

West Devon Hub Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 2nd November, 2021								
Time:	2.00 pm								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Jory</p> <p style="text-align: center;">Vice Chairman Cllr Cheadle</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Edmonds</td> <td style="width: 33%;">Cllr Crozier</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Daniel</td> </tr> <tr> <td>Cllr Leech</td> <td>Cllr Ratcliffe</td> </tr> <tr> <td>Cllr Pearce</td> <td></td> </tr> </table>	Cllr Edmonds	Cllr Crozier	Cllr Mott	Cllr Daniel	Cllr Leech	Cllr Ratcliffe	Cllr Pearce	
Cllr Edmonds	Cllr Crozier								
Cllr Mott	Cllr Daniel								
Cllr Leech	Cllr Ratcliffe								
Cllr Pearce									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Democratic.Services@swdevon.gov.uk								

1. Apologies for absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any)

4. Confirmation of Minutes

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Minutes of meeting held 21 September 2021

5. Public questions - a period of up to 15 minutes is available to deal with issues raised by the public

6. Hub Committee Forward Plan

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7. Planning Improvement Plan - Phase 2 Resources

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8. Tenancy Strategy Review 2021

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9. Fusion Lifestyle -Leisure Contract Support Update

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10. Public Space Protection Order - Alcohol and Anti-Social Behaviour

To follow

11. Write-Off Report for Quarter 1 and 2

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12. Reports of Other Bodies:

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**(a) Overview and Scrutiny Committee Meeting – 5
October 2021**

Agenda Item 4

At a Meeting of the **HUB COMMITTEE** held in the **Council Chamber, Kilworthy Park, Tavistock** on **TUESDAY** the **21st** day of **September 2021** at **2:00 pm**

Present:

Cllr N Jory – Chairman
Cllr R Cheadle – Vice Chairman

Cllr P Crozier	Cllr C Edmonds
Cllr A F Leech	Cllr C Mott
Cllr T G Pearce	Cllr B Ratcliffe

In attendance:

Chief Executive
Monitoring Officer
Section 151 Officer
Director of Governance and Assurance
Director of Place and Enterprise
Head of Strategy and Projects
Democratic Services Manager
Senior Specialist – Place Making
Specialist – Place Making
Senior Specialist – Car Parks
Head of Practice – Commissioning and Contracts

Other Members in attendance:

Cllrs Ball, Hipsey, Moyse and Yelland

***HC 19/21 APOLOGIES**

There was an apology for absence received for this Meeting from Cllr L Daniel.

***HC 20/21 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be discussed and there were none made.

***HC 21/21 MINUTES**

The Minutes of the Hub Committee meeting held on 13 July 2021 were confirmed as a correct record.

***HC 22/21 PUBLIC QUESTION TIME**

It was noted that no Public Questions had been received in accordance with the Hub Committee Procedure Rules.

***HC 23/21 HUB COMMITTEE FORWARD PLAN**

Members were presented with the Hub Committee Forward Plan that set out items on the agenda for Hub Committee meetings for the next four months.

In discussion, it was agreed that the Leader would discuss with officers the need to schedule in further reviews of the thematic delivery plans that would underpin the 'Plan for West Devon' once it had been adopted by Full Council at its 28 September 2021 meeting. In so doing, it was recognised that the recently established Hub Advisory Groups and the Overview and Scrutiny Committee would also have a key role to play in this regard.

HC 24/21 'A PLAN FOR WEST DEVON' – DRAFT STRATEGY

The Committee was presented with a report that summarised the responses to the public consultation exercise and recommended adoption of the 'A Plan for West Devon' Strategy. Moreover, the report also set out the resource implications that would be required to deliver the Plan.

In discussion, reference was made to:-

- (a) the role played by Members and officers in reaching this point. A number of Members commented on the quality of the final draft version of the Strategy and wished to thank the lead officers and Members for their efforts in producing such a good document;
- (b) the number of consultation responses received. Members thanked those residents and stakeholders who had submitted representations during the public consultation exercise. When questioned, officers confirmed that all of the consultation responses would be made available to Members in advance of the Full Council meeting to be held on 28 September 2021;
- (c) the consultation response received from Devon County Council (DCC) informing that the draft Strategy was very closely aligned to the equivalent plan being developed by DCC. Members felt that this was very encouraging;
- (d) the comparisons with the equivalent Strategy being developed by South Hams District Council. Officers confirmed that, whilst there was a high degree of alignment between the two draft strategies, there were also some subtle differences. This was felt to be appropriate given the differences between the two Council areas and their respective communities.

It was then **RESOLVED** that:

1. the results of the consultation on the draft 'A Plan for West Devon' Strategy be noted;
2. Council be **RECOMMENDED** to adopt 'A Plan for West Devon' and the thematic deliver plans (as set out at Appendices A and B of the published agenda report respectively);
3. the allocation of existing funding (as set out in paragraph 7.2 of the presented agenda report) be noted;
4. Council be **RECOMMENDED** to approve the additional £122,000 of cost pressures for 2022/23 and £168,000 for 2023/24 (NB. the £168,000 includes the £122,000, therefore an additional £46,000 in 2023/24); and

5. Council be **RECOMMENDED** to approve the use of £246,000 of Earmarked Reserves for the content of the Delivery Plans (as set out in Section 7 of the presented agenda report).

HC 25/21 ORCS FUNDING – ELECTRIC CHARGING POINTS

Consideration was given to a report that sought to recommend that the Council agreed to enter into a collaboration agreement with the Devon and Torbay Residential Chargepoint Scheme for the installation of Electric Vehicle Charging Points.

In discussion, reference was made to:-

- (a) the opportunity for town and parish councils to obtain grant funding. Members highlighted the reference in the published agenda report to Town and Parish Councils having the ability to apply for funds during the next bidding round to install Charging Points on their own land and encouraged the wider membership to promote this opportunity amongst their local town and parish councils. With regard to some specific questions in relation to site ownership, officers agreed to discuss with their Devon County Council colleagues the criteria that would be set for the next bidding round;
- (b) support for the proposals. A number of Members welcomed the proposals and highlighted the close linkages to the 'Plan for West Devon' (Minute HC 24/21 above refers).

It was then **RESOLVED** that Council be **RECOMMENDED** to:

1. enter a collaboration agreement with the Devon and Torbay Residential Chargepoint Scheme for the installation of Electric Vehicle Charging Points;
2. approve the potential sites (as listed in paragraph 1.3 of the presented agenda report) as the location(s) for the installation of Electric Charging Points; and
3. enter a lease with the appointed supplier for a ten year period.

***HC 26/21 EXPENDITURE OF SECTION 106 CONTRIBUTIONS**

Consideration was given to a report that provided details of Section 106 contributions received by the Council and how it was proposed to spend these contributions to enable the delivery of affordable housing, open space, sport and recreation and community facilities.

In debate, the following points were raised:-

- (a) The Section 151 Officer confirmed that Section 106 contributions had to be spent by the Council before the expiry date of the Agreement;
- (b) To ensure that Members were kept informed and could continually monitor the Section 106 contributions, it was agreed that the most up to date summary spreadsheet would be appended to the quarterly Capital Programme Monitoring reports at the time they were presented to the Committee;

- (c) With regard to public perception, Members felt it important for the Council to increase public awareness of the projects that were being funded via Section 106 contributions in order to highlight that many new developments contributed towards new and improved community infrastructure.

It was then **RESOLVED** that:

1. the amount of Section 106 contributions held at 31 March 2021 as set out in Appendix A (totalling £1,091 million) and the future expenditure proposals be noted;
2. the process for consulting and informing Town and Parish Councils regarding Section 106 contributions be noted; and
3. all Members be actively encouraged to continue to engage with their Town and Parish Councils to facilitate the expenditure of Section 106 contributions to enable the delivery of affordable housing, open space sport and recreation and community facilities in their areas.

HC 27/21 MEDIUM TERM FINANCIAL STRATEGY 2022/23 TO 2024/25

Consideration was given to a report that presented the Council's Medium Term Financial Strategy from 2022/23 to 2024/25.

In discussion, the following points were raised:-

- (a) The importance of lobbying Central Government to ensure that the anticipated volatility in business rates income was smoothed out was recognised;
- (b) The lead Member for Resources highlighted that the contents of the Medium Term Financial Strategy would be a key document for the Resources Advisory Group to consider;
- (c) A Member highlighted the much documented anticipated financial burdens that were facing local residents in the upcoming winter months and felt that the strategic intention to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax Referendum, would constitute a further pressure;
- (d) Members wished to put on record their thanks to the Section 151 Officer and her finance colleagues in developing an excellent Medium Term Financial Strategy.

It was then **RESOLVED** that Council be **RECOMMENDED** to:

1. set the strategic intention to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax Referendum, to endeavour to continue to deliver services. (NB the actual council tax for any given year will be decided by Council in the preceding February);

2. adopt the principle of using funding in the Business Rates Retention Reserve, to smooth out the anticipated volatility in business rates income over the next three years (as set out in section 3.19 of the published agenda report). (NB. the volatility is due to the business rates baseline reset anticipated in 2023/24 (this will mean that the Council will have negative revenue support grant) and the predicted loss of business rates pooling gains at the same time);
3. continue to respond to Government consultations on Business Rates Reform;
4. continue to actively lobby and engage with the Government, Devon MPs, South West Councils and other sector bodies such as the District Councils' Network and the Rural Services Network, for a realistic business rates baseline to be set for the Council for 2023 onwards, when the business rates reset happens;
5. continue to lobby in support of the Government eliminating Negative Revenue Support Grant in 2022/23 (and thereafter) and continues to lobby for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision; and
6. note the forecast budget gap for 2022/23 of £78,731 (1% of the current Net Budget of £7.3million) and the position for future years.

HC 28/21 MONTH 4 REVENUE BUDGET MONITORING 2021/22

The Committee considered a report that enabled Members to monitor income and expenditure variations against the approved budget for 2021/22 and provided a forecast for the year end position.

In discussion, the Committee was of the view that the overall projected deficit of £37,000 was an excellent outcome given the impact of the COVID-19 Pandemic and the Finance Team was thanked for its financial stewardship.

It was then **RESOLVED** that:

1. The forecast income and expenditure variations for the 2021/22 Financial Year and the overall projected deficit of £37,000 (0.5% of the total Budget of £7.302 million), which is very close to a break-even position; and
2. Council be **RECOMMENDED** to utilise funding of £190,000 from the COVID-19 Losses Earmarked Reserve in 2021/22 to fund COVID-19 expenditure in 2021/22 and the projected net losses on car parking income in 2021/22.

HC 29/21 CAPITAL BUDGET MONITORING 2021/22

Consideration was given to a report that advised Members of the financial position as at 31 July 2021 for the purposes of Capital Budget Monitoring.

Some Members expressed their concerns over reference in the published agenda to the Council's Community Grants programme being able to support large scale tree planting. Members were of the view that there were a number of alternative funding streams available to support such planting and therefore felt that the Grants programme should not be used for this purpose.

It was then **RESOLVED** that:

1. the contents of the report be endorsed; and
2. Council be **RECOMMENDED** to increase the 2021/22 budget for Community Project Grants from £15,000 to £30,000, with the additional £15,000 being funded from the New Homes Bonus Reserve.

HC 30/21 PLANNING IMPROVEMENT PLAN

A report was considered that:

- provided an update to Members on the progress of the Development Management and Planning Enforcement Review;
- sought adoption of the Planning Improvement Plan ('the Plan'); and
- sought to secure a recommendation to Council to approve the use of the additional planning income to cover the cost of temporary staff within the Development Management Service.

In discussion, the following points were raised:-

- (a) Whilst recognising that there were limitations associated with the recruitment of temporary agency staff who were not familiar with the West Devon Borough area, it was noted that this action had been taken to mitigate the great pressures and demands on the service. In further recognition of the service demands, Members expressed their support for the recommendation to Council to provide additional temporary resources;
- (b) In respect of the proposal in the Plan for six-monthly reports to be presented to the Development Management & Licensing Committee that set out benchmarking information against the performance of other councils, it was noted that all Members (irrespective of being Committee Members) could attend and take part in the debate on these reports;
- (c) The Committee highlighted the number of inadequate planning applications that were being submitted to the Council. In recognising the detrimental impact that such applications were having on the service, some Members called on the Council to be less accommodating to planning agents. Furthermore, support was expressed from some Members for the concept of the Council retaining a proportion of the fee for an invalid planning application to be explored further.

