuable information on subjects ranging from tourism to apprenticeships and we have taken a keen interest in the regular updates on from the Lead Member for Health and Well Being on health care and crime and disorder.

An extraordinary joint meeting with North Devon Council was held to look at responding to Health Service proposals and this co-operation has been extended to reciprocal invitations to committee meetings where other important issues concerning both authorities are being discussed.

Joint task and finish groups with Internal Overview and Scrutiny were recently set up to consider income generation and external grants. The work of these groups is still very much in the early stages but I am sure will produce some useful feedback.

I would like to thank my External Overview & Scrutiny colleagues for their committed and enthusiastic contribution to the work of the External Overview & Scrutiny Committee. Many people have contributed to the success of scrutiny in Torridge, including external organisations and council officers and my thanks go to them too.

Kind regards

Mervyn Langmead

Councillor Mervyn Langmead
Chair – External Overview & Scrutiny Committee

A Look back at 2017/2018

There have been several changes to the committee since the start of the municipal year, including the election of Councillor Langmead as Chair and, later in the year, Councillor Pennington as Vice Chair. We said farewell to Councillors Darch, Dart and Carroll and welcomed Councillors Boyle, Laws and Mr Bines.

In November, Ann Reeder, Consultant for the Centre for Public Scrutiny, led a comprehensive training session aimed at External and Internal Scrutiny Committee Members. This was well attended and served as an excellent refresher for many Members as well as providing a detailed insight for new Members.

Last year we reported that Mr Topham, one of our Independent Non-elected Members, had presented an evaluation of the impact of the External Overview and Scrutiny Committee on the work of TDC partners. Further work has been undertaken and the External Overview and Scrutiny Committee is now in a position to trial a pilot evaluation form. The scheme is due for review initially after 6 months.

Scrutiny of Partner Agencies and outside Bodies

The Committee reviewed information on a wide range of subjects. Our meetings have enabled us to question our partners in detail regarding the trends, pressures and priorities. We have scrutinised new topics but also revisited some issues that continued to raise concern.

Some of the voices we have heard in 2017/18

<u>The Burton at Bideford</u>

BURTON AT BIDEFORD Judith Gentry, Trustee, attended the meeting in May 2017 to update the Committee on the Burton's progress since its transition to a Charitable Trust. There had been some issues with staffing but these were being addressed and the regular contact between the Burton and Torridge District Council had been maintained throughout. Looking forward, the Trust was hoping to include other art forms and the proposed review at 3 years would provide the opportunity for the Charity to demonstrate the progress of its longer term aspirations, such as the library being accommodated with the Burton building.

<u>Devon Fire Service – 23 August 2017</u>

DEVON & SOMERSET FIRE & RESCUE SERVICE The Committee welcomed Fire Officer Bulled in August and learned about the additions to the vehicle fleet, training and the recruitment drive. It was confirmed that there were no plans to close Torrington Fire Station. There had been a programme of school visits, road shows and home safety visits which had made people more aware and this had contributed to the decrease in the number of house fires in the last 15-20 years.

<u>Devon County Council</u>

Devon County Council **Education in Torridge**

Following the Ofsted inspection of Route 39, Members raised their concerns about the performance of the school which had been rated "inadequate". Mr

Niles advised the Committee that the school was challenging the findings and explained that county councils were not involved in the running of free schools, however, they did have a responsibility for standards and would look to work with the school. Mr Niles presented the Education Infrastructure Plan 2016 -2033 which prompted debate on many issues relating to the provision of education.

Locality Officers – 14/02/2018

At its meeting in February 20178, the External Overview and Scrutiny Committee received a briefing on the work of the Locality Officer. This role encompassed involvement with the community in areas such as investment in local projects, volunteering, community development and signposting people to relevant support organisations. The committee was looking forward to taking part in the forthcoming network events.

<u>One Northern Devon Group On Suicide Prevention</u>

We invited a representative from the One Northern Devon Group On Suicide Prevention and were given a very interesting presentation on the trends, main causes, risk factors, support groups and Public Health Devon's suicide prevention strategy. A disturbing fact was that Torridge, along with North Devon, had the highest suicide rate in Devon but Members acknowledged the measures being implemented in Torridge to reduce the means of access, for example, on the bridges. During the debate many members drew on their own personal experiences.

<u>Holsworthy Rural Community Transport</u>

The Committee heard from representatives of Holsworthy Rural Community Transport about the services provided by the charity, which included a volunteer door-to-door car service, community minibus hire and a ring and ride service. The charity's budget was presented which highlighted a challenge in respect of continued funding once the Big Lottery Funding came to an end in 2021. The Committee was exploring the possibility of enabling a similar service throughout the rest of Torridge.

<u>Citizens Advice</u>

The Chief Executive Officer, Torridge, North, Mid and West Devon Citizens Advice, Vicky Rowe, addressed the Committee. The charity offered free, independent, confidential and impartial advice to everyone on their rights and responsibilities. Charts were displayed showing the type of advice residents of Torridge were seeking and changing trends. The Committee was told about initiatives to introduce Citizens Advice representation in GP surgeries within Torridge. A further topical concern was Universal Credit and Citizens Advice was campaigning with local MPs to pause the roll out. In recognition of the effectiveness of the charity, the Committee had recommended that consideration should be given to increasing TDC's contributions to the Citizens Advice, should additional funds become available within the Grants Budget in the future.

<u>TTVS</u>

Julia Lock outlined the services provided by TTVS, the sources of funding, the ways in which TTVS represented and supported the community and the challenges faced in respect of decreasing

funding and increasing demand. She made reference to the Local Team Patch Plan for Torridge which was later circulated to Committee Members. Members were keen to support TTVS in the local community and to raise awareness of the service.

Clinical Commissioning Group

Dr Womersly informed the Committee about the background to the Sustainability Transformation Partnership, giving details of the CCG's responsibility for commissioning, or buying, most healthcare services for the local population with a budget of £1.1bn. To achieve its goal of an Accountable Care System, comprising 2 CCGs, 3 LAs and NHS England, the CCG would work with Public Health England, the councils, hospitals, GPs, mental health, healthcare trusts and volunteer services. The Committee was given the opportunity to question Dr Womersley in detail about their concerns and he answered openly and comprehensively. There was particular focus on the Care Quality Commission inspection report which had just been published.

Bideford Bike Show

Six representatives from the Bideford Bike Show attended the final meeting of the municipal year and delivered a very positive presentation. Members were given a brief history of the Bike Show and details of its growth in popularity. The Bike Show Committee was also involved in other fundraising events and had to date raised £18,065.85 for local and national charities.

Looking ahead to 2018/19

The Forward Plan is reviewed at each meeting but topics already identified for inclusion are listed below:

- Burton Art Gallery - performance reporting format.
- Clarity – a Mental Health Charity providing services and support to people experiencing mental health and emotional issues
- Surface water drainage/flooding - The Environment Agency and Devon County Council
- AONB
- Chamber of Commerce / Bideford Business Bureau / Torrington Chamber of Trade / Agricultural Business representation
- 6 Month Review of Impact Evaluation
- Clinical Commissioning Group
- North Devon Health Care Trust
- LEP
- 1610 leisure Services

REPORT OF **Strategic Manager (Resources)**

To: **Full Council**

Subject: **Strategic Property Acquisitions**

Date: **14th May 2018** **Reference:**

PURPOSE OF REPORT: To consider the recommendations from Community And Resources Committee of 23 April 2018 for setting aside in the Capital Programme of £1.5m for strategic asset acquisitions. This is to further our Economic Regeneration priority and develop opportunities for income generation to mitigate the impact of Government Funding Reductions, which will support the Strategic Plan and Income Generation Strategy.

1. INTRODUCTION

TDCs current Strategic Plan clearly identifies as "Goal 1" our aim of Developing a Prosperous & Sustainable Economy. Three key actions within that goal are highlighted as:

- Implement our Local Plan and Economic Strategy to help grow new and existing businesses by ensuring the right conditions are in place to attract employment and development
- Facilitate the development of key sites
- Encourage business start ups and make it as easy as possible to locate and grow a Business in Torridge District Council

Across the District there remains a shortage of commercially available industrial space and industrial land for development, which inhibits the much needed growth potential of Torridge's economy.