It was then **RESOLVED** that:

1. the Planning Improvement Plan ('the Plan') be adopted as set out at Appendix A of the published agenda report;
2. performance of the Plan be monitored on a six-monthly basis with an update report being presented no later than March 2022;
3. Council be **RECOMMENDED** to fund the cost of temporary planning staffing resources of £60,400 (the Borough Council share of the cost), from the additional planning income generated in 2021/22 (as set out in Section 2.6 of the presented agenda report).

***HC 31/21 WASTE COLLECTION FREQUENCY TRIAL**

The Committee considered a report that set out the findings of the trial of three-weekly residual (black sack) collections.

In discussion, the following points were raised:-

- (a) Officers confirmed that there would be no need for a further trial to be undertaken should the Council wish to introduce a three weekly residual collection service in the future;
- (b) Members emphasised the need for the Council to focus its efforts on increasing its recycling rates and it was felt that this should be a key area of focus for the Natural Environment Advisory Group;
- (c) Whilst Members expressed their disappointment that the trial was not to be extended or made permanent at this time, they also understood the reason for this decision.

It was then **RESOLVED** that:

1. the findings of the trial of the three-weekly residual (black sack) collections be endorsed;
2. it be agreed that the service is not extended to the whole of the Borough in spring 2022 and the potential impact of making a major service change at a time when significant structural changes are expected in the waste industry and other external pressures, including the national LGV driver shortage, be recognised;
3. thanks be extended to the residents on the trial and these residents collections revert to fortnightly in line with the rest of the Borough;
4. the Head of Communications be instructed to develop a Communications Strategy for 2021/22 and beyond which builds upon the findings of the trial with the aim being to improve the Borough's recycling rate and reducing domestic residual waste; and
5. three-weekly residual collections be revisited once the outcome of the Government Consultation on the National Waste Strategy is known.

(The meeting terminated at 3.45 pm)

Chairman

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM THURSDAY, 30 SEPTEMBER 2021, WITH THE EXCEPTION OF MINUTES HC 24/21 PARTS 2, 4 AND 5, HC 25/21, HC 27/21, HC 28/21 PART 2, HC 29/21 PART 2, HC 30/21 PART 3 WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEEITNG TO BE HELD ON 28 SEPTEMBER 2021, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18)

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Hub Committee Forward Plan

About the Forward Plan

This is the provisional forward plan for at least four months starting November 2021. It provides an indicative date for matters to be considered by the Hub Committee. Where possible, the Hub Committee will keep to the dates shown in the plan. However, it may be necessary for some items to be rescheduled and other items added.

The forward plan is published to publicise consultation dates and enable dialogue between the Hub Committee and all Councillors, the public, and other stakeholders. It will also assist the Council's Overview and Scrutiny Committee in planning their contribution to policy development and holding the Hub Committee to account.

The Plan is published on the Council's website (www.westdevon.gov.uk)

About the Hub Committee

The Hub Committee currently consists of nine Councillors. Each has responsibility for a particular area of the Council's work.

- Leader of the Council – Cllr N Jory
- Deputy Leader – Cllr R Cheadle
- Lead Hub Member for the Economy - Cllr P Crozier
- Lead Hub Member for the Natural Environment - Cllr L Daniel
- Lead Hub Member for Resources - Cllr C Edmonds
- Lead Hub Member for Leisure, Health and Wellbeing - Cllr A F Leech
- Lead Hub Member for the Built Environment - Cllr C Mott
- Lead Hub Member for Communities - Cllr T Pearce
- Lead Hub Member for Housing – Cllr B Ratcliffe

Further information on the workings of the Hub Committee, including latest information on agenda items, can be obtained by contacting Democratic Services on 01803 861105 or by e-mail to democratic.services@swdevon.gov.uk

All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated with *



Forward Plan from November 2021

Portfolio Area	Report Title and Summary	Lead Member / Officer	Documents to be considered in making decision	Date of Decision	Consultees and means of consultation
Resources and Performance	<p>Title: Write Off Report for Quarters 1 and 2</p> <p>Purpose: The Council is responsible for the collection of: Housing Rents, Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates. The report informs Members of the debt written off for these revenue streams.</p>	Cllr Edmonds / Lisa Buckle	Report of Strategic Finance Lead	2 November 2021	
Leisure, Health and Wellbeing	<p>Title: Public Space Protection Order – The Meadows, Tavistock</p> <p>Purpose: To consider a report that seeks to recommend approval of +a Public Space Protection Order at the Meadows, Tavistock</p>	Cllr Leech / Ian Luscombe	Head of Environmental Health and Housing	2 November 2021	
Housing and Benefits	<p>Title: Implementation of a New Tenancy Strategy</p> <p>Purpose: To consider a report that seeks to implement a new Tenancy Strategy that will supersede the current out of date version.</p>	Cllr Ratcliffe / Cassandra Harrison	Report of the Specialist – Affordable Housing	2 November 2021	
Leisure, Health and Wellbeing	<p>Title: Leisure Update</p> <p>Purpose: To consider a report that seeks to present a Leisure Update to the Hub Committee.</p>	Cllr Leech / Chris Brook	Report of Director of Place and Enterprise	2 November 2021	
Built Environment	<p>Title: Planning Service Improvement – Phase 2</p> <p>Purpose: To consider a report that presents a performance update on the Planning Service.</p>	Cllr Mott / Drew Powell	Report of Director of Governance and Assurance	2 November 2021	



Portfolio Area	Report Title and Summary	Lead Member / Officer	Documents to be considered in making decision	Date of Decision	Consultees and means of consultation
Council	<p>Title: Draft Revenue Budget Proposals 2022/23</p> <p>Purpose: To consider a report that presents for consultation a set of draft Revenue Budget proposals for 2022/23.</p>	Cllr Jory / Lisa Buckle	Report of Strategic Lead of Finance	7 December 2021	
Homes	<p>Title: Community Housing Governance</p> <p>Purpose: To consider a governance report on the Community Housing initiative</p>	Cllr Ratcliffe / Drew Powell	Report of Director for Governance and Assurance	7 December 2021	
Council	<p>Title: Draft Capital Programme Proposals 2022/23</p> <p>Purpose: To consider a report that presents for consultation a set of draft Capital Programme Budget proposals for 2022/23.</p>	Cllr Jory / Lisa Buckle	Deputy Section 151 Officer	7 December 2021	
Leisure, Health and Wellbeing	<p>Title: Council Tax Reduction Scheme</p> <p>Purpose: To consider a report that presents the results of the public consultation exercise on a revised Scheme and recommends its adoption.</p>	Cllr Leech / Issy Blake	Head of Housing, Revenues and Benefits	7 December 2021	
Natural Environment	<p>Title: Climate Change and Biodiversity Strategy and Action Plan – Six Month Review</p> <p>Purpose: To consider a report that sets out the six-monthly progress review into the Council’s adopted Climate Change and Biodiversity Strategy and Action Plan</p>	Cllr Daniel / Drew Powell	Report of Director of Governance and Assurance	7 December 2021	
Resources & Performance	<p>Title: Revenue Budget Monitoring Report to Month 7</p>	Cllr Edmonds / Lisa Buckle	Report of Section 151 Officer	7 December 2021	



Portfolio Area	Report Title and Summary	Lead Member / Officer	Documents to be considered in making decision	Date of Decision	Consultees and means of consultation
	Purpose: To consider a report that presents the Revenue Budget Monitoring Report to Month 7.				
Resources & Performance	Title: Capital Programme Monitoring Report to Month 7 Purpose: To consider a report that presents the Capital Programme Monitoring Report to Month 7.	Cllr Edmonds / Pauline Henstock	Report of Head of Finance	7 December 2021	
Council	Title: Draft Revenue Budget Proposals 2022/23 Purpose: To recommend to Full Council for adoption a draft Revenue Budget for 2022/23	Cllr Jory / Lisa Buckle	Report of Section 151 Officer	1 February 2022	
Council	Title: Draft Capital Programme Proposals 2022/23 Purpose: To recommend to Full Council for adoption the draft Capital Programme for 2022/23	Cllr Jory / Lisa Buckle	Report of Section 151 Officer	1 February 2022	
Economy	Title: Regeneration and Investment Strategy Purpose: To consider a report that presents a draft Regeneration and Investment Strategy.	Cllr Crozier / Chris Brook	Report of Director of Place and Enterprise	1 February 2022	

Report to: **Hub Committee**

Date: **02 November 2021**

Title: **Planning Improvement Plan – Phase 2 Resources**

Portfolio Area: **Built Environment – Cllr Caroline Mott**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: any recommendations will be presented to the Council meeting to be held on 30 November 2021

Author: **Drew Powell** Role: **Director of Governance & Assurance**

Contact: Drew.powell@swdevon.gov.uk

Recommendations:

That the Hub Committee:

- 1. Recommends to Council to employ six additional permanent posts (shared with South Hams District Council), being four planning specialists and two legal specialists, at an annual cost of £71,000 (the WDBC share of the costs), to be funded from additional planning income, and**
- 2. Recommends to Council to increase the staffing budget by £71,000 and to increase the planning income target for 2022/23 onwards by £71,000, and**
- 3. Notes that a further phase 3 report will be presented to the Hub Committee on 7 December 2021.**

1. Executive Summary

- 1.1. On 21 September 2021, the Hub Committee adopted the Planning Improvement Plan and recommended that the Council allocate the sum of £60,400 of additional planning income for 2021/22, to cover the cost of temporary staff (West Devon share) within the Development Management (DM) and Enforcement Services until March 2022 (minute HC.30/21 refers). The funding recommendation

was subsequently approved by Full Council at its meeting held on September 28th 2021 (minute CM 39/21(c) refers).

- 1.2. It was agreed that a further report would be brought back to Members setting out the need for any future increase in permanent staffing roles to support the future delivery of the planning service in light of the proven increase in demand.
- 1.3. This report, which forms phase 2 of the improvement process, sets out the assessed need in terms of planning specialists and also additional legal specialists to support the planning and enforcement functions.
- 1.4. The report recommends that the new, permanent roles are funded from the additional planning income being generated as a result of the increase in applications and demand.
- 1.5. In terms of case management support for the service, this will be considered at a later date as part of a wider look at corporate case management capacity and be included in phase 3.
- 1.6. It is also proposed that part of phase 3 of the improvement process will look in detail at the relationship between the DM and Planning Enforcement functions and the existing management arrangements for specialists and case managers to ensure that they are designed to deliver the best outcomes and service performance. This report however sets out some of the changes that are being implemented at this stage.
- 1.7. Phase 3 will also include an update on performance within the enforcement team plus feedback and learning from the Planning Advisory Service (PAS) led workshop held on 27th September.

2. Strategic Context

- 2.1. The Council's new Corporate Strategy – 'A Plan for West Devon' - sets out a range of themes and associated aims supported by Thematic Delivery Plans which have now been adopted by Members. The DM and Enforcement Service forms part of the wider planning function alongside, for example, the Joint Local Plan, Strategic Planning and Neighbourhood planning teams, which are essential to deliver against our strategic aims.
- 2.2. The recently adopted Planning Improvement Plan sets out the Council approach to improving service performance and therefore support 'A Plan for West Devon'. A key part of this is establishing a

stable and skilled team with the capacity to deliver the service efficiently and in line with demand.

3. Background

- 3.1. Development Management and Planning Enforcement are key services delivered by the Council. The services can be highly complex and involve significant consultation and engagement with many different parties. As a result, the services are highly visible to many within our communities, businesses and for those that interact with these services.
- 3.2. The services are receiving year on year increases in applications and reported planning breaches; both services are struggling to meet the needs of service users and there have been a number of issues as a result of protracted timescales and/or quality issues.
- 3.3. It is recognised that the quality and speed of the service being provided at present needs to improve and hence the adoption of the Planning Improvement Plan.
- 3.4. Whilst this report focusses on securing the additional posts needed to manage the increased demand on the services, it is recognised that this is only one strand of the improvement needed. It is equally important that each component part of the wider planning service works together.
- 3.5. In view of this, it is proposed that part of phase 3 of the improvement process, which will be the subject of a further report to Members in due course, will focus on these relationships to ensure that the operational arrangements align with the broader strategic ambition whilst delivering effective and improved performance.
- 3.6. The intention of this approach is to strengthen the strategic oversight and management of all aspects that contribute to the Council's planning service.
- 3.7. At this stage, it is proposed that Senior Leadership Team oversight of Development Management and Planning Enforcement moves permanently to the Director of Governance and Assurance, Drew Powell, and the following organisational and operational measures are implemented:
 - The integration of case management and specialists with business support managed as part of the service, with the Team Leader for DM and Enforcement Case Management sitting on the planning service management team;
 - A regular planning service management team meeting chaired by the Director of Governance and Assurance, comprising the Head of

Service, Business Manager (specialists), senior specialists (DM and enforcement), case management team leader plus relevant planning policy colleagues. This would ensure the planning improvement plan is implemented and the core service operates to a consistently 'good standard';

- A regular officer group to support the delivery of the 'Built and Natural Environment' theme of 'Better Lives for All', supported by the Directors of Governance and Assurance and Place and Enterprise, which would help ensure DM and other related areas are aligned to this and the other wider corporate objectives including climate change, housing and economy.
- The team remains focussed on the functionality of the new Planning IT system (which forms part of the wider corporate 'Future IT' Project)

3.8. It is recognised that the planning and enforcement service does not operate in isolation. It is vital that the relationships with internal and external consultees are strengthened through, for example, the introduction of service level agreements, or similar, to secure and monitor, timely responses in line with the targets set by the service. The relationship with the legal service is a good example and, at present, it is clear that the legal service does not have sufficient capacity to support the service efficiently.