TDC has made speculative enquiries for land in recent years, but this has not generated any meaningful responses and commercial property coming onto the market has either been of insufficient size to be viable or not in the required location.

The Property & Procurement Team have therefore been exploring a range of opportunities to deliver TDCs objectives for enabling Economic Growth and opportunities for developing new income streams to mitigate the continued funding reductions facing Local Government:

This report sets out the work that has been undertaken to date in developing these opportunities and the proposals for the next steps to progress them.

2. REPORT

As outlined in the introduction there is a shortage of commercial industrial space and land in the District. The provision and or, enabling of commercial space is an area of core importance to TDC as highlighted by the prominence of the Local Economy throughout the Strategic Plan. In order for businesses to start up, develop, grow and or relocate to the area we need to have available adequate premises and space.

At Community and Resources Committee 4 December 2017 Members approved the Income Generation Strategy, which included an action for the acquisition of strategic assets.

Members will be aware of the work officers have been progressing with assets already in our ownership principally at Caddsdown, where the next phase of development "Caddsdown Blue" is ready to start imminently. This particular project has been supported by external grant funding of £175,000.

Efforts to further develop and extend the Caddsdown site through additional land acquisition have stalled and there is no immediate prospect of further progress being made in the short term. Therefore if it clear that TDC wants to develop further in this area then alternate sites will need to be considered.

During the course of the last year a number of opportunities have presented themselves all of which are progressing and are at different stages. The report to Community and Resources Committee 23 April 2018 included details of various projects and their current status e.g. negotiations. However, due to commercial sensitivity these was included as a Part 2 report as examples of what TDC is attempting to achieve.

Nevertheless it was the guiding concept, framework and funding to enable us to progress potential schemes, which was the pertinent feature of the report and not the individual schemes as these would be considered by Members separately as and when they reach the stage for a decision to acquire or not was required.

In addition to sites for Economic Regeneration opportunities officers continue to search for sites for a waste and recycling depot and a gypsy and traveller site, although currently opportunities to identify suitable sites and locations is proving difficult.

We will also continue to seek and pursue opportunities for acquiring further sites that present themselves as suitable locations to further TDCs core priorities.

In order to be more proactive and allow opportunities to be progressed quickly where necessary, which sometimes have to be done at very short notice it is key to have available and demonstrate / evidence to potential vendors that TDC is committed to doing business.

For this purpose we would recommend allocating resources, which would be specifically ring-fenced for progressing opportunities and would be utilised to cover costs such as: survey work, necessary due diligence, legal costs and ultimately costs associated with acquisition.

Members should however note that officers will not be actually acquiring assets without Committee approval and the budget allows the Council to progress opportunities as they arise.

We would therefore recommend the creation of a single economic regeneration reserve to set aside resources to fund projects as they come forward and setting aside in the Capital Programme a sum of £1.5m to progress with identified sites in this report, which will be reviewed as each acquisition progresses as not all costs will be classed as capital costs and need to be treated as revenue expenditure i.e. where there might be abortive costs if a project commences and as a result of due diligence it fails to materialise into an actual asset acquisition.

Economic Regeneration Reserve

The reserve itself is proposed to be created by combining the following items:

- Budget 2018-19 allocated £0.2m to Economic Regeneration
- Budget 2018-19 reported additional £0.07m additional (late notification) and unallocated Sparsity Grant
- Reallocation of resources not required for Torridge Pool Heating System of £0.13m. The original scheme proposed is no longer feasible due to changes in feed in tariffs and therefore we will instead need to install more conventional system.
- Spend to save reserve reallocation of £0.11m. This was established some years ago for projects that would generate revenue income, but not allocated to any particular scheme.
- Return of un-ringfenced grant from DCC of £0.05m

The above items, which amount to £0.56m would be vired into a single reserve and the final contribution from the Business Rate Pilot below could also be allocated to the reserve.

- Budget 2018-19 reported forecast £0.2m gains from TDCs participation in the Devon-wide Business Rate Pilot, which are now estimated to be £0.3m

Therefore currently there is an estimated £0.76m to £0.86m set aside in the reserve.

Capital Programme

The Capital Programme be increased by £1.5m as recommended by Community and Resources Committee on 23 April 2018. This would be part funded from the Economic Regeneration Reserve i.e. £0.76m and £0.74m from TDC capital resources (adjusted as necessary to reflect changes in resources from the business rate pilot)

3. IMPLICATIONS

Legal Implications

None for this report as any site coming forward will have separate legal implications. This report simply outlines the strategy and progress with existing projects.

Financial Implications

As highlighted throughout the report. Allocating £1.5m to the Capital programme, which will be partly funded by the sums achieved through TDC's inclusion in the Business Rates Pilot 2018-19 and those identified in the Economic Regeneration Reserve paragraph above.

Human Resources Implications

None for this report

Sustainability/Biodiversity Implications

None for this report

Equality/Diversity

This will be applied to any documents.

Risk Management

None for this report as each site will be individually assessed. The main risk is that the funding identified from business rate pilot will not be realised at the forecast level. However, this is mitigated as each site brought forward will be considered individually and any financial implications will be considered at that point.

Compliance with Policies and Strategies

Strategic Plan, Asset Management Plan, Income Generation Strategy and Corporate Risk Management.

Ward Member and Leader Member Views

Date of Consultation – Thursday 12th April – Programme Board

Cllrs Hurley, Morrish and Whittaker were supportive of this strategic approach

Councillor Laws – Lead Member for Internal Resources – Friday 13 April 2018

I recognise that there is a shortage of available and suitable commercial sites to meet the growth that we need in the District and view these as a good opportunity, which we should progress.

4. CONCLUSIONS

This area of activity represents clear and tangible opportunities to acquire prime quality sites meeting the Strategic and Core objectives of the Council's Strategic Plan. Prior to any acquisition reports will be brought to Members to consider and if minded approved before purchase.

However, making budgetary provision gives officers the opportunity to start the process, commence investigative works and negotiations. It also sends the message that the Council is committed and serious in making such acquisitions, which certainly help and aid the early stages of negotiation.

They would be in line with the policies and procedures that form part of the Medium Term Strategic aims of the Authority.

5. RECOMMENDATIONS

a.) Increase the Capital Programme by £1.5m to progress with the strategy.

b.) Approve the establishment and virements necessary to create the Economic Regeneration Reserve included in the report.

SUPPORTING INFORMATION

Consultations:	Date of Consultation - Throughout 2017 /18.
	Officers Consulted – S Hearse. J Wallace.
Contact Officer:	A Redwood
Background Papers:	None.

REPORT OF **Strategic Manager (Resources)**

To: **Full Council**

Subject: **Bridge Buildings – Progress Report**

Date: **14 May 2018** **Reference:**

PURPOSE OF REPORT: To report to Members on the progress of result of the Marketing of Bridge Buildings, Bideford and the proposed next stages.

1. INTRODUCTION

As part of the approved Transforming Torridge Project (TTP) the Council is restructuring its Office Accommodation to achieve greater efficiencies and better facilities for the reduced number of staff and better public access to services. This in summary includes:

- A New Customer Hub at RBH.
- New Offices at RBH.
- Relocation of the Server Suite to RBH.
- Use of the Town Hall as a Training and Meeting Location complete with Member Facilities and use with other Public Sector Bodies.
- Investment and Refurbishment in Facilities e.g. extra PV at RBH, new sound system etc.

The outcome of the rationalisation is that Bridge Buildings in terms of accommodation for our own staff will become surplus to requirements during the summer 2018.

A number of options have been considered for the future of the building by Committee and this report updates Members where we are with progressing that process.

2. REPORT

The provision of office accommodation has been a matter under consideration for a number of years with many councils' implementing programmes of office rationalisation as a means of delivering ongoing revenue savings. It can be a hugely contentious change programme to manage and implement on a number of fronts:

- Customer expectations
- Staff changes
- Public perception - spending scarce resources on Council buildings
- Historic, prominent and occasionally iconic buildings becoming redundant

A Brief History and timeline – Bridge Buildings

The building itself has been used by TDC as staff offices and reception since its purchase in 1974 and the Town Hall has been employed as a secondary building in terms of offices, reception and meeting facilities. Significant modernisation was required to make the building suitable for staff office accommodation in the 1990s and in 1997 £550,000 was invested in the building to make it fit for purpose and DDA compliant etc

(the detail of the works were reported to Full Council in December 2017 Subsequently the property had major Internal and external Planned Maintenance in 2012.

- ***June 2013 (Community & Resources Committee)*** - considered a report in relation to the short, medium and long term options for office accommodation, which set out a number of principles that were a must to be achieved:
    - Operating costs to be reduced or remain the same
    - Long term sustainability
    - Flexibility
    - An improvement in Office performance (staff per NIA)
    - A reduction in Office Space
    - Improved Service Delivery/efficiencies
    - Reduced or Low carbon emissions

  It should be noted that at the time of this report TDC was in the process of trial arrangements for joint / shared working with North Devon Council and some of the longer term options took account of this potential for future working. The Committee approved the proposals, subject to satisfactory business cases being produced.

There was then an intervening period of delay where TDC investigated alternative options for shared / joint working, which would have changed the requirements for office accommodation.

- ***October 2014 (Full Council) –*** considered a report setting out the options for delivery of services by TDC, which eventually set the course and paved the way for our current Transforming Torridge Programme (TTP).

  The report contained and proposed the high level costs and savings attributable to the TTP including the accommodation strand, which was approved.

- ***January 2015 (Full Council) –*** considered a report, which was requested by Members to set out the full details and extent of the TTP with project initiation documents (PiDs) / business cases for each of the strands. The key points for noting in relation to office accommodation and Bridge Buildings were:

    - Independently assessed sale value (commercial / office space) of £330,000.
    - Independently assessed as a nil value residential conversion opportunity due to the conversion costs and rental income not providing a return for at least 25 years, which would make it unattractive to a potential purchase unless the market changes in the future.
    - Considered in-house that £500,000 could be achieved in the right market
    - Rental proposition of c.£65,000 per annum, but would require investment up front and ongoing revenue running costs
    - From any sale proceeds the cost of relocating and modernising the IT suite estimated at the time at £250,000 would need to be funded.
    - The remaining sale proceeds and capitalised savings from the disposal of Bridge Buildings would be available to spend on necessary alterations to Riverbank House

Members approved the TTP and the associated "strands / themes" that make up the / transformation programme, which included marketing Bridge Buildings for sale or rent.

- ***June 2015 (Full Council) –*** the new Council considered a position statement and presentation on the overall TTP, which included the responses and updating of project documents recommended by the Local Government Association (LGA) and Local Partnerships (LP) engaged early in 2015 / late 2014 to evaluate the feasibility and potential achievement of the programme. This included establishing Critical Success Factors (CSFs) for each of the project strands. The CSF for the Accommodation Project Strand is attached as Appendix 1 and the goals approved as part of the report were:
    - To provide a single, improved customer one-stop-shop for the Council
    - To reduce the day to day running costs of council staff accommodation
    - To reduce inefficient movement of staff between buildings, thereby improving management
    - To release inefficient capital assets ie Bridge Buildings

- ***July 2015 (Internal Overview and Scrutiny) –*** establishment of an Income Generation Working Group to consider and evaluate opportunities for generating additional income.

- ***January 2016 (Internal Overview and Scrutiny) –*** the income generation working group to look into options and future use of Bridge Buildings and was added to their work programme.

- ***March – May 2016 (Internal Overview and Scrutiny) -*** *received regular updates from the Income Generation Working Group that had met on a number of occasions. The working group had:*
    - Received, discussed and considered an options report for Bridge Buildings
    - Requested officers obtain full independent market assessment reports for options of future use
    - Toured the site to consider how the options presented themselves
    - Prepared a final report for the Committee in August 2016

- ***August 2016 (Internal Overview and Scrutiny)*** – considered a report following an exercise to engage independent assessment and evaluations on options for the future use of Bridge Buildings. One independent valuation report and three market reports (different sectors) were commissioned to generate an overall Market Viewpoint to enable and inform Members options for the site. The key points derived were:
    - Freehold value of site was £300,000 to £400,000 for all uses
    - Limited town centre market for offices or office rentals
    - High conversion costs for all uses due to layout, ground floor issues and listing
    - Apartments would not generate a high return and are competing with better properties in the local area e.g. seaside. This would effect end rental and sale values and interest.
    - Most development options appear unviable or high risk to investor.

- Owner occupier / full leaseholder likely to be best use.
- Likely to be 12 – 18 month sale period
- Dispose by expression of interest and assess bids

Members of the Committee recommended to Community and Resources Committee that the Council market the site for a freehold or leasehold disposal at the earliest opportunity in order to move this forward with no obligation by the Council to accept any offer.

- ***August 2016 (Community and Resources) –*** considered the report and recommendations from Internal Overview and Scrutiny Committee.

  Members resolved that the Council market the site for a freehold or leasehold disposal at the earliest opportunity in order to move this forward, with any offers to be considered by Full Council in due course, be agreed.

  There then followed a second intervening period of delay in the Accommodation Project, which was due to the a second tendering exercise recommended by Full Council for the external building adjacent to Riverbank House now called "Riverside". The delay caused uncertainty with the timing of the project and the point at which staff could be relocated from Bridge Buildings, which meant that marketing the site for sale at that point would be a wasted exercise and was therefore delayed until phase 1 of the project "Riverside" was back underway.

- ***December 2017 (Full Council) –*** considered a report setting out the outcome of the exercise to market Bridge Buildings. The report evaluated the offer for the outright (conditional) purchase of Bridge Buildings offered at £515,000 and alternative options, which consisted of:
  - Resume / continue to market for sale or lease
  - Develop property ourselves ***(this had previously been considered and independently assessed during the 2016 exercise and rejected)***
  - Leave building as is i.e. partly occupied and stop further development at Riverbank House
  - Leave empty / mothball
  - Develop in partnership with a Housing Provider
  - Convert and develop as homeless accommodation

  The report recommended discounting the six options above in favour of disposal. The reason being it presented an opportunity to enable the property to be developed, generating a higher cash receipt than had been anticipated and disposed of an asset surplus to TDCs operating needs.

  Members rejected the recommendation and tasked officers with looking further into options to develop Bridge Buildings internally.

Members will note that there have been considerable and varied discussions on what to do with the building, which is understandable given its town centre position and historic background. However, as officers work our way through the various decisions costs are being incurred as the options to be considered often require the support of external organisations and thus far we have incurred the following:

- Market options reports 2016 – £1,500 (James Doble, Brights and Cowlings)
- Valuation report(s) – £2,000 (Underwood Wright and VOA)

- Marketing exercise 2017 – £2,575 (Webbers)
- Drawings, design, site survey & cost evaluation – £4,575
- Future options – e.g. housing use – £1,950
- Staff time not shown

To date £12,600 has been incurred exploring and investigating the recommendations approved by Committee(s) and Full Council with as yet no conclusive way forward. Options for the future ownership and management of Bridge Buildings will undoubtedly require further investment to evaluate not withstanding any construction and redevelopment costs. Therefore it is considered at this "gateway" point Full Council consider how to progress.

In addition to those costs already incurred it is estimated (reported to Full Council – December 2017) that the annual costs of the building once it is fully unoccupied are £17,465. However, clearly this figure will rise over time should the property remain empty and ad-hoc items such as repairs will also arise.

The current plan is that staff will relocate and vacant Bridge Buildings in August 2018, at which point we will be incurring costs on an empty building. At this late stage that is inevitable as taking any project or proposal forward will not be concluded in such a short period of time.