3.9. In view of the above, a comprehensive analysis has been undertaken comparing the increased demand on the service with the current, corporate capacity to deliver at the required standard. The analysis has identified capacity gaps that need to be closed if the service is to improve and deliver positive outcomes.

4. Demand and Capacity

4.1. The planning service has been operating for some years with temporary staff (whether because of a high turnover of staff or due to the increased demand) and whilst this has been helpful in terms of capacity, it can adversely impact on continuity, and consistency of decisions.

4.2. Inevitably, the use of agency staff is a more expensive resource than permanent staff on the establishment and the shortfall has been met by additional planning income and staffing vacancies in previous years. Over the last 5 years, agency costs have averaged in the order of £80,000 per year. This year that sum already amounts to £37,500 to the end of August (month 6). Continuing to utilise temporary and/or agency staff is clearly not the most cost-effective way to manage the increased demand.

- 4.3. As set out in the report to the Hub Committee on 21 September, there has been a significant rise in applications received over the past two years which equates to a 12% increase. This trend has continued into 2021 and it is predicted that demand will continue to rise.
- 4.4. This increase in planning applications is reflected in the planning income received. Income is predicted to be in excess of £52,000 over the budgeted planning income for 2021/22 of £401,645. An additional income target of £71,000 for 2022/23 is considered to be achievable.
- 4.5. We have undertaken a detailed assessment of the capacity of the Development Management Team to deliver the service. The assessment has considered both the work of specialists (who determine the applications) and case managers (who provide support for the processes involved for example, registering applications).
- 4.6. The assessment has considered the number of applications received as well as other, non-application work that the service delivers for example, pre-applications, appeals, and complaints, management of performance data, management and mentoring of colleagues as well as the wider quality assurance of the planning process, together with the capacity to manage and deliver an effective and continuously improving service.
- 4.7. The approach and calculations undertaken are supported by the Planning Advisory Service (PAS) and has evidenced that, in addition to the current staffing establishment, there is a need for additional permanent staff. For avoidance of doubt, this is not in addition to the temporary staff currently in post and funded to the end of March 2022.
- 4.8. With regards to the planning specialists, the assessment has identified a need for an additional 4 officers - one Level 5 and three Level 6's – at a cost of £35,000 (WDBC share of costs – Planning specialists are split 24% WDBC and 76% SHDC). As detailed in paragraph 1.5 above, an assessment on the need for case managers will be considered during phase 3.
- 4.9. It is important to note at this stage that demand on the service may increase or potentially decrease. We will continue to monitor application numbers and will adjust staffing levels accordingly and in line with the available budget.
- 4.10. In addition, a detailed assessment has also been carried out in relation to the level of legal support required specifically for the DM and enforcement services.

4.11. Currently, Legal Services have contracted additional locum capacity to provide this support but in order to provide consistency and to develop the long term relationship between the services it is proposed that we recruit two additional specialist regulatory lawyers, who will be focused on providing advice and legal support on development management, planning enforcement, and related court work and appeals.

4.12. The costs for the two additional regulatory lawyers – one at Level 4 and one at Level 5 - is £36,000 (WDBC share of costs – Legal Specialists are split 40% WDBC and 60% SHDC).

4.13. The West Devon share of costs of the additional resource amounts to £71,000. It is proposed to fund this from the increased amount of Planning Income that we are receiving as set out in paragraph 4.4 above. It is recommended to increase the staffing establishment budget by £71,000 and to also increase the planning income target for 2022/23 onwards by £71,000. Therefore the extra planning income currently being generated will finance the additional staffing resource required. If approved by Members, this will be built into the next iteration and update of the Council’s Medium Term Financial Strategy.

5. Proposed Way Forward

5.1. The demand on the Development Management and Planning Enforcement services continues to increase and detailed assessment has shown that the wider service does not have the capacity to deliver the services to the expected standard.

5.2. The addition of the posts identified in this report, funded by the additional income being generated by the increase in demand, will help secure measurable, sustained improvement in performance.

5.3. A further phase 3 report will be brought back to the Hub Committee on 7th December.

8. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	It is a requirement of the Council Constitution for any increases to the staffing establishment to be an ultimate decision for Full Council.
Financial implications to include reference to value for money	Y	The report recommends employing six additional permanent posts (shared with South Hams District Council), being four planning specialists and two legal specialists. The WDBC share of the costs would be £71,000.

		<p>It is recommended to increase the staffing budget by £71,000 and to also increase the planning income target for 2022/23 onwards by £71,000. Therefore the extra planning income currently being generated will finance the additional staffing resource required.</p> <p>If approved by Members, this will be built into the next iteration and update of the Medium Term Financial Strategy.</p>
Risk	Y	That the Council fails to deliver a Service that meets the expectations of Members and our Customers
Supporting Corporate Strategy	Y	Council, Homes, Environment, Enterprise
Climate Change - Carbon / Biodiversity Impact	N	No direct carbon or diversity impacts arise from this report
Consultation and Engagement Strategy	N	External consultation and engagement has not been undertaken with regard to this report
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/A
Safeguarding		N/A
Community Safety, Crime and Disorder		N/A
Health, Safety and Wellbeing		N/A
Other implications		N/A

Supporting Information

Appendices:

None

Background Papers:

None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes/No
SLT Rep briefed/sign off	Yes/No
Relevant Heads of Practice sign off (draft)	Yes/No
Data protection issues considered	Yes/No
Accessibility checked	Yes/No

Report to: **Hub Committee**
Date: **2 November 2021**
Title: **Tenancy Strategy Review 2021**
Portfolio Area: **Homes / Cllr Barry Ratcliffe**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: Upon the expiry of the Scrutiny Call-in period – 11 November 2021

Author: **Cassandra Harrison** Role: **Housing Specialist**

Contact: **01803 861234 email: cassandra.harrison@swdevon.gov.uk**

Recommendations:

That the Hub Committee:

- 1. Approves the reviewed Tenancy Strategy 2021- appendix 2.**
- 2. Authorises the Head of Housing in consultation with the portfolio holder for HOMES to make any necessary minor amendments to the Tenancy Strategy 2021.**

1. Executive summary

- 1.1. The purpose of this report is to seek Member approval of the reviewed Tenancy Strategy 2021 attached at Appendix 2.
- 1.2. The Localism Act 2011 places a duty on all local authorities to produce a Tenancy Strategy, to sit alongside its Housing Strategy and Allocations Policy. On 30th October 2012 this Council adopted a Tenancy Strategy, minute reference *CS 27. Minor amendments were made in 2016 delegated to the Head of Place of Making (see appendix 1). This is now out of date.

- 1.3. The implementation of a new Tenancy Strategy, to supersede the current out of date version, is a key action in the Housing Strategy Action Plan 2021.
- 1.4. The Localism Act 2011 also requires local authorities to review their tenancy strategies from time to time. In line with the latest good practise and legislation changes, we have updated our Tenancy Strategy (see appendix 2). This went through a period of consultation with our partner Registered Providers between 4th June 2021 and 9th July 2021.
- 1.5. The main change to the revised Tenancy Strategy 2021 is that we are asking Registered Providers to charge no more than 2 weeks rent in advance. We also emphasise that we now seek Social Rent tenure on new housing developments in accordance with the adopted JLP Supplementary Planning Document 2020.

2. **Background**

- 2.1. Under Section 150 of the Localism Act 2011, Councils have a duty to prepare and publish a Tenancy Strategy. The Strategy must set out the matters to which Registered Providers of social housing for their area are to have regard in formulating policies, and these relating to:
 - The types of tenancies they grant
 - The circumstances by which they will grant a tenancy of a particular type
 - The length of certain tenancies
 - The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

Registered Providers are expected to have due regard to the Council's Tenancy Strategy in developing their tenancy policies, but do not have to comply with them if they do not wish to do so.

- 2.2. A Devon-wide Tenancy Framework was adopted in February 2012, following widespread consultation with Devon Local Authorities, Registered Providers and other stakeholders. The framework highlights those areas of tenancy policy where broad principles are shared by some or all of the Local Housing Authorities in Devon. This Tenancy Strategy 2021 is informed by the Devon-wide Tenancy Framework, but also reflects the current local context and priorities in West Devon.
- 2.3. On 30th October 2012, the Community Services Committee approved the current Tenancy Strategy. Minor updates were made to the document in 2016 (appendix 1) and these updates were delegated for approval to the Head of Place Making in consultation with the Portfolio Holder. Since that time, there have been major changes in housing legislation and welfare reform, as well as increased affordability issues across the sector. Registered Providers' "Rent in Advance" policies can vary, with some

charging 8 weeks rent in advance. This is not affordable for many on low incomes.

3. **Outcomes/outputs**

- 3.1 In response to these changes, the Council has reviewed its Tenancy Strategy to put forward a more holistic approach to managing social housing in the district to which local Registered Providers should have regard in formulating their policies. In preparing the reviewed Tenancy Strategy, the following Council plans/strategies have been considered:

Corporate Strategy
Housing strategy 2021 - 2026
Homelessness strategy 2017 - 2022
The Devon Home Choice allocation policy and partner agreement

- 3.2 In summary, the overarching aims of this revised Tenancy Strategy are to:

1. Comply with the legislation
2. Encourage a wide range of housing options
3. Promote affordability
4. Make the best use of the available social housing stock
5. Ensure that vulnerable households are able to access appropriate accommodation
6. Promote mobility within social housing and other housing tenures
7. Promote clarity

More specifically Registered Providers are encouraged to:

1. Charge rents under the local housing allowance rate
2. Publish clear and accessible policies on tenancy management
3. Create clear and transparent advertisements on Devon Home Choice
4. Charge no more than 2 weeks rent in advance
5. Co-operate with the Council to make the best use of stock
6. Bid for social grant where available
7. Assist the local authority to maintain tenancies and prevent homelessness
8. Limit the conversion of social rents to affordable
9. Promote mobility within the sector
10. Take precautions to tackle tenancy fraud

- 3.3 Under the Localism Act 2011, the Council has a duty to consult with all Registered Social housing Providers in the District. This consultation opened on 4th June 2021 and ended on 9th July 2021. A summary of the consultation responses can be found in appendix 3, and to which we have had regard in reviewing the Tenancy Strategy.

4. Options available and consideration of risk

If we do not review and update the Tenancy Strategy, it will remain out of date and will not reflect current local issues of housing need and affordability. The review of our Tenancy Strategy is a key action in our Housing Strategy Action Plan 2021 – 2026.

5. Proposed Way Forward

The Hub Committee is asked to approve the reviewed Tenancy Strategy 2021 attached in Appendix 2.

The Hub Committee is also asked to delegate the making of future minor amendments to the Head of Housing in consultation with the portfolio holder for HOMES.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a duty to prepare and publish a tenancy strategy that will be considered when exercising its housing management functions. It is under a further duty to keep its tenancy strategy under review, and may modify or replace it from time to time. The proposals in the report secure compliance with those duties.
Financial	N	There are no direct financial implications arising from this report.
Risk	Y	Failure to review the Tenancy Strategy risks the Council being in breach of its statutory duty, but more importantly, risks decisions in respect of its housing management functions being based on inaccurate and out-of-date policies.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	An Equality Impact Assessment has been undertaken and no major change is required. It has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
Safeguarding	Y	
Community Safety, Crime and Disorder	N	None

Consultation and Engagement Strategy	Y	Under the Localism Act 2011, the Council has a duty to consult with all Registered Social housing Providers in the District. This consultation opened on 4 th June 2021 and ended on 9 th July 2021.
Health, Safety and Wellbeing	Y	Asking Registered Providers to charge no more than 2 weeks rent in advance, helps affordability pressures in the borough. Financial pressures adversely affect residents' wellbeing.
Other implications		

Supporting Information

Appendices:

Appendix 1: Tenancy Strategy 2016

Appendix 2: Reviewed Tenancy Strategy 2021

Appendix 3: Summary of consultation responses

Background Papers:

None

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**South Hams District Council & West
Devon Borough Council**

Tenancy Strategy

South Hams District Council & West Devon Borough Council

Tenancy Strategy

- 1. Introduction**
- 2. Devon Wide Framework**
- 3. The Local Housing Market**
- 4. Affordable Rent**
- 5. Types of Tenancy**
- 6. Disposal of Affordable Housing**
- 7. Registered Providers Tenancy Policies**
- 8. Monitoring and Review**

Appendix 1 Local Housing Allowance Rates

Appendix 2 Registered Providers Tenancy Policies

1. Introduction

- 1.1 The Localism Act 2011 places a duty on all local authorities to produce a Tenancy Strategy that sits alongside its Housing Strategy and Allocations Policy. The strategy is required to set out what Registered Providers of Social Housing should take into consideration when making decisions about their individual tenancy policies. As the Council no longer has any housing stock, this strategy sets out how we expect Registered Providers with affordable housing in the area to respond to the relevant changes introduced by the Act.