Progress on Alternate Options

The next part of the report outlines current progress, costs and options for furthering that work into a project if Members are minded to continue.

Following instruction from Full Council officers have produced some draft designs for how the property could be laid out. Whilst drawing and designs give a good impression of how the property could be converted they do not provide a true reflection of the complexities involved in redeveloping a building structured in the way Bridge Buildings currently is.

As part of our consideration for the alternative uses for the premises we have taken into account the following:

1. Feedback obtained from the original speculative developers who expressed an interest and submitted offers for the premises in 2017.
2. Current feedback from local agents on the market for commercial and residential accommodation.
3. An assessment of the existing building structure and form in terms of adaptability and design constraints for the possible alternative uses.

Sketch scheme layouts were developed for a mixed use scheme of commercial, office and residential accommodation in line with the general principles proposed by the majority of the speculative developers. This option has subsequently been abandoned because of the physical limitations of the building footprint and lack of perceived demand in the current market.

Access to the upper floors is achieved through the centre of the building meaning that any commercial space on the ground floor would be dissected by the access stair and lift core serving the upper level accommodation. Splitting the commercial space across two footprints to the front and rear of the premises was not only difficulty to achieve within the physical constraints of the building footprint, but operationally from a business perspective.

The potential for a self contained office suite independently accessed via the current entrance from Allhalland Street did provide a layout that was practically achievable without compromising the other parts of the premises, but the current demand and rental levels for the type of space that would be achieved were limited and therefore discounted.

All of the options are influenced by the lack of car parking available for the premises. The building footprint occupies the full site with no opportunity for any feasible adaptation for under-croft parking.

We have therefore concentrated our efforts on the potential for the conversion of the entire building into residential units. The feedback obtained from local agents has helped to influence the type and mix of accommodation offering comprising the following:

Unit No.	**Location**	**Unit Type**	**Area (m^2)**	**OMV (£)**	**Rental Value (£/month)**
1	G F Front	2 Bed Apartment	97	160,000	550
2	G F Rear	1 Bed Accessible Unit	84	100,000	425
3	1st Floor Front	2 Bed Apartment	95	165,000	550
4	1st Floor Rear	2 Bed Apartment	108	150,000	550
5	2nd Floor Rear	2 Bed Apartment	109	150,000	550
6	3rd Floor Suite	3 Bed En-suite Apartment	162	190,000	725
	Totals			**915,000**	**3,350**
Note: the above figures are based on current values at April 2018 and these will be subject to changing market conditions.					

Further considerations

The current heating system is at the end of the economical life and prone to regular breakdown and repairs. The current reports indicate that the system is unable to service the full heating load for the premises and is unlikely to remain serviceable for another winter.

The property is Listed Grade II and the current proposals have therefore been developed to retain the external façade and elevations as existing. The only alterations proposed comprise the internal works necessary to form the individual units of accommodation and the following works of compliance.

a. Thermal upgrade to walls
b. Secondary double glazing
c. Acoustic upgrade to floors
d. Fire compartmentalisation
e. Individual heating systems
f. Individual electrical systems
g. Individual access control systems
h. Safety & security systems

The mezzanine floor previously installed between the first & second floor has also been removed to enable the windows to the first floor to be operational to the front elevation for natural ventilation of the unit affected.

The existing mechanical ventilation system will be removed and the lift will require a complete overhaul and upgrade to current requirements for residential use.

Alterations to form a shared refuse and recycling store and dedicated meter room have been included within the ground floor layout.
At this stage there is no intention to utilise the basement area, it has limited headroom and as it is within Flood Zone 3, cannot be used for residential accommodation.

No parking provision has been allocated on the basis that a previous joint development brief for the area stated that any residential development should not have a detrimental effect on parking numbers within the Bridge Street car park. The addition of a permitted parking space would achieve an increase in rental value of approximately £20 per month. The current income to TDC per parking space in this popular location is currently circa £190 per month making a permit scheme an expensive option.

Development Costs

Taking all of the above into consideration and having assessed the extent of work required to construct the individual apartment units we have calculated the overall development cost to be in the region of £710,000. In addition to this there is estimated to be professional fees including consents and surveys amounting to £107,000 bringing the total estimated development costs to £817,000. These figures are exclusive of VAT, which is normal practice for Local Authorities, however, due to the nature of what is being developed and might be proposed we are seeking some advice for the treatment of VAT as it amounts to £163,000.

Management Costs

We have not deducted any charges for the ongoing management of the individual units, the fees for which would obviously be deducted from the rental income levels achieved.

Qualifications & Exclusions

In preparing these costs and values we have made the following assumptions:

- We have not included for any asbestos removal works or for any unexpected asbestos material to be identified.
- No allowance has been included for any works to the main roofs on the basis that they remain in good condition following the previous refurbishment.
- Planning & Listed Building Consent will be achieved.
- No works have been included for any substantial repairs to the exterior of the building or stonework remedial works.
- Existing common parts will be retained in their current form and condition with only minor cosmetic improvements.
- Building Regulation completion can be achieved without excessive fire precautions, compartmentalisation and means of escape provisions.
- The existing sliding sash windows can be refurbished to achieve the natural ventilation requirements for the premises.

- The structural alterations required to open up parts of the premises for circulation purposes can be achieved without significant strengthening works.
- The existing local gas, water and electricity supply networks can be utilised without the need for any infrastructure upgrade.
- The existing foul drainage systems within the basement and inner courtyard / well area can be utilised and have sufficient capacity for the premises proposed.
- The construction costs have been prepared on the basis of a single stage competitively tendered contract let as one package for the entire project.
- The costs have been prepared on the basis of current tender price indices and no allowance has been made for any projected increase in costs associated with any delay in progressing the scheme beyond 2018.
- All costs exclude VAT at the current rate.

Summary

The design clearly offers the possibility of a mixed sized and style development

Estimated Costs

- Development costs - £817,000
- Management costs – £2,870
- Maintenance costs e.g servicing - £7,930 (service charge?)
- Repairs & cyclical maintenance - £5,000

Estimated Income

- Rent - £40,200 per annum (gross)*
- Council Tax - £740 per annum ** & ***
- New Homes Bonus - £27,000 (4 years) **

* *No assumption built in for bad debts*
** *Based on assumption that would be 1 band A, 4 band B's and 1 band C for Council Tax purposes.*
*** *Assumes paying full Council Tax not in receipts of Council Tax Support*

Simple return on investment calculation

Capital employed £817,000 less £27,000 NHB receipt = £790,000
divided by
Annual net income (£40,940 - £15,800) - £25,140
equals
Would take 31.4 years to recover our investment or 3.18% per year return

Future Management Considerations

TDC transferred our council housing stock to Tarka Homes (now Westward Housing Group) in 2006-07 and therefore currently has no residential housing stock. The ownership of residential housing by Council's with no Housing Revenue Account is beset with legislative complexities, which TDC need to consider and take account of before potentially embarking on such a journey.

One of the key aspirations highlighted at the Full Council in December 2017 was for the retention of ownership of Bridge Buildings. However, this aim is not as straightforward as it might first appear, which is entirely down to various Housing and Financial legislation.

There are three options to consider and specialist advice has been sought to develop the options.

Direct Management

It is clear that this would be most desirable option in order that TDC retain legal ownership and control of Bridge Buildings in order to attain sole beneficiary of any income and or capital appreciation of the asset.

There are powers in place (Housing Act 1985), which on the face of it allow this. However, the key constraint here is that the tenants would benefit from the provisions of the "Right to Buy" legislation, which would enable the tenants to acquire from the Council the leasehold.

Therefore this option should be discounted on both value for money and ownership retention grounds.

Local Housing Company

Local Housing Companies have evolved as delivery mechanisms for Council's to deliver a variety of housing priorities e.g. social, affordable, private rent, development and sale. There are various pieces of legislation that permits this course of action (Local Government Act 2003, Localism Act 2011).

By nature they are "companies" and therefore governed by different legislation, which sits outside the Local Authority Housing and Finance System and not subject to the Housing Act. This means that this would overcome the issue of "Right to Buy".

However, that doesn't make a simple solution by any means due to the considerable resources, time and cost that would be required to establish and set up a company. With the question being would it be practical and value for money to do so for the management of 6 units?

It is estimated that would involve tens of thousands of pounds in attaining the necessary Legal (company structure and governance) and Financial (tax, VAT, financing) expert advice as part of the set up. This would be external consultancy as TDC does not have the necessary expertise internally.

We consider that could take as much as 18 months to establish and gain all the necessary consents and approvals both internally and externally before the company were able to operate.

Members should also note that the whilst the Housing Company could be owned by the Council it does so under completely different terms, which mean that direct control of its operations are lost. In addition to that is would be acting on a commercial basis i.e. to generate profit.

There is a recommended staged process for this as shown below:

Step 1 – Outline business case – this involves exploring and recommending strategic purposes, scale of ambition, type of vehicle, basic principles of

ownership, governance, scope and timescale. This is followed by securing political approval to progress the project.

Step 2 – Detailed business case – including the following. This is also followed by securing political approval to progress the project.:

2(a) Identify sites / potential acquisitions
2(b) Research rental / sale values, build costs, acquisition costs, management and maintenance costs
2(c) Explore financial resourcing including debt, equity and grant/subsidy
2(d) Build business model using cost/value assumptions, test out commercial viability (profitability)
2(e) Sensitivity testing to consider risk of variability in key assumptions (e.g. inflation)
2(f) Evaluate and recommend a suitable corporate legal form
2(g) Evaluate and recommend a suitable governance structure

Step 3 –Establishing the company – including the following:

3(a) Memorandum and Articles of Association and Shareholding Agreement
3(b) Appoint Directors
3(c) Register Company
3(d) Apply for a company bank account
3(e) Appoint company auditors, solicitors, valuers, etc. as needed
3(f) Set up financial systems

Step 4 – Securing finance – including the following:

4(a) Loan facility agreement agreed between Company and lender (Council or external lender) and ensure State Aid compliance
4(b) Equity input agreed by the Council
4(c) Provide business modelling, viability appraisal, other due diligence needed before drawdown of funds can be approved
4(d) Funds drawn down as and when required to commence acquisitions, development expenditure

Step 5 – Agreeing Company policies and procedures

Step 6 – Commencing trading operations

When looking at the process TDC clearly has yet to address step 1, although in terms of step 2 this report and previous independent advice asserts that the business case for progressing with the development is not valid.

Therefore at this stage this option should be discounted on value for money grounds.

Partnership / Joint Venture

The final option to consider is whether to enter into a partnership arrangement possibly with an organisation with existing residential housing, e.g. a Registered Provider. Clearly the benefits here are in the fact that they would already have the necessary skills, expertise, systems and processes to manage housing stock.

There are positive things to consider such as cost and risk sharing, but also negatives such as sharing any benefits attributable and possibly ownership as arguably if an

organisation were to commit to large investment project they would certainly want an asset on the balance sheet.

Officers have made tentative enquiries (limited) in this area, but have been unable to generate any enthusiasm for such a venture.

Therefore at this stage this option should be discounted on the grounds of lack of interest and ownership.

3. IMPLICATIONS

Legal Implications

Legal implication and resources required will be dependant on the route Members consider and approve to follow and would require additional consideration at that point.

Financial Implications

The original business case highlighted that the forecast savings generated by the release of this building was around £141k in accommodation savings, although this was based on an option to lease / rent the property to the market. However, it was emphasised at that time should the rent option be not available and disposal possible then a capital receipt would be generated in its place.

The high level business case indicates that there would be a considerable time lapse in the Council getting a return on its investment.

Human Resources Implications

Up until this point the work involved has been largely contained within the team and only specific external pieces of work have been commissioned externally. However, depending on how Members wish to proceed with the project will determine whether additional resources are required, or not.

Sustainability/Biodiversity Implications

These would be dealt with within the proposals

Equality/Diversity

Ditto

Risk Management

Clearly there are numerous major risks including non-disposal, wrong decisions, delays, public perception and not achieving our financial targets. The Council also has the situation that we are making a decision on the current situation and the most likely future and matters can change very rapidly. However, a no decision and “wait and see” rarely resolves matters satisfactorily. In addition the advice is that we should be using our funds on schemes where there is a clear business case and low to medium risk. High risk projects are not excluded but need to be more closely considered as often they can produce higher returns, but the sensitivity and extent of risk needs to be clearly understood.

Additional work would be required to understand risk depending on which route Members approve.

Compliance with Policies and Strategies

Asset Management Plan. And Income Generation Strategy both point towards a business minded approach and in particular a) Office Rationalisation to improve operational efficiency, occupancy rates, quality, customer offer and reduce required maintenance b) reduction in Co2 and energy use and c) best use of TDC funds/estate to achieve a commercial return i.e. changing shape of estate to achieve the Councils aims, such as employment and business growth.

TTP as agreed.

Ward Member and Leader Member Views

Date of Consultation – 3 May 2018

Cllr Laws – Lead Member for Internal Resources.

The future use of Bridge Buildings has been the subject of many a debate amongst Members ever since the Council took the decision to relocate the majority of its staff and services to the Riverbank Site. It is an emotive subject and Bridge Buildings is somewhat of an iconic building in the Town Centre. However, the decision to relocate was taken in a business sense to dispose of by way of rent or sale an uneconomic asset and take the opportunity to seize the benefits that releasing the building might generate.

This report illustrates that Council have reached a variety of opposing suggestions over time, taken external independent advice (at a cost) and still struggle to reach a conclusion.

It is clear the options of how to manage it after development (if it were to be developed) are equally as challenging and to manage a small number of units not cost effective either.

The building will be empty very soon and vacant buildings as you know deteriorate far quicker than those occupied, which means the Council will be losing more money.

We had on the table an offer to purchase Bridge Buildings for £515,000 and whilst this was subject to contract and conditional upon gaining planning consent I believe was the best in commercial terms and we should endeavour to try and dispose of the property again.

Ward Member(s) – the report and business case has been produced on the instruction of Full Council due to its strategic and corporate importance to TDC therefore ward member comments have not been sought.

4. CONCLUSIONS

This has been discussed at length with the Income Generation Task and Finish Group and Community and Resources Committee, Internal Overview and Scrutiny Committee and Full Council on a number of occasions over the course of almost five years without achieving a conclusive plan and way forward.

The high level business case outlined in the report suggests that the redevelopment internally does not present the best value for money in commercial terms. The purpose of the residential units post development and how to manage them have not been articulated by Members. However, whilst retention has been explicitly cited the establishment of a Housing Company would appear not to be value for money simply to manage 6 residential units.

The recent marketing exercise provided an actual test of the market and presented the Council with an offer but clearly subject to planning etc due to the risks involved. This offer has now been withdrawn and hence the marketing exercise would have to be restarted and may not achieve the same results. The previous applicant would be contacted and any offers resubmitted to Members for consideration.

5. RECOMMENDATIONS

- That Full Council consider the report and determine the next steps.