In accordance with the Localism Act, this strategy sets out:

- The kind of tenancies Providers should offer.
- The circumstances in which Providers should grant a tenancy of a particular kind.
- Where the tenancy is for a fixed term, the recommended length of the term.
- Circumstances in which the Provider should grant a further tenancy on the ending of the existing tenancy.

In addition to these, the strategy also outlines the Council's position on the new 'affordable rent' product.

2. Devon Wide Framework

This local tenancy strategy has been developed taking account of the Devon Wide Tenancy Framework. The framework highlights those areas of tenancy policy where broad principles are shared by some or all of the Local Housing Authorities in Devon. The purpose of the Devon wide framework is to provide more consistency for partners and customers.

3. The Local Housing Market

- 3.1 Affordability is a key issue for South Hams and West Devon and the demand for affordable homes continues to increase. It is essential therefore that that the existing housing stock is used in the most effective way.

Affordable Housing Stock

- 3.2 South Hams affordable housing stock comprises just over 4,600 homes. West Devon's affordable housing stock comprises just over 2,400 homes.

Income and Affordability

- 3.3 The affordability of the housing market is one of the key issues facing the area. An income of approximately £40,000 is required to purchase a lower quartile property in the area. There is a clear disparity between this and local household incomes. Data from the Office of National Statistics indicates that median earnings are approximately £23,795. The average house price in the South Hams is £331,625 and in West Devon it is £239,160.

Housing Need

- 3.5 The combination of high house prices and low incomes creates significant demand for affordable rented homes. The number of applicants registered for affordable housing with Devon Home Choice is set out in the table below.

	Number of Applicants in bands A-D
South Hams	1139
West Devon	374

Data source : Devon Homechoice - October 2016

4. Affordable Rent

Background

- 4.1 As well as tenure reform, the Government has reformed the way in which affordable homes are funded and has introduced the 'Affordable Rent' product as its preferred model for new social housing. Registered Providers now have the flexibility to charge rents of up to 80% of local market rents to enable Registered Providers to secure additional financial capacity for new homes. This applies to new homes and a proportion of re-lets, but only where this is part of their agreement with government to build new homes. The ceiling of 80% is inclusive of service charges.
- 4.2 Affordability and rents are a major issue locally as a result of high house prices and low incomes. In addition, affordability has an important link to the local economy, particularly for low paid workers. Whilst both South Hams and West Devon formally support Affordable Rent, it is important that rent levels are set having regard to specific local issues.

Our expectations on Affordable Rent

- 4.3 When developing their tenancy policies we expect Registered Providers to have regard to the following:

- The Council recognises that developing associations will be charging affordable rents on new developments and on a proportion of re-lets.
- The maximum rent charged for affordable housing should be no greater than the Local Housing Allowance.
- The Council would also like to see Registered Providers carrying out an affordability assessment when letting properties at rents which are close to the current Local Housing Allowance, to ensure that the tenancy will be sustainable over time

5. Types of Tenancy

Background

5.1 Historically, social housing tenants have been offered an assured or secure tenancy which granted them a home for life. Fixed term tenancies were introduced as part of the Localism Act with the aim of helping Registered Providers to offer more flexible tenancies that would enable them to make the best use of their housing stock and to better meet local housing needs.

5.2 Registered Providers are able to offer fixed term tenancies on a minimum fixed term of five years, however in exceptional circumstances flexible tenancies can be for as little as two years. Social landlords will still be able to offer the types of tenancies they currently use, for example secure, assured and introductory tenancies. The new fixed term tenancies are in addition to those currently available and social landlords do not have to use them. Existing secure and assured tenants cannot have their tenancies converted to a fixed term tenancy and many are offered special protections if they transfer to another home.

Our expectations on the Type of Tenancies

5.3 When developing their tenancy policies we expect Registered Providers to have regard to the following:

- To use five years as the minimum term for all fixed term tenancies. In exceptional circumstances Registered Providers may set out shorter fixed term tenancies of a minimum of two years. Such exceptional circumstances should be set out and justified in the provider's tenancy policy. We expect Registered Providers to discuss with us the schemes where tenancies of less than 5 years are being considered;
- To take into consideration recommendations from the Council and other partner organisations regarding the use of lifetime or longer term fixed tenancies for

specific vulnerable households to ensure that they are not adversely disadvantaged;

- We strongly recommend that Registered Providers actively encourage tenants to downsize to smaller accommodation where appropriate.

Our expectations on Tenancy Renewal

When developing their tenancy policies we expect Registered Providers to have regard to the following:

- Circumstances in which the Council expects that the tenancies are not renewed but an alternative offer should be made:
 - Size - Tenancies should not normally be granted for properties that are significantly larger than the household requires unless set out in Local Lettings Policies. Exceptions might include examples such as where it is necessary to accommodate a full or part-time live-in carer, to enable access to dependent children where care is shared or to limit occupation because of local housing management issues. Any under-occupation should have regard to local housing market conditions; examples might include remoter rural settlements.
 - Extensive Adaptations: Tenancies should not be renewed if the properties include the provision of extensive adaptations that are no longer required by anyone living in the household
- Circumstances in which the Council expects the tenancy not to be renewed and no offer of alternative accommodation to be made are:
 - Income: Tenancies should not be granted if the income of the household is above the income limit as set out in Devon Home Choice policy, or a local limit set by the Local Housing Authority. The Registered Provider may choose to encourage the household to remain in the property but on different terms e.g. paying full market rent, part or full owner
 - Possession Proceedings: If breach of tenancy conditions is to be used as a ground for non-renewal of the tenancy it is expected that Registered Providers will have already started possession proceedings. This will help demonstrate that the Registered Providers believe that the decision not to renew is proportionate and in pursuit of a legitimate claim. We expect Registered Providers to have looked at all the options i.e. exhausted other remedies before withholding the renewal of a tenancy on these grounds.
- DSHG is currently working towards a 'common standard of advice and assistance' and 'notification of tenancy end'. We expect Registered Providers

to adopt any common procedures and/or policies with regard to advice and assistance at the end of a tenancy.

6. Disposal of Affordable Housing

Background

- 6.1 Given the high level of need for affordable housing, the Council would not generally wish to see the disposal of affordable housing stock. It is recognised however that disposals may be appropriate in certain circumstances. This may for example include property which is uneconomic to maintain, or is not of a type or in a location which meets housing need.
- 6.2 There is a very limited amount of supported housing for vulnerable people in the area. Therefore where possible, it is preferable that such accommodation is retained. If schemes become unviable to run, the Council will need to be assured that adequate alternative provision has been made for residents. Any Registered Provider will need to explore with the Council any opportunities to use these properties or retain the land for the purpose of delivering additional affordable housing in the future.
- 6.3 There is an acute need for larger affordable family homes. Registered Providers should not dispose of accommodation that has four or more bedrooms unless exceptional circumstances can be demonstrated.

Our expectations on Disposal of Affordable Housing

- 6.4 When considering the disposal of affordable housing stock we expect Registered Providers to have regard to the following:

- The Council will not generally support the disposal of the following types of housing without a very strong case being made to the Local Housing Authority;
 - Larger homes, which are defined as three bedroom houses with potential for use as 4 bedroom homes. For example they may have a dining room and living room or they may have three double bedrooms,
 - Larger homes capable of accommodating 6 people or more.
 - Properties that may be suitable for 'downsizing' initiatives.
 - Homes in smaller, rural settlements i.e. as defined in Statutory Instrument 1997 No 621.

- The Council may support disposals in certain circumstances. This may include property which is uneconomic to maintain, or is not of a type or in a location which meets housing need.

7. Registered Providers Tenancy Policies

The Localism Act requires local authorities to signpost people to where Registered Providers' tenancy policies can be found. A list of Registered Providers with Stock in our local authority area can be found at Appendix 2.

8. Monitoring and Review

We will monitor this Tenancy Strategy through annual updates and, where necessary, meetings with individual Registered Providers and/or key stakeholders.

Appendix 1 - Local Housing Allowance Rates

The table below shows the weekly Local Housing Allowance rates for the West Devon area

Number of bedrooms	Exeter weekly	Plymouth weekly	North Cornwall and Devon Borders
Shared accommodation rate	£74.34	£71.21	£66.70
1 bedroom	£ 116.52	£ 94.16	£93.23
2 bedrooms	£ 141.24	£ 122.36	£120.06
3 bedrooms	£ 164.79	£ 145.43	£139.84
4 bedrooms	£ 218.63	£ 182.45	£168.00

The table below shows the weekly Local Housing Allowance rates for the South Hams area.

Number of bedrooms	Devon South Weekly
Shared accommodation rate	£ 63.50
1 bedroom	£ 96.91
2 bedrooms	£ 128.19
3 bedrooms	£ 153.02
4 bedrooms	£ 192.24

Appendix 2 - Registered Providers Tenancy Policies

The following provides the contact details of Registered Providers with stock in South Hams and West Devon. Providers will be able to provide details of their tenancy policies.

Registered Provider	Contact Number	Website
DCH	0300 123 8080	www.dchgroup.com
Westward Housing Group	0300 100 1011	www.westwardhousing.org.uk
South Devon Rural Housing Association	01803 863550	www.southdevonrural.co.uk
Guinness Hermitage	0303 123 1890	www.guinnesspartnership.com
Sanctuary Housing	0800 131 3348	www.sanctuary-housing.co.uk
Spectrum Housing	0300 111 3600	www.spectrumhousing.co.uk
South Western Housing Society	0844 915 0025	www.swhs.org.uk
Tamar Housing Society	01752 250902	www.tamarhs.org
Anchor	0808 278 7275	www.anchor.org.uk
Sovereign South & West	0800 587 2325	www.sovereign.org.uk
Hastoe Housing Association	0300 123 2250	www.hastoe.com
Magna	01305 216000	www.magnaha.org.uk
Housing 21	0370 192 4000	www.housingandcare21.co.uk
Aster	0333 400 8222	www.astercommunities.co.uk

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South Hams & West Devon

Tenancy Strategy



August 2021



South Hams
District Council



West Devon
Borough Council



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1. Introduction

The Localism Act 2011 placed a duty on all local authorities to produce a Tenancy Strategy that sits alongside its Housing Strategy and Allocations Policy.

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The strategy is required to set out what Registered Providers of Social/Affordable Housing should take into consideration when making decisions about their individual tenancy policies. As the Councils no longer have any housing stock, this strategy sets out how we expect Registered Providers with affordable housing in the area to respond to the relevant changes introduced by the Act.

In accordance with the Localism Act, this strategy sets out:

- The kind of tenancies Providers should offer.
- The circumstances in which Providers should grant a tenancy of a particular kind.
- Where the tenancy is for a fixed term, the recommended length of the term.
- Circumstances in which the Provider should grant a further tenancy on the ending of the existing tenancy.

The 2021 Tenancy Strategy is the result of a review of the Councils 2013 Tenancy Strategy and reflects current local issues of housing need and affordability. It has been revised alongside other key Council Strategies such as the Corporate Plan, Joint Local Plan, the Housing Strategy and the Homelessness Strategy.





2. Corporate Priorities

The Localism Act (2011) requires Local Authorities when preparing their strategies to take into account the council's key corporate policies and strategies.

This strategy considers these priorities and is complementary to the Council's key corporate plans/strategies, which are:

- ◆ South Hams and West Devon Housing Strategy 2021 - 2026
- ◆ South Hams and West Devon Homelessness Strategy 2017 - 2022
- ◆ South Hams and West Devon Local Allocation Policy
- ◆ Plymouth and South West Devon Joint Local Plan 2014 - 2034

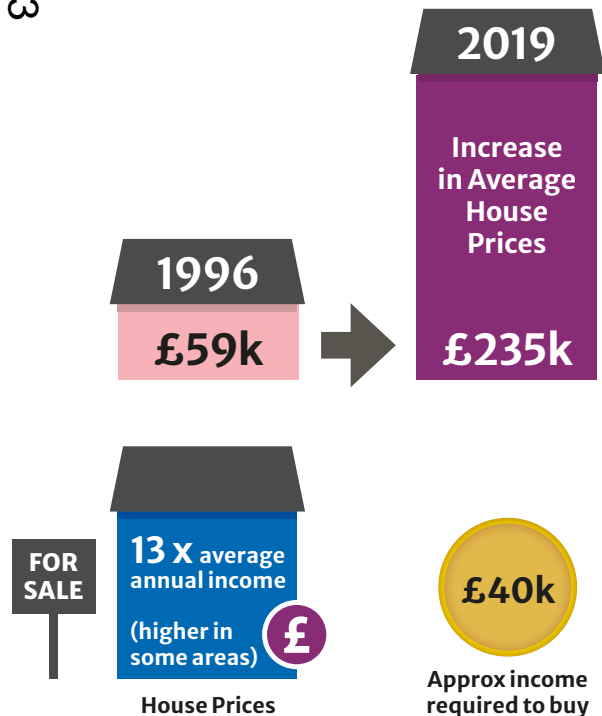


**Improving
homes**

3. The Local Housing Market

Affordability is a key issue for South Hams and West Devon and the demand for affordable homes continues to increase. It is essential therefore that the existing housing stock is used in the most effective way.

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Affordable Housing Stock

South Hams affordable housing stock comprises of 5041 properties. West Devon’s affordable housing stock comprises of 2583 properties. 11.3% of the households in the South Hams and 9.5% in West Devon live in the affordable rented sector; this is below the national average of 17.7%.

Income and Affordability

The affordability of the housing market is one of the key issues facing the area. Over the last 23 years, the average house price in the UK has increased from £58,854 in August 1996 to £235,298 in November 2019, quadrupling the deposit needed to buy. An income of approximately £40,000 is required to purchase a lower quartile property in the area. There is a clear disparity between this and local household incomes. House prices are on average 13 times more than average earnings. In some areas, such as Tavistock it is more acute at a ratio of 14 and in Salcombe where the average house cost is £664,632, that ratio is 24.

Private rented accommodation is also affected, as rental levels are often higher than Local Housing Allowance Rates. For those on lower incomes the requirements for a deposit, rent in advance and agents’ fees are significant barriers to accessing housing in the private rented sector. Benefit claimants and people with pets and children may face discrimination in accessing private rented housing. Insecurity of tenure in this sector continues to be an important cause of homelessness and of approaches to our housing options/advice services.

Housing Need

The combination of high house prices and low incomes creates significant demand for affordable rented homes. The number of applicants registered for affordable housing with Devon Home Choice is set out in the table below.

Area	Number of Applicants in bands A-D
South Hams	768
West Devon	482

Data source: Devon Home choice – July 2021

4. Affordable & Social Rent

Background

Registered Providers now have the flexibility to charge rents of up to 80% of local market rents to enable them to secure additional financial capacity for new homes. This applies to new homes and a proportion of re-lets, but only where this is part of their agreement with government to build new homes. The ceiling of 80% is inclusive of service charges.

Affordability and rents are a major issue locally because of high house prices and low incomes. In addition, affordability has an important link to the local economy, particularly for low paid and seasonal workers. Whilst both South Hams and West Devon formally support Affordable Rent, it is important that rent levels are set having regard to specific local issues.

With the adoption of the Plymouth & South West Devon Supplementary Planning Document in 2020, we will now be seeking Social Rent tenure on new housing developments. Please see paragraphs 4.78 – 4.82 for more information.

www.plymouth.gov.uk/sites/default/files/JLPSPD2020FINALred.pdf

Our expectations on Affordable and Social Rent

When developing their tenancy policies we expect Registered Providers to have regard to the following:

The Councils recognises that developing associations will be charging Affordable and Social Rents on new developments and on a proportion of re-lets. The Councils defines Affordable Rent as:

‘a rent which does not exceed 80% of the Open Market Rent (inclusive of any service charges) for the relevant property type and in any event should not exceed the published Local Housing Allowance for the relevant property type and in the relevant property market area allowing for any modifications to a level of allowance as published from time to time by the Government SAVE THAT the rent charged under all lettings may be increased annually by a proportion equivalent to an increase by the Consumer Price Index plus 1%, or any relevant increase determined from time to time by Homes England’

The Councils defines Social Rent as:

“Affordable housing units let at a rent which meets guideline target rents determined through the national rent regime. Rent levels should not exceed target rent levels recommended for the area and the type of accommodation by the Homes and Communities Agency”

The Council expects Registered Providers to take the level of service charge payable on the property into account when looking at affordability. Rent and basic service charges, excluding water/waste, pull-chords/alarms etc., should be included in the rent setting, which should fall below the Local Housing Allowance rate. Extra Care accommodation is exempt from this requirement.

It is expected that Registered Providers will endeavour to keep increases for Universal Credit eligible service charges within the CPI + 1% Guideline Limit.

The Councils would also like to see Registered Providers carrying out an affordability assessment when letting properties at rents, which are close to the current Local Housing Allowance, to ensure that the tenancy will be sustainable over time.

5. Charge no more than 2 weeks rent in advance

The Councils would like to see households being able to transition smoothly into safe and secure homes, regardless of income.

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We support and encourage clients to prioritise paying rent, but we are increasingly concerned that there is a significant number of people who cannot afford upfront payments.

It is vital that homeless households, people on low incomes and people who cannot access other forms of housing can find a home they can afford. Social housing provides that safety net, but one month's rent in advance is simply not affordable.

We wish to support the good work registered providers do on behalf of their tenants, including the ability to offer flexibility for those who may be struggling financially. However, it is the Councils opinion that access to social housing should be fair and equitable and that rent in advance is a barrier to those with little, or no income, or no savings.

A key function of social housing is to provide accommodation that is affordable to people on low incomes. However, it would appear that decisions about the amount of rent in advance are being made upon personal, protected characteristics and income and this could be seen as discriminatory practice. Furthermore, there is no regulation around what happens at the end of a tenancy when rent in advance is charged and fully paid up by Universal Credit.

Registered Providers should therefore charge no more than 2 weeks rent in advance, clearly stating the amount when advertising and not requesting payment above this upon shortlisting.

Additionally, we would like to see providers publish an online rent in advance policy. The policy should clearly set out how rent in advance will be used, how it is returned, the process should the tenancy transfer to another provider and that no damages, or court costs will be deducted from these payments.

Where delays to the housing element of Universal Credit has led to providers being unable to offer financial flexibility, the Councils are keen to work in collaboration to find solutions for providers and their tenants that will work to both reduce rental arrears and sustain tenancies.

The Councils recommend that:

- There should be better access to pre-tenancy information for tenants, including budgeting and income maximisation.
- Introduce a financial assessment for potential vulnerability at the allocation stage.
- Providers should continue to improve their engagement with tenants and prioritise tenancy support, including helping tenants get online where appropriate.
- Joint working arrangements between the Council, the Department of Work and Pensions and registered providers should be maintained to ensure a holistic service is provided.

6. Types of Tenancy

Background

Historically, social housing tenants have been offered an assured or secure tenancy, which granted them a home for life. Fixed term tenancies were introduced as part of the Localism Act with the aim of helping Registered Providers to offer more flexible tenancies that would enable them to make the best use of their housing stock and to better meet local housing needs.

The Councils expect Registered Providers to offer tenancies in line with the new tenancy standards i.e.

“Tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock”

Registered Providers are able to offer fixed term tenancies on a minimum fixed term of five years, however in exceptional circumstances flexible tenancies can be for as little as two years. Registered Providers will still be able to offer the types of tenancies they currently use, for example secure, assured and introductory tenancies. The new fixed term tenancies are in addition to those currently available and social landlords do not have to use them. Existing secure and assured tenants cannot have their tenancies converted to a fixed term tenancy and many are offered special protections if they transfer to another home.

Our expectations on the Type of Tenancies

When developing their tenancy policies we expect Registered Providers to have regard to the following:

- To use five years as the minimum term for all fixed term tenancies. In exceptional circumstances, Registered Providers may set out shorter fixed term tenancies of a minimum of two years. Such exceptional circumstances should be set out and justified in the provider’s tenancy policy. We expect Registered Providers to discuss with us the schemes where tenancies of less than 5 years are being considered;
- To take into consideration recommendations from the Council and other partner organisations regarding the use of lifetime or longer term fixed tenancies for specific vulnerable households to ensure that they are not adversely disadvantaged;

- We strongly recommend that Registered Providers actively encourage tenants to downsize to smaller accommodation where appropriate. Downsizeers are given additional priority under the Council's allocation scheme and financial incentives may be available subject to budget demands.
- The Councils are keen to promote mobility within social housing and expects landlords to actively promote schemes to facilitate mutual exchange. Registered providers shall ensure the provider of the internet based mutual exchange service to which they subscribe is a signatory to an agreement, such as Home Swap Direct, under which tenants can access matches across all (or the greatest practicable number of) internet based mutual exchange services. They should also take reasonable steps to publicise the availability of any mutual exchange service that allows:
 1. a tenant to register an interest in arranging a mutual exchange through the mutual exchange service without payment of a fee
 2. the tenant to enter their current property details and the tenant's requirements for the mutual exchange property they hope to obtain
 3. the tenant to be provided with the property details of those properties where a match occurs
- Registered providers shall clearly set out, and be able to give reasons for, the criteria they use for excluding actual and potential tenants from consideration for allocations, mobility, or mutual exchange schemes.



Our expectations on Tenancy Renewal

Circumstances in which the Councils expect that the tenancies are not renewed but an alternative offer should be made:

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- **Size:** Tenancies should not normally be granted for properties that are significantly larger than the household requires unless set out in Local Lettings Policies. Exceptions might include examples such as where it is necessary to accommodate a full or part-time live-in carer, to enable access to dependent children where care is shared or to limit occupation because of local housing management issues. Any under-occupation should have regard to local housing market conditions; examples might include remoter rural settlements.
- **Extensive Adaptations:** Tenancies should not be renewed if the properties include the provision of extensive adaptations that are no longer required by anyone living in the household.

Circumstances in which the Councils expect the tenancy not to be renewed and no offer of alternative accommodation to be made are:

- **Income:** Tenancies should not be granted if the income of the household is above the income limit as set out in Devon Home Choice policy, or a local limit set by the Local Housing Authority. The Registered Provider may choose to encourage the household to remain in the property but on different terms e.g. paying full market rent, part or full owner.
- **Possession Proceedings:** If breach of tenancy conditions is to be used as a ground for non-renewal of the tenancy it is expected that Registered Providers will have already started possession proceedings. This will help demonstrate that the Registered Providers believe that the decision not to renew is proportionate and in pursuit of a legitimate claim. We expect Registered Providers to have looked at all the options i.e. exhausted other remedies before withholding the renewal of a tenancy on these grounds.

The Councils asks Registered Providers to notify the Housing Options service where a tenancy is being brought to an end and no alternative accommodation is being offered. A protocol for the notification process is in place.

7. Co-operate with the Councils to make the best use of stock

Registered Providers shall co-operate with South Hams and West Devon Councils strategic housing function and our duties to meet identified local housing needs. This includes assistance with our homelessness duties, and through meeting obligations in nominations agreements.

Local letting plans

The Councils expect Registered Providers work in partnership with the Council to develop local lettings plans to help create sustainable communities. The aim of a lettings plan would be to ensure that providers let homes in a way that:

- Develops balanced and mixed communities
- Promotes social inclusion
- Meets the needs of those in the greatest housing need
- Maximises the housing choice for applicants
- Minimises re-let periods
- Makes the best use of the stock, for example downsizing and better use of adapted homes
- Enables people to live and work in rural areas

Direct matches

The Councils would like to work with Registered Providers to set up direct matches on adapted homes that are fully wheel chair adapted and/or have wet rooms. This may require attendance at our Disabled Adapted Needs Panel Meeting if appropriate.

8. Disposal of Affordable Housing

Background

Given the high level of need for affordable housing, the Council would not generally wish to see the disposal of affordable housing stock. It is recognised that disposals may be appropriate in certain circumstances. This may for example include property which is uneconomic to maintain, or is not of a type or in a location which meets housing need.

There is a very limited amount of supported housing for vulnerable people in the area. Therefore, where possible, it is preferable that such accommodation is retained. If schemes become unviable to run, the Council will need to be assured that adequate alternative provision has been made for residents. Any Registered Provider will need to explore with the Council any opportunities to use these properties or retain the land for delivering additional affordable housing in the future.