SUPPORTING INFORMATION

Consultations: Date of Consultation – 3 May 2018
Officers Consulted – S Dorey J Wallace, S Hearse, A Waite

Contact Officers: Steve Hearse / Adrian Redwood

Background Papers:

Accommodation Project

Critical Success Factors

MISSION:

To provide modern, good quality services accessible to all, at a single point of contact

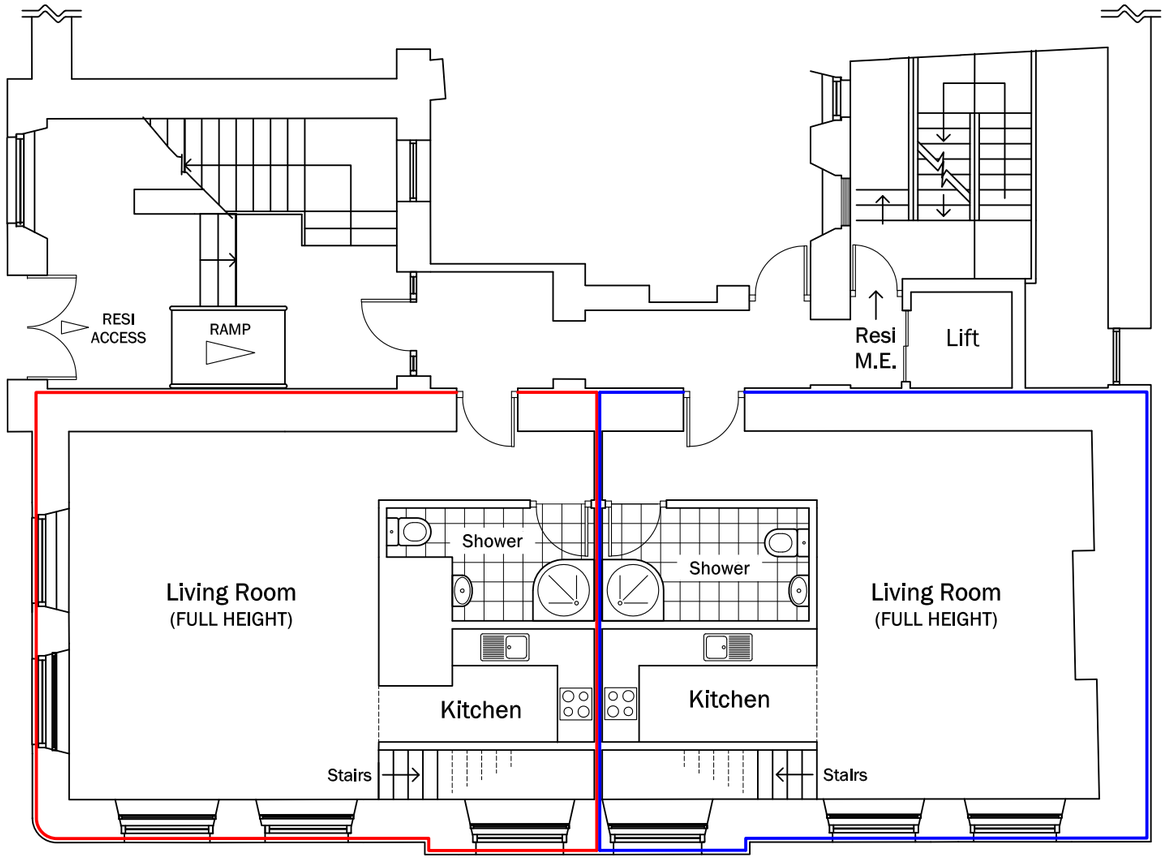
CRITICAL SUCCESS FACTORS:

1. Relocate the ICT server hub to Riverbank House
2. Put in place front funding for the project
3. Provide sufficient staff accommodation at Riverbank House and vacate Bridge Buildings
4. Increase parking provision at Riverbank
5. Understand customer needs

GOALS:

1. To provide a single, improved customer one-stop-shop for the Council
2. To reduce the day to day running costs of council staff accommodation
3. To reduce inefficient movement of staff between buildings, thereby improving management
4. To release inefficient capital assets ie Bridge Buildings

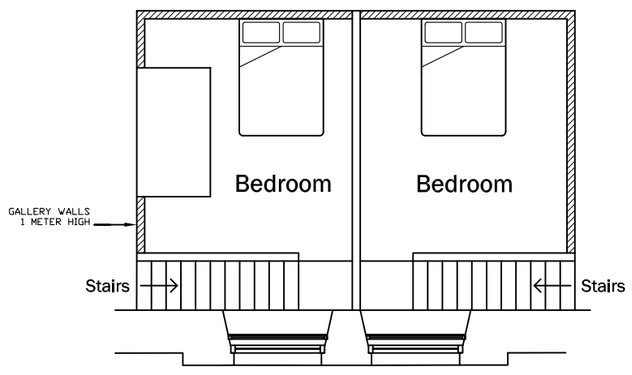
BRIDGE STREET



STUDIO APARTMENT 1
49.4 m² INTERNAL FLOOR AREA
10.9 m² BEDROOM

BED OVER 3.5m | BED OVER 3.5m

STUDIO APARTMENT 2
47.5 m² INTERNAL FLOOR AREA
11 m² BEDROOM



THE QUAY

0 1 2 3 4m

REVISIONS

Written dimensions are to be verified on site. Drawings must not be scaled. Dimensional or other discrepancies must be notified to the Contract Administrator immediately

TORRIDGE DISTRICT COUNCIL

KEY

BOUNDARY FOR APARTMENT 1

BOUNDARY FOR APARTMENT 2

NOTES

REVISIONS		DATE
A		29/04/18

TITLE: BRIDGE BUILDINGS FOR TORRIDGE DISTRICT COUNCIL

DESCRIPTION: GROUND FLOOR PLAN STUDIO APARTMENT OPTION

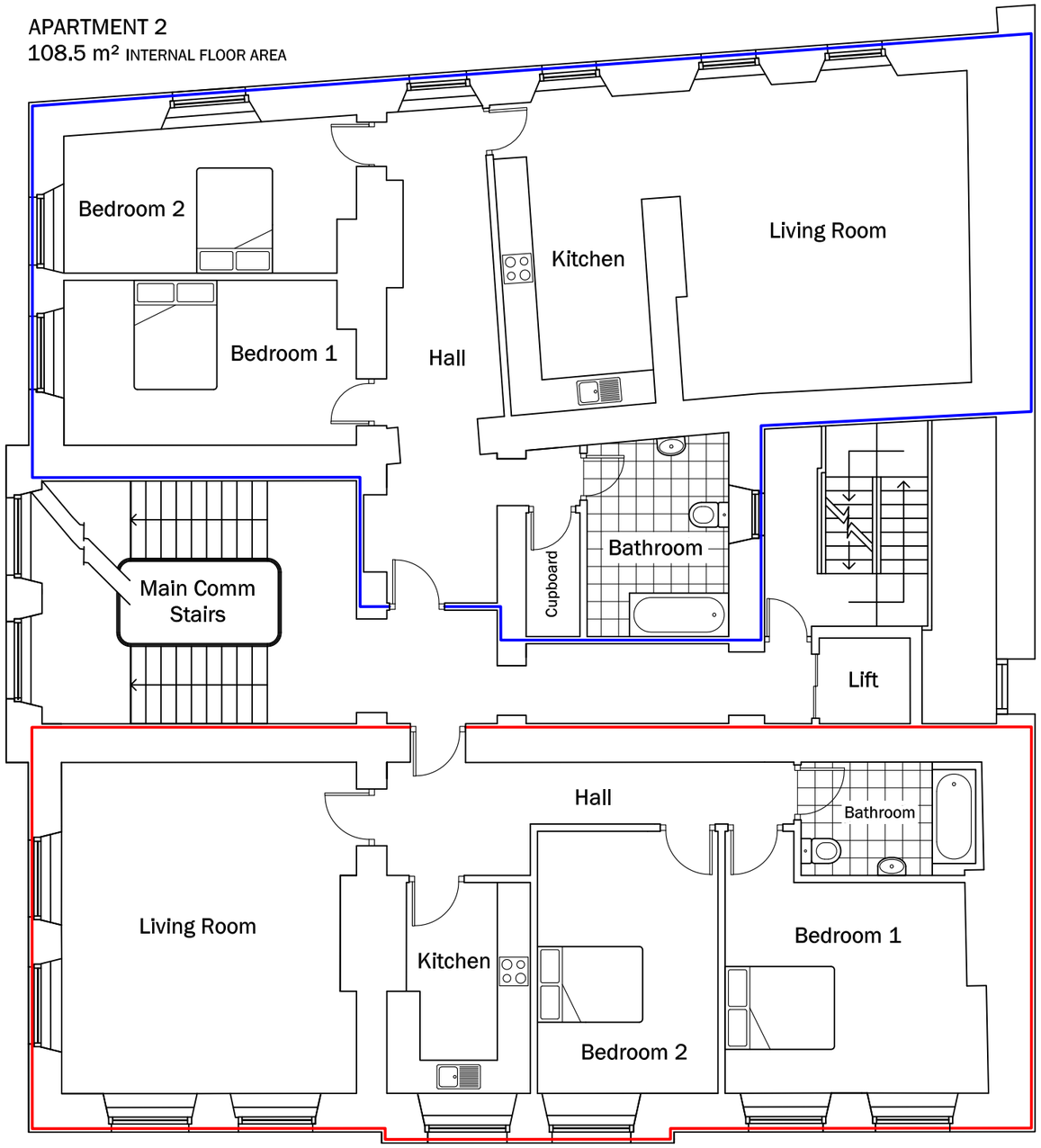
DRAWN	SCALE
DB	1:100 @ A3
CHECKED	DATE
	29/04/2018