There is an acute need for larger affordable family homes. Registered Providers should not dispose of accommodation that has four or more bedrooms unless exceptional circumstances can be demonstrated.

Our expectations on Disposal of Affordable Housing

When considering the disposal of affordable housing stock we expect Registered Providers to have regard to the following:

- The Councils will not generally support the disposal of the following types of housing without a very strong case being made to the Local Housing Authority;
 - Larger homes, which are defined as three bedroom houses with potential for use as 4 bedroom homes. For example they may have a dining room and living room or they may have three double bedrooms.
 - Larger homes capable of accommodating 6 people or more.
 - Properties that may be suitable for 'downsizing' initiatives.
 - Homes in smaller, rural settlements i.e. as defined in Statutory Instrument 1997 No 621.
- The Councils may support disposals in certain circumstances. This may include property which is uneconomic to maintain, or is not of a type or in a location which meets housing need.

Registered Providers Tenancy Policies

The Localism Act requires local authorities to signpost people to where Registered Providers' tenancy policies can be found. A list of Registered Providers with Stock in in South Hams and West Devon can be found at **Appendix 2**.

9. Equal Opportunities

The Councils are committed to equality of opportunity and anti-discriminatory practise in service provision and seeks to promote social inclusion.

Every effort will be made to ensure that housing applicants are treated fairly and sensitively. Applicants who are eligible to join Devon Home Choice will not be discriminated against on the grounds of race, colour, ethnic or national origin, disability, religion, age, gender, sexual orientation or marital status. All applicants will be asked to provide details of their ethnic origin. Devon Home Choice complies with the Equalities Act 2010.

This strategy will be amended and updated in order to conform to new housing and other relevant legislation and case law and to ensure that they do not operate in a way that discriminates against or disadvantages any particular group.

Registered Providers should adhere to their equality and diversity policies when monitoring an implementing this strategy and ensure they operate in compliance with the Equality Act.

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10. Monitoring and Review

We will monitor this Tenancy Strategy through annual updates and, where necessary, meetings with individual Registered Providers and/or key stakeholders.

The Councils request that Registered Providers provide up to date copies of their Tenancy Policies and notifies the Councils of any proposed changes.

Appendix 1 - Local Housing Allowance Rates

This website shows the weekly Local Housing Allowance rates for the South Hams and West Devon areas depending on postcode.

<https://lha-direct.voa.gov.uk/search.aspx>

Appendix 2 - Registered Providers Tenancy Policies

These are the contact details of Registered Providers with stock in South Hams and West Devon. Providers will be able to provide details of their tenancy policies.

Registered Provider	Telephone	Website
Advance Housing	0333 0124307	https://www.advanceuk.org/
Anchor	0808 1026795	www.anchorhanover.org.uk/
Aster	0333 4008222	www.astercommunities.co.uk
Guinness Hermitage	03031231890	www.guinnesspartnership.com
Hastoe Housing Association	03001232250	www.hastoe.com
Legal & General Affordable Homes		www.legalandgeneral.com/affordable-homes
Live West	03001238080	www.livewest.co.uk
Magna	01305 216000	www.magnaha.org.uk
Plymouth Community Homes	0808 2306500	www.plymouthcommunityhomes.co.uk
Sovereign South & West	0300 5000 926	www.sovereign.org.uk
South Devon Rural Housing Association	01803 863550	www.southdevonrural.co.uk
Sanctuary Housing	0800 1313348	www.sanctuary-housing.co.uk
Teign Housing	01626 322722	www.teignhousing.co.uk
Westward Housing Group	0300 100 1010	www.westwardhousing.org.uk
Willow Tree Housing Society	01752 250902	www.tamarhs.org

Advice if you are worried about paying rent in advance

Almost all of the partner landlords providing affordable housing in our area will require at least 2 weeks of rent in advance at the point of tenancy sign up. It is essential if you are looking to move into affordable housing that you consider setting up a savings plan to meet these initial costs. Any money you have saved toward the rent in advance is great – even if it is not quite enough to cover the full cost. If you are worried that you may not be able to raise enough money there are several options for you to consider.

Building up a rent in advance sum after you have moved in

Many Housing Associations will allow you to pay a weekly or monthly contribution on top of your rent to build up a rent in advance sum on your rent account. Speak with your Housing Association Housing officer about setting up a payment scheme for your Rent in Advance.

Financial Support options

Turn 2 Us is a free, accessible website offering a range of tools to help people access the money

available to them through benefits, grants and other financial help. The site has been designed to help people find appropriate sources of financial support, quickly and easily, based on their particular needs and circumstances

Your local Authority Housing Advice team can often provide advice on local initiative to help people access funding to assist with a move

Credit unions

Credit Unions are different from banks and other financial institutions. Members pool their savings to provide each other with credit at a low interest rate. Credit unions are community oriented and their purpose is to serve people rather than maximise profits which is why they offer loans at a lower interest rate than from Banks and other financial institutions. The services offered are similar to those offered by banks but they use different terminology e.g. share accounts instead of savings accounts. It is usually the case that you have to be a member of a credit union before you may deposit or borrow money. Find out more at: www.westcountry.org.uk

If you are Homeless or at Risk of Homelessness

South Hams and West Devon's Housing Advice Service may be able to grant or loan you the funding you need to secure a tenancy and prevent you from being homeless. You can contact the Housing Advice team using the email housing.advice@swdevon.gov.uk

Budgeting Loan

To qualify for a budgeting loan you must be in receipt of certain benefits. Find out if you qualify for a Budgeting Loan from the DWP here: www.gov.uk/budgeting-help-benefits/how-to-apply

Discretionary Housing Benefit

If you are already in receipt of housing related benefit or universal credit you may be able to apply for a Discretionary Housing Payment (DHP) to cover the cost of your rent in advance. These are managed by your Local Authority Housing Benefit team.

Further information on being sure you are Rent Ready can be found here: www.devonhomechoice.com/are-you-rent-ready



South Hams
District Council

www.southhams.gov.uk



West Devon
Borough Council

www.westdevon.gov.uk

Registered Provider contact details for consultation of Tenancy Strategy June/July 2021

Name	Organisation	Reply	Comments
Heidi Hewett	Guinness Partnership	Yes	Guinness will support the change, we currently request 2 weeks rent in advance, requesting that the remaining 2 weeks are repaid over an affordable arrangement post tenancy.
Gary Pitman	Devon Home Choice		
Dan Janota	Dartmoor National Park		
Alison Golby	Devon County Council		
Kerry Bate	Live West	Yes	fixed term tenancies – we would usually offer a fixed term tenancy of 7 years (or 6 plus a 12 month starter period). In cases where there is limited leave to remain or pre-settled status, this may be less. We would not issue tenancies for less than 2 years. - We issue fixed term tenancies on our larger property sizes in accordance with our tenure policy (3 plus bedrooms). If an application came through from someone with an existing secure tenancy or social housing tenancy from pre 2012, for a 3 or more bedroom property and that property was an affordable rent – they would only be offered a fixed term tenancy. However, if it were a social rent property, they would be offered an assured tenancy. - LiveWest policy is for 4 weeks rent in advance across all of our geography. We would consider reducing this amount only by exception and on a case by case basis, but we would not agree to only asking for 2 weeks rent in advance as standard I'm afraid.
Christine	South Devon Rural Housing Association		
Gareth Fitzpatrick	Rent Plus		
Callum Turner	Willow Tree Housing		
Steve Ford	Plymouth Community Homes	Yes	With regards to the proposed reduction of the RIA we've been able to support prospective residents in ensuring their ability to pay/afford the 4 weeks RIA requested. We have in extenuating circumstances further supported with repayment arrangements after the tenancy sign up. Given our tenancy sustainability and support regarding rental payments we wouldn't be looking to amend our Board's agreed pre tenancy requirements.
Andy Boon	Aster		
Rich Pillar	Pillar Land Securities		
Justine Murfin	Westward Housing		
Adria Brandon	Clarion Housing Group		

Lesley Metcalf	Sovereign Housing		
Chris Meadows	Hastoe		
Jon Cox	Sovereign Housing		
Claire Hooper	Sanctuary Housing		
Ben Cane	Legal & General Affordable Homes		
Amanda Nicholls	Teign Housing		

NOT FOR PUBLICATION

This report contains exempt information included in the appendices as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial affairs relating to the business affairs of the Council or a third party)

Report to: **Hub Committee**

Date: **2 November 2021**

Title: **Fusion Lifestyle –Leisure Contract Support Update**

Portfolio Area: **Health and Wellbeing – Cllr Leech**

Wards Affected: **All**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Author: **Chris Brook** Role: **Director Place and Enterprise**
Lisa Buckle **Director Strategic Finance**

Contact: Chris.Brook@swdevon.gov.uk
Lisa.Buckle@swdevon.gov.uk

RECOMMENDATIONS

That the Hub Committee:

- 1. NOTE the performance of the Fusion contract to date, wider market trends and the financial information on Fusion’s performance in 2021.**
- 2. RECOMMEND to Council the contract variation and changes to the management fee profile as set out in Appendix A (Table 1).**
- 3. RECOMMEND to Council to fund the £58,639 shortfall in income of the management fee in 2021-22, from the COVID Losses Earmarked Reserve in 2021-22.**

1. Executive summary

- 1.1. The Covid-19 pandemic continues to impact the current use and recovery of leisure centres across the country with challenging conditions still affecting Fusion Lifestyle, the Council’s operator, following the reopening of the facilities in April 2021.
- 1.2. In the recent report published in September 2021 on ‘Securing the future of public sport and leisure services’ by the LGA and APSE, it highlights the devastating impact of Covid-19 on public leisure with the loss of income due to facility closures, higher operational costs and Councils providing additional funding support to keep them open.
- 1.3. Access to leisure services and the health and wellbeing of the community are clearly linked; there is a connection between low levels of physical activity and an increased occurrence of certain health

issues. There are other important reasons why higher levels of physical activity will have a positive effect on the overall health and wellbeing of a community. Sport England reports that increased opportunities for physical activity, and access to leisure and sporting facilities can help to reduce anxiety, stress or depression; improve levels of confidence and self-esteem and can help bring together people from diverse backgrounds.

- 1.4. This report provides an update on current performance levels, the recovery and business impact within the Contract and proposed contract variations so as to mitigate those impacts.
- 1.5. It sets out the financial implications for this Council during the current year and for the future term of the leisure contract. The recommendation to adjust the future management fee profile to reflect the impact of the pandemic, provides the best footing for the leisure centres within the District to spring from in 2021. These changes do not vary the total management fee due over the contract period, which remains the same. So the impact is one of timing and the impact on the overall profile of cashflow and revenue income from the management fee payable.
- 1.6. Investing and supporting public leisure facilities is an investment in ill-health prevention and leisure centres are essential community hubs, significantly contributing to improving people's health and wellbeing.
- 1.7. Appendix A sets out the new proposed management fee. There would be a £58,639 shortfall in income of the management fee in 2021-22. It is recommended to fund this shortfall from the COVID Losses Earmarked Reserve in 2021-22. From 2022-23 onwards, the proposed management fee income would be in excess of the current budgeted income level, as detailed in Appendix A.

2. Background

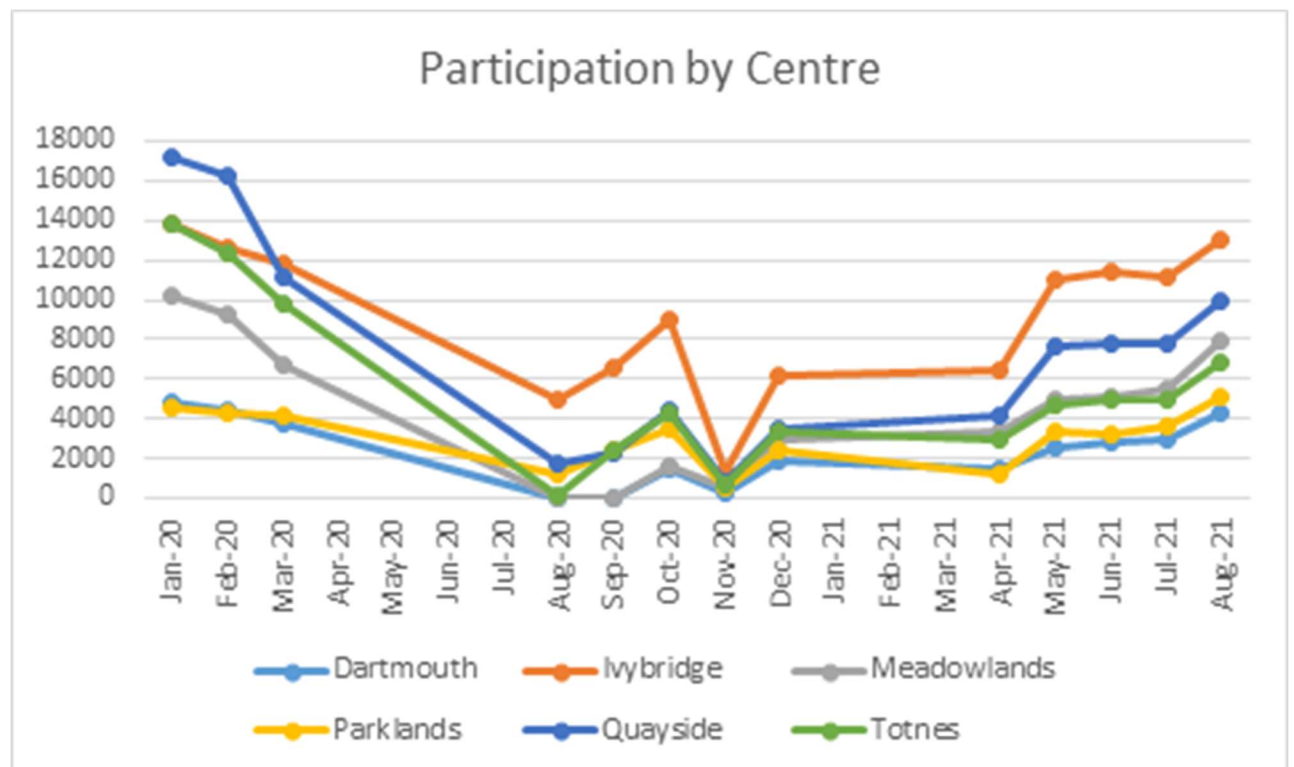
- 2.1. In 2016, the Council signed a Design Build Maintain and Operate (DBOM) contract with Fusion for the two leisure centres in West Devon. The contract is for 25 years and allows the Council to bring in private sector expertise and experience in managing a discretionary service for public leisure centres.
- 2.2. This report follows the extensive update given at Full Council last year on 22nd September 2020 (Minute CM13), where the Council agreed to continue with the Fusion Contract ('Strategic Options Appraisal') as being the most appropriate means of supporting Health and Wellbeing objectives within the West Devon Borough area.
- 2.3. The report also set out how the Council supported the leisure contract with significant funding for £435,000 to allow its centres to remain open through to March 2021. This was approved at Council on 28th April 2020, 29th July 2020 and on 22nd September 2020 (Minute Ref CM13).
- 2.4. A further report on 30th March 2021 (Minute CM43) outlined additional support being made to Fusion through the National Leisure Recovery Fund for £85,493. This enabled Fusion to meet the costs of preparing

and carrying out the re-opening of leisure centres from 12th April 2021 onwards following the last lockdown.

- 2.5. At the March 2021 meeting, it was highlighted that a further report would be brought back after the summer to provide an update on the leisure centres since their re-opening and Fusion’s performance.

3. Leisure Centre’s reopening and usage update

- 3.1. The key re-opening dates for the leisure centres were recently outlined in Fusion’s first Quarterly Review of this year 2021/22.
- 3.2. All Centre’s successfully re-opened from 12th April in line with Covid-19 restrictions and from 19th July more activities and usage could take place with the easing of the restrictions.
- 3.3. Centre participation across all 6 leisure centres in West Devon and South Hams has increased since the re-opening in April 2021 from c19,500 to c47,000 in August 2021.
- 3.4. This figure (c47,000) compared to August 2019 of c58, 000 represents over 80%.



3.5. Key points to note in leisure activities, memberships and usage are as follows:

- Overall centre memberships in August '21 are at 67%; 4,558 against 6,764 in March'20 and this being at 72% compared to August'19 memberships.

Total	March 2020	August 2021	%
Meadowlands (Tavistock)	1,075	717	67%
Parklands (Okehampton)	824	522	63%
Dartmouth	560	399	71%
Ivybridge	1,665	1,129	68%
Quayside (Kingsbridge)	1,523	1,067	70%
Totnes	1,117	724	65%
Total	6,764	4,558	67%

- Swim school has been in high demand and overall memberships are at 78% compared to March '20.
- Casual public swims have been very popular, also fitness classes have seen increased usage. The gym usage has been slower to recover.
- The launch of a new tourist membership in May '21 has been popular across the sites.
- Since July with the removal of social distancing, indoor clubs have returned and group exercise classes can move back to their smaller studios.
- Extended opening hours have been introduced where demand and revenue growth has allowed.

4. National Leisure Overview

- 4.1. As part of the National Leisure Recovery Fund, performance and usage data for leisure centres is being tracked through 'Moving Communities.'
- 4.2. This research reveals that while public leisure centres have shown a steady rate of recovery since reopening in March, there are still former participants that have not returned, with recovery rates settling at just above 70%. This current data is being compared to 2019 figures in the same period.
- 4.3. Activities have recovered at different rates as well with Swimming at 78% and Group Exercise at 62%. Also recovery rates in the rural areas were below the national average at around 65%. This may reflect an older age group as more urban areas with a younger population are returning at a faster rate.

- 4.4. In a report published by the LGA and APSE in September regarding the 'Future of Public Sport and Leisure Services', it highlights that the pandemic has hit the leisure sector hard, compounding existing challenges, including ageing leisure centres and a lack of strategic coordination between health and leisure at a national level.
- 4.5. The District Council Network reported in May 2021 that more than 100 leisure centres could be at risk of closing due to the pandemic and additional Government is needed to support the leisure sector.
- 4.6. Recent leisure procurements have indicated that it is challenging for bids to return best value and competitive tenders. Several areas, such as Plymouth and Exeter, have decided to return their leisure service to a local provision. However other Councils (including South Somerset DC) have successfully completed a procurement exercise with significant improvements in the financial proposals and investment in facilities, albeit the improvement is generally coming after the first 18 – 24 months of the contract to allow for Covid recovery.
- 4.7. Councils are still continuing to invest in their local facilities, such as Exeter with a new energy efficient leisure complex opening shortly and in North Devon with the build of its new centre in Barnstaple this summer. Most operators in the market are forecasting a return to pre Covid level during 2022/23 financial year.

5. Financial Considerations

- 5.1. Appendix A sets out a financial overview on various aspects of the Leisure Contract.
- 5.2. Appendix B1 & B2 set out the latest set of accounts and

6. 'A Plan for West Devon' – Thematic Delivery Plan

6.1 Strengthening Community Wellbeing, a high level theme within 'A Plan for West Devon', identifies 'ensuring leisure provision meets the needs of residents' as a focus area. A key action within the Thematic Delivery Plan is to secure the provision of high quality and accessible leisure services.

7. Proposed Way Forward

- 7.1 It is recommended that the Hub Committee :
 - Note the performance of the Fusion contract to date, wider market trends and the financial information on Fusion's performance in 2021.
 - Recommend to Council the contract variation and changes to the management fee profile as set out in Appendix A (Table 1).
 - Recommend to Council to fund the £58,639 shortfall in income of the management fee in 2021-22, from the COVID Losses Earmarked Reserve in 2021-22.

8. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>Officers have taken legal advice during 2020 on the impact the Government's decision has on the contract and therefore the Council.</p> <p>The contract contains a change in law clause which has been triggered by the Government's actions and as such, it is a requirement under the contract for the Council to provide support during the forced closure period. The Council has provided this support.</p> <p>The Appendices to this report are exempt from publication because they contain information about financial and business affairs of the Council and third parties as defined in Paragraph 3 of Schedule 12A to the Local Government Act 1972. The public interest test has been applied and it is considered that the public interest lies in not disclosing these Appendices at this time because they contain financial and commercially sensitive information which could prejudice the third party if such information was disclosed at this time.</p>
Financial implications to include reference to value for money		<p>Appendix A sets out the new proposed management fee. There would be a £58,639 shortfall in income of the management fee in 2021-22.</p> <p>It is recommended to fund this shortfall (£58,639) from the COVID Losses Earmarked Reserve in 2021-22, which has a remaining uncommitted balance of £312,000.</p> <p>From 2022-23 onwards, the proposed management fee income would be in excess of the current budgeted income level, as detailed in Appendix A.</p>
Risk		<p>The risks of the Leisure service were set out in Section 4 of the report to Council on 22 September 2020.</p>

Climate Change		Contract targets to reduce energy usage
Consultation and Engagement Strategy		External consultation and engagement has not been undertaken with regard to this report
Comprehensive Impact Assessment Implications		
Supporting Corporate Strategy		Health and Wellbeing – see Section 6
Equality and Diversity		Whilst private sector facilities are available within the area, opportunities for equality and diversity are improved through the re-opening of public sector leisure centres.
Safeguarding		N/A
Community Safety, Crime and Disorder		N/A
Health, Safety and Wellbeing		<p>One of the Council's adopted strategic priorities is Health and Wellbeing and it has a history of providing these services, which is why it has entered into a long term contract to do so.</p> <p>It is not the case that the Council's leisure centres are the only services available in the area.</p> <p>However they are the biggest and most complete in the offer that they provide. This includes, swimming (casual, club and swim school), gym & personal training and group fitness classes.</p>
Other implications		

Appendices

EXEMPT Appendix A – Financial Information relating to the Leisure contract

EXEMPT Appendix B – Fusion Lifestyle Accounts – year ended 31 December 2020

EXEMPT Appendix C – Full Year Outlook

Background Information

None

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes
SLT Rep briefed/sign off	Yes
Relevant Head of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes

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Report to: **Hub Committee**
Date: **2nd November 2021**
Title: **Write Off Report**
Portfolio Area: **Performance & Resources – Cllr Edmonds**
Wards Affected: **All**
Urgent Decision: **N** Approval and clearance obtained: **Y / N**

Date next steps can be taken: Upon the expiry of the call-in period – 11 November 2021

Author: **Lisa Buckle** Role: **Section 151 Officer**
Contact: **Ext. 1413 lisa.buckle@swdevon.gov.uk**

Recommendations:**That the Committee:**

- 1. notes that, in accordance with Financial Regulations, the Section 151 Officer has authorised the write-off of individual West Devon Borough Council debts totalling £50,262.73 as detailed in Tables 1 and 2.**
- 2. approves the write off of individual debts in excess of £5,000 totalling £12,357.71 as detailed in Table 3.**

1. Executive summary

The Council is responsible for the collection of: Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates.

The report informs members of the debt written off for these revenue streams. Debts up to the value of £5,000 can be written off by the s151 Officer, under delegated authority. Permission needs to be sought from the Committee to write off individual debts with a value of more than £5,000.

This report covers the period 1st April 2021 to 30th September 2021.

The total of West Devon Borough Council debts to be written off is £62,620.44.

2. Background

The Council's sound financial management arrangements underpin delivery of all the Council's priorities, including the commitment to providing value for money services.

This report forms part of the formal debt write-off procedures included in these financial arrangements.

The Council's collection rate for 2020/21 for Council Tax was 97.3% which is 1.6% higher than the National Average of 95.7%.

The Council's collection rate for Business Rates 91.5% which is slightly below the National Average of 93%. Debts outstanding for 2020/21 will continue to be pursued. This compares to the collection rates for 2019/20 which were 97.7% for Council Tax 97.6% for Business Rates.

Debts are recovered in accordance with the Council's Recovery Policy which is published on our website.

3. Outcomes/outputs

In accordance with good financial management principles, the Council makes appropriate bad debt provision for the revenue streams detailed in this report. This provision recognises that a proportion of the Authority's debts will prove irrecoverable and ensures that the value of debtors within the Authority's accounts is a fair reflection of the amount that will eventually be recovered.

All debts, taxes and rates within the Service's control are actively pursued, and in most instances are collected with little difficulty. In cases where payment is not received on time, a reminder will be issued promptly to the debtor. If this fails to secure payment, a final reminder and/or a summons will also be issued and if necessary the debt passed to an appropriate collection agent such as the Civil Enforcement Agents or the Council's Legal Department in order to secure payment.

Sometimes, however, if the debtor is having difficulty making the payment, special arrangements are used to effect recovery, and this may mean extending the period of time to collect the debt.

In some cases pursuit of an outstanding debt is not possible for a variety of reasons, such as bankruptcy or liquidation and such cases with arrears under £5,000 can be written off by the Section 151 Officer under delegated authority. Cases where the debt exceeds £5,000 must, however, be approved by the Committee prior to the debt being written off.

A record is kept of debts written off, together with the reason for doing so, so that if there is a realistic chance of recovery in the future a debt may be resurrected and pursued again.