HILLS
ADDING VALUE TO CONSTRUCTION

DRAWING No:	REV:
7318-006	A

BRIDGE STREET

APARTMENT 2
108.5 m² INTERNAL FLOOR AREA



APARTMENT 3
95.5 m² INTERNAL FLOOR AREA

THE QUAY

0 1 2 3 4m

REVISIONS

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TORRIDGE DISTRICT COUNCIL

KEY

BOUNDARY FOR APARTMENT 2

BOUNDARY FOR APARTMENT 3

NOTES

REVISIONS		DATE
A		29/04/18

TITLE: BRIDGE BUILDINGS FOR TORRIDGE DISTRICT COUNCIL

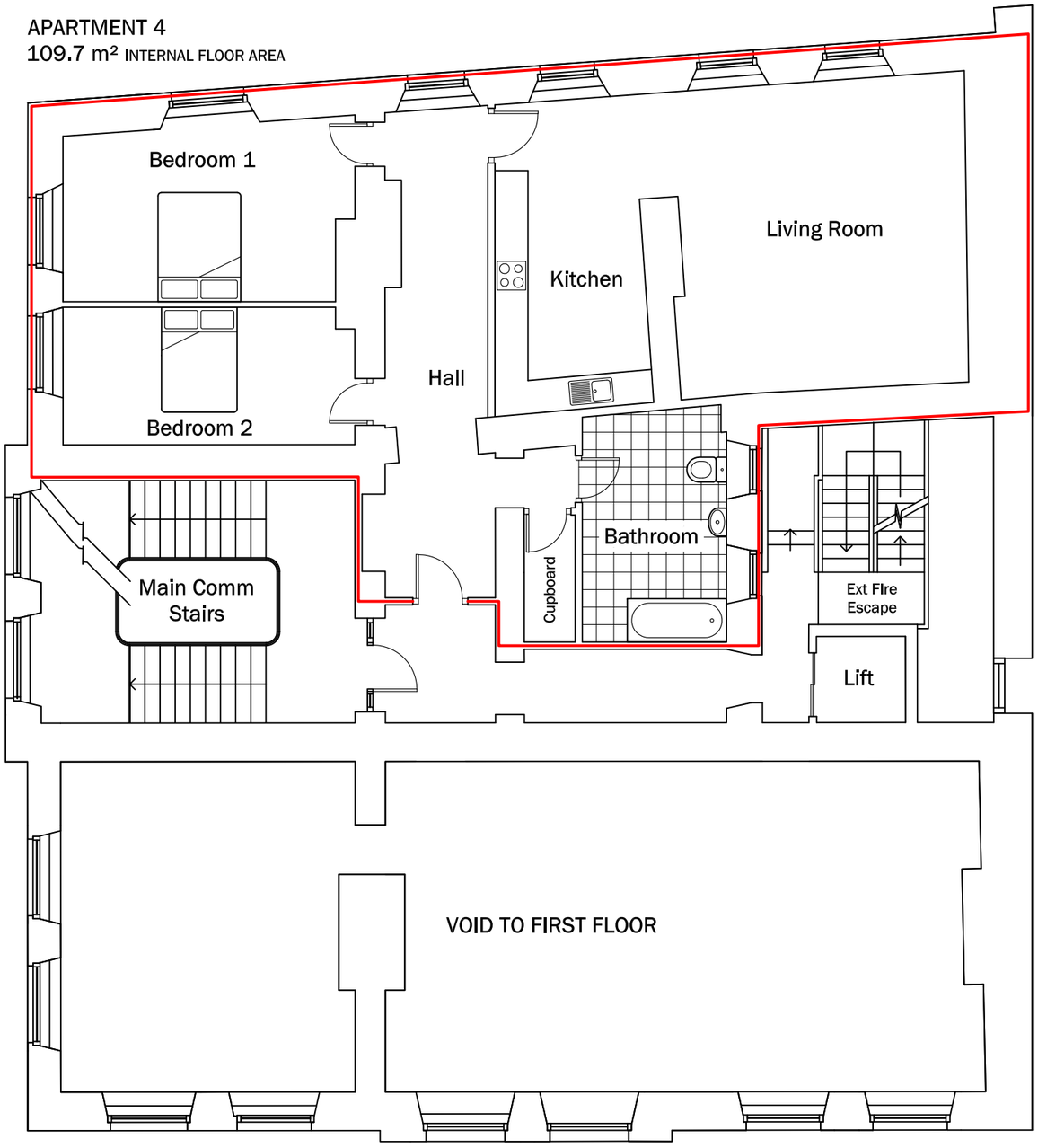
DESCRIPTION: FIRST FLOOR PLAN PROPOSED

DRAWN	SCALE
DB	1:100 @ A3
CHECKED	DATE
	18/04/2018

HILLS
ADDING VALUE TO CONSTRUCTION

DRAWING No:	REV:
7318-003	A

APARTMENT 4
109.7 m² INTERNAL FLOOR AREA



BRIDGE STREET

THE QUAY

0 1 2 3 4m

REVISIONS
Written dimensions are to be verified on site. Drawings must not be scaled. Dimensional or other discrepancies must be notified to the Contract Administrator immediately