The Service has access to Experian's Citizenvue database which is currently the most reliable means of tracing absconded debtors. Each case is checked against this system before a decision is taken to write off the debt. A periodic review of write offs against this system may also be carried out to resurrect debts where appropriate.

4. Options available and consideration of risk

The Committee can either approve to the debt being written off or not. Should the write off of an individual debt not be approved, it will remain on the appropriate system as an outstanding balance. In cases of insolvency there is no option available to the Council but to stop any action to collect the debt. With any case where the debt remains on the appropriate Council system, it may result in additional time and cost spent to pursue the debts when there is no realistic prospect of recovery.

5. Proposed Way Forward

The Committee approves the write off of individual debts in excess of £5,000 as detailed in Table 3.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The relevant powers for this report are contained within the following legislation; Section 151 Local Government Act 1972 Section 44 Local Government Finance Act 1988 (Non Domestic Rate) Section 14 Local Government Finance Act 1992 (Council Tax)
Financial implications to include reference to value for money		The Committee notes that, in accordance with Financial Regulations, the Section 151 Officer has authorised the write-off of individual Council debts totalling £50,262.73 as detailed in Tables 1 and 2. It is recommended that the Committee approves the write off of the debt in excess of £5,000 for £12,357.71, as detailed in Table 3. The total debts to be written off are £62,620.44.
Risk		Any risk to reputation is managed carefully by prompt recovery of amounts due wherever possible.

		This risk is also mitigated by taking a balanced view and ensuring that resources are not expended on debts which are not cost effective to pursue The obvious risk of debtors subsequently being able to pay a debt which has been written off is mitigated by the activity outlined in Part 3.
Supporting Corporate Strategy		Delivering efficient and effective services
Climate Change - Carbon / Biodiversity Impact		No direct carbon/biodiversity impact arising from the recommendations
Consultation and Engagement Strategy		External consultation and engagement has not been undertaken on this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		All enforcement action that is taken prior to this point is undertaken in accordance with legislation and accepted procedures to ensure no discrimination takes place.
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		A bad debt provision is built into the financial management of the Authority

Supporting Information

Appendices:

- Table 1 – Council debt under £5,000 written off by the Section 151 Officer
- Table 2 – Non-Domestic Rate debt under £5,000 written off by the Section 151 Officer
- Table 3 – Summary of items over £5,000 where permission to write off is requested
- Table 4 – National & Local Collection Statistics re 2020/21 Collection Rates
- Table 5 – Quarterly income in 2020/21 relating to all years
- Table 6 – Previous Year Write Off Totals

Background Papers:

There are none

Approval and clearance of report

Process checklist	Completed
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Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Heads of Practice sign off (draft)	Yes
Data protection issues considered	Yes
Accessibility checked	Yes

TABLE 1 SUMMARY OF WEST DEVON BOROUGH COUNCIL DEBT UNDER £5,000 WRITTEN OFF BY S151 OFFICER

TYPE OF DEBT	REASON FOR W/OFF	Financial Year 2021/22		Totals for Comparison purposes			
		Quarters 1 & 2		Equivalent Quarters 2020/21		Grand Total 2020/21	
		Cases	Amount	Cases	Amount	Cases	Amount
HOUSING BENEFIT	Overpaid Entitlement	7	1,282.15	4	3,823.08	11	4,770.62
	Insolvency / Bankruptcy	3	5,586.14	1	500.00	2	1,339.33
	Deceased	3	1,910.98	-	-	1	39.54
	Other	-	-	-	-	-	-
	Absconded	-	-	-	-	-	-
	Not Cost Effective to Pursue	3	21.75	4	26.49	12	127.79
	Uncollectable Old Debt	2	38.05	7	4,080.94	13	6,713.22
Total		18	8,839.07	16	8,430.51	39	12,990.50
COUNCIL TAX	Absconded	-	-	3	754.27	26	6,801.20
	Insolvency / Bankruptcy	19	28,931.20	18	25,718.24	31	43,477.09
	Deceased	3	1,154.70	9	4,318.07	11	5,298.04
	Other (inc. CTR overpayment)	-	-	8	2,102.16	10	2,722.22
	Small Balance	4	13.72	1	0.17	71	56.91
	Uncollectable Old Debt	3	4,969.95	-	-	1	885.34
Total		29	35,069.57	39	32,892.91	150	59,240.80
SUNDRY DEBTS	Small Balance	-	-	35	2,342.49	35	2,342.49
	Insolvency / Bankruptcy	3	528.40	2	4,178.56	3	4,678.56
	Unable to pursue	3	120.00	4	807.13	4	807.13
	Uncollectable Old Debt	11	795.07	4	874.80	4	874.80
	Absconded	8	4,908.43	40	15,811.96	41	16,496.96
	Other	-	-	1	472.50	13	3,084.44
Total		25	6,351.90	86	24,487.44	100	28,284.38
Grand Total		72	50,260.54	141	65,810.86	289	100,515.68

**Breakdown of Absconded Council Tax Debt
(Some cases have debts over more than one year)**

Year	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	Pre 2012/13	Total
Value	-	-	-	-	-	-	-	-	-	-	-	-
Number	-	-	-	-	-	-	-	-	-	-	-	-

TABLE 2 SUMMARY OF NON DOMESTIC RATE DEBT UNDER £5,000 WRITTEN OFF BY THE S151 OFFICER

TYPE OF DEBT	REASON FOR W/OFF	Financial Year 2021/22		Totals for Comparison purposes			
		Quarters 1 & 2		Equivalent Quarters 2020/21		Grand Total 2020/21	
		Cases	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	Insolvency / Bankruptcy	-	-	1	3,683.04	6	11,060.38
	Absconded	-	-	-	-	-	-
	Deceased	-	-	-	-	-	-
	Other	-	-	-	-	-	-
	Small Balance	1	2.19	1	0.01	3	0.03
	Uncollectable Old Debt	-	-	-	-	1	2,650.28
Total		1	2.19	2	3,683.05	10	13,710.69

TABLE 3 SUMMARY OF ITEMS OVER £5000 WHERE PERMISSION TO WRITE OFF IS REQUESTED

TYPE OF DEBT	REASON FOR W/OFF	Financial Year 2021/22		Totals for Comparison purposes			
		Quarters 1 & 2		Equivalent Quarters 2020/21		Grand Total 2020/21	
		Cases	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	Insolvency / Bankruptcy	1	12,357.71	-	-	-	-
	Absconded	-	-	-	-	-	-
	Deceased	-	-	-	-	-	-
	Other	-	-	-	-	-	-
Total		1	12,357.71	-	-	-	-
HOUSING BENEFIT	Insolvency / Bankruptcy	-	-	-	-	-	-
	Absconded	-	-	-	-	-	-
	Other	-	-	-	-	-	-
	Deceased	-	-	-	-	-	-
	Overpaid entitlement	-	-	-	-	-	-
Total		-	-	-	-	-	-
COUNCIL TAX	Insolvency / Bankruptcy	-	-	1	6,176.03	2	11,540.15
	Absconded	-	-	-	-	-	-
	Other (inc. CTR overpayment)	-	-	-	-	-	-
Total		-	-	1	6,176.03	2	11,540.15
SUNDRY DEBTORS	Insolvency / Bankruptcy	-	-	1	11,643.35	1	11,643.35
	Absconded	-	-	-	-	-	-
	Other	-	-	-	-	-	-
Total		-	-	1	11,643.35	1	11,643.35
Grand Total		1	12,357.71	2	17,819.38	3	23,183.50

TABLE 4 NATIONAL & LOCAL COLLECTION STATISTICS RE 2020-21 COLLECTION RATES

Total amount collected in 2020-21 relating to 2020-21 financial year only (net of refunds relating to 2020-21)

	Council Tax			Non Domestic Rates		
	Collectable Debit i.r.o. 20/21 - £000s	Net Cash Collected* i.r.o. 20/21 - £000s	Amount Collected i.r.o. 20/21 - %age	Collectable Debit i.r.o. 20/21 - £000s	Net Cash Collected* i.r.o. 20/21 - £000s	Amount Collected i.r.o. 20/21 - %age
All England	33,101,727	31,678,072	95.7	16,001,106	14,883,986	93.0
Shire Districts	14,384,849	13,937,177	96.9	4,658,929	4,426,210	95.0
East Devon	118,232	116,694	98.7	18,816	17,500	93.0
Exeter	71,545	68,738	96.1	38,486	36,884	95.8
Mid Devon	59,258	57,456	97.0	8,766	8,486	96.8
North Devon	69,326	66,556	96.0	12,443	11,849	95.2
Plymouth	134,488	132,125	98.2	45,584	44,912	98.5
South Hams	77,296	75,601	97.8	17,657	16,198	91.7
Teignbridge	97,908	96,075	98.1	14,570	14,099	96.8
Torbay	87,550	83,248	95.1	11,929	10,498	88.0
Torrige	48,254	46,966	97.3	5,503	5,278	95.9
West Devon	42,737	41,596	97.3	5,172	4,734	91.5

* Net Cash Collected is total 2020-21 receipts net of refunds paid, in respect of 2020-21 only

TABLE 5 QUARTERLY INCOME IN 2020-21 RELATING TO ALL YEARS

Total amount collected in 2020-21 relating to any financial year (net of all refunds made in 2020-21)

	Council Tax Net Cash Collected* £000s	Non Domestic Rates Net Cash Collected* £000s
Quarter 1 - Receipts collected between 1 st April – 30 th June	12519	1,670
Quarter 2 - Receipts collected between 1 st July – 30 th September	11,261	895
Quarter 3 - Receipts collected between 1 st October – 31 st December	11,960	1,160
Quarter 4 - Receipts collected between 1 st January – 31 st March	6,152	532

* Net Cash Collected is total receipts in 2020-2021 net of refunds paid, irrespective of the financial year (previous, current or future years) to which they relate

TABLE 6 PREVIOUS YEAR WRITE OFF TOTALS

		2020 - 21	2019 - 20	2018 - 19	2017 - 18	2016 - 17	2015 - 16
HOUSING BENEFIT	Under £5,000 cases	12,990.50	104,270.24	75,961.02	117,461.11	28,341.72	37,800.00
HOUSING BENEFIT	£5,000 or over cases	-	44,375.04	12,721.09	17,126.57	15,685.10	15,685.10
Total		12,990.50	148,645.28	88,682.11	134,587.68	44,026.82	53,485.10
COUNCIL TAX	Under £5,000 cases	59,240.80	83,123.43	52,827.04	85,818.34	85,498.82	60,159.32
COUNCIL TAX	£5,000 or over cases	11,540.15	5,242.92	-	27,458.04	-	0.00
Total		70,780.95	88,366.35	52,827.04	113,276.38	85,498.82	60,159.32
SUNDRY DEBTS	Under £5,000 cases	28,284.38	4,006.46	16,145.70	85,064.24	15,895.01	3,020.15
SUNDRY DEBTS	£5,000 or over cases	11,643.35	6,759.59	-	-	-	-
Total		39,927.73	10,766.05	16,145.70	85,064.24	15,895.01	3,020.15
NON DOMESTIC RATES	Under £5,000 cases	13,710.69	16,130.13	9,704.04	8,876.14	10,517.74	6,650.00
NON DOMESTIC RATES	£5,000 or over cases	-	123,504.56	38,251.60	7,561.62	29,217.16	29,217.16
Total		13,710.69	139,634.69	47,955.64	16,437.76	39,734.90	35,867.16
GRAND TOTAL		137,409.87	387,412.37	205,610.49	349,366.06	185,155.55	152,531.73

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At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **5th** day of **OCTOBER 2021** at **2:00 pm**.

Present:

Cllr M Ewings – Chairman
Cllr P Kimber – Vice-Chairman

Cllr A Coulson	Cllr D Sellis
Cllr N Heyworth	Cllr T Southcott
Cllr S Hipsey	Cllr J Spettigue
Cllr D Moyse	Cllr P Vachon
Cllr L Samuel	Cllr L Wood

Deputy Chief Executive
Director of Place and Enterprise
Democratic Services Officer
Specialist – IT
Specialist - Communications

Also in Attendance:

Cllrs P Crozier, L Daniel, C Edmonds, N Jory, T Pearce, and J Yelland (virtual)

***O&S 10 APOLOGIES FOR ABSENCE**

Apologies for absence for this meeting were received from Cllrs C Kemp and J Moody. It was acknowledged that, with effect from 30 September 2021, Cllr R Musgrave had resigned from the Office of West Devon Borough Council and therefore this Committee was carrying a vacancy until a new Member was elected.

O&S 11 CONFIRMATION OF MINUTES

The minutes of the Meeting