TORRIDGE DISTRICT COUNCIL

KEY
BOUNDARY FOR APARTMENT 4

NOTES

REVISIONS		DATE
A		29/04/18

TITLE: BRIDGE BUILDINGS FOR TORRIDGE DISTRICT COUNCIL

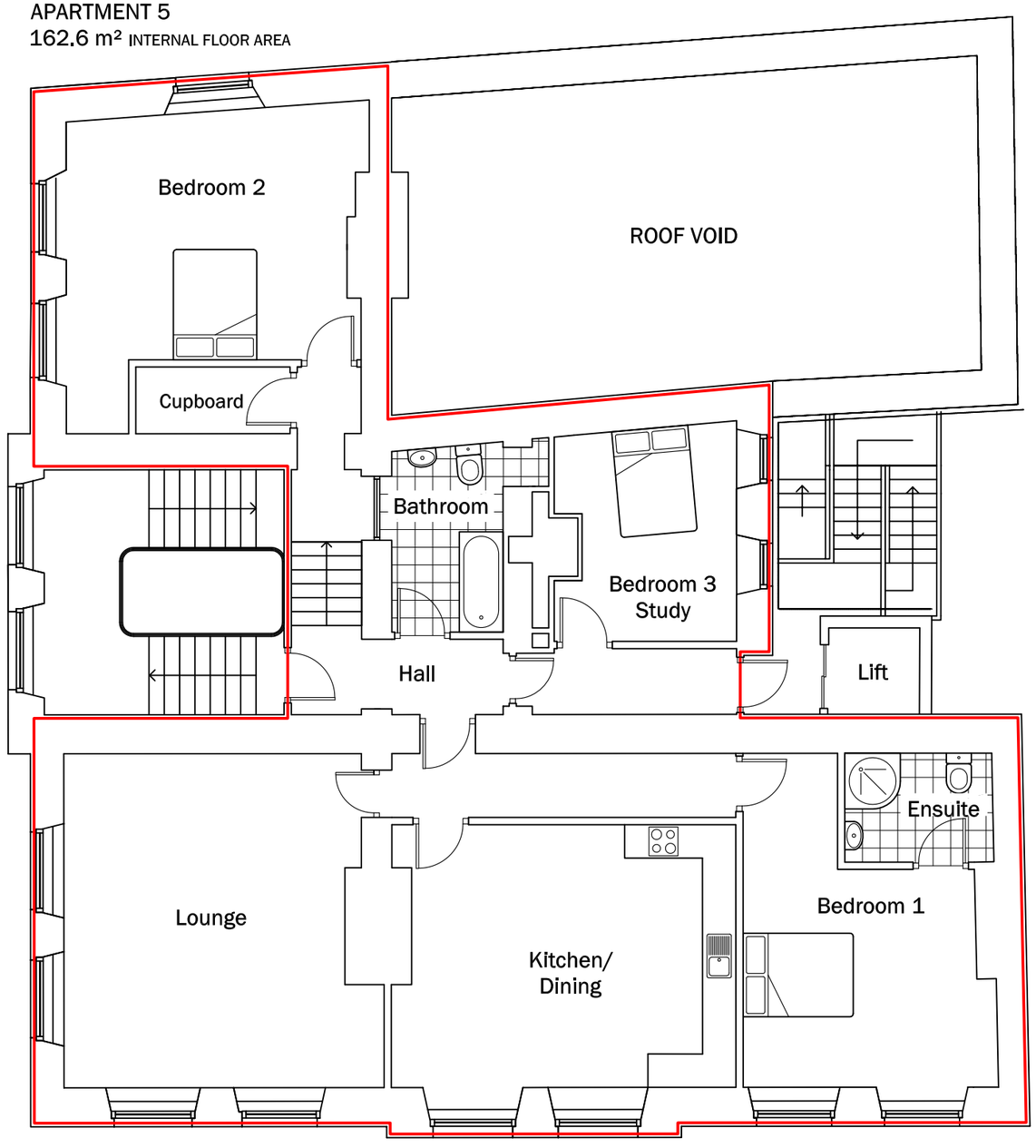
DESCRIPTION: SECOND FLOOR PLAN PROPOSED

DRAWN	SCALE
DB	1:100 @ A3
CHECKED	DATE
	29/04/2018

HILLS
ADDING VALUE TO CONSTRUCTION

DRAWING No:	REV:
7318-004	A

APARTMENT 5
162.6 m² INTERNAL FLOOR AREA



BRIDGE STREET

THE QUAY

0 1 2 3 4m

REVISIONS
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TORRIDGE DISTRICT COUNCIL

KEY
BOUNDARY FOR APARTMENT 5

NOTES

REVISIONS		DATE
A		29/04/18

TITLE: BRIDGE BUILDINGS FOR TORRIDGE DISTRICT COUNCIL

DESCRIPTION: THIRD FLOOR PLAN PROPOSED

DRAWN	DB	SCALE	1:100 @ A3
CHECKED		DATE	29/04/2018

HILLS
ADDING VALUE TO CONSTRUCTION

DRAWING No:	7318-005	REV:	A

BRIDGE STREET

ACCESSIBLE UNIT
84.2 m² INTERNAL FLOOR AREA

0 1 2 3 4m

REVISIONS

Written dimensions are to be verified on site. Drawings must not be scaled. Dimensional or other discrepancies must be notified to the Contract Administrator immediately

TORRIDGE DISTRICT COUNCIL

KEY

BOUNDARY FOR ACCESSIBLE UNIT

NOTES

REVISIONS		DATE
A		29/04/18
B		30/04/18

TITLE: BRIDGE BUILDINGS FOR TORRIDGE DISTRICT COUNCIL

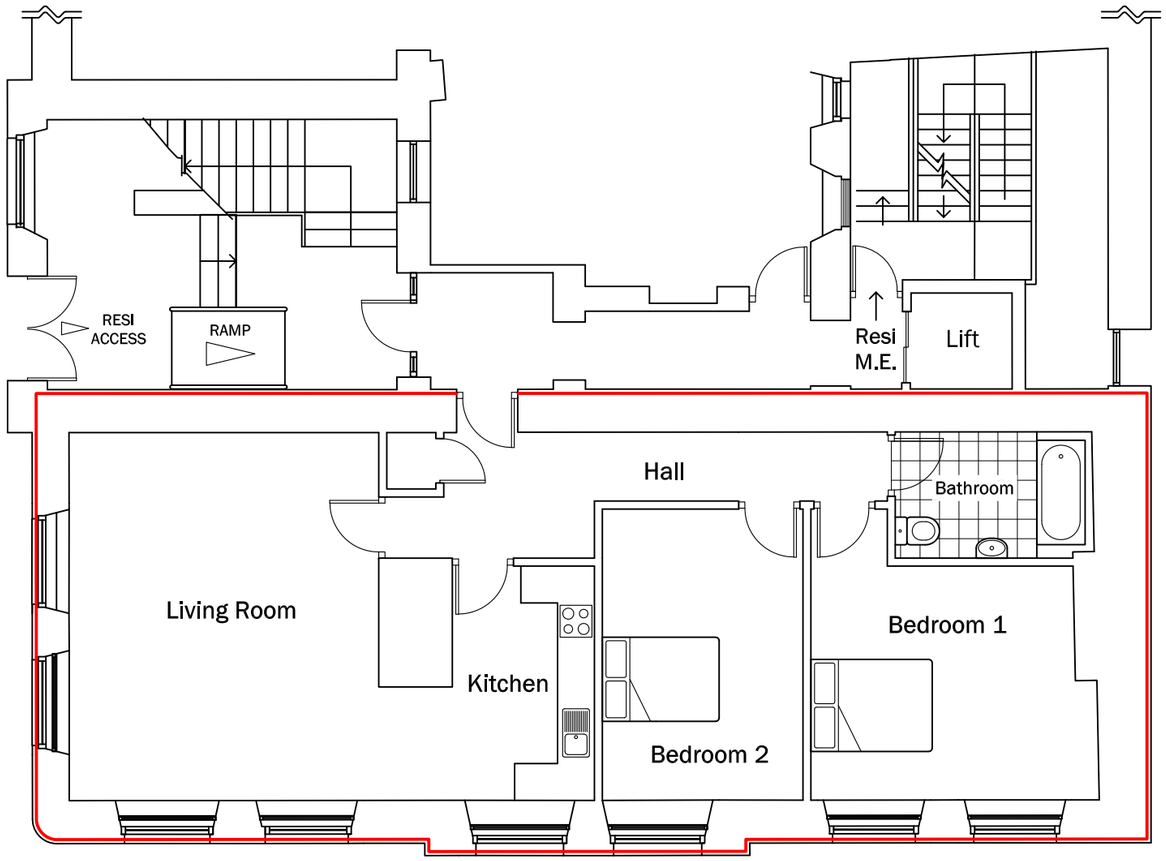
DESCRIPTION: GROUND FLOOR PLAN ACCESSIBLE UNIT

DRAWN	DB	SCALE	1:100 @ A3
CHECKED		DATE	30/04/2018

HILLS
ADDING VALUE TO CONSTRUCTION

DRAWING No:	7318-002	REV:	B

BRIDGE STREET



APARTMENT 1
97.7 m² INTERNAL FLOOR AREA

THE QUAY

0 1 2 3 4m

REVISIONS

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TORRIDGE DISTRICT COUNCIL

KEY

BOUNDARY FOR APARTMENT 1

NOTES

REVISIONS		DATE
A		29/04/18

TITLE: BRIDGE BUILDINGS FOR TORRIDGE DISTRICT COUNCIL

DESCRIPTION: GROUND FLOOR PLAN STANDARD APARTMENT OPTION

DRAWN	SCALE
DB	1:100 @ A3
CHECKED	DATE
	29/04/2018

HILLS
ADDING VALUE TO CONSTRUCTION

DRAWING No:	REV:
7318-001	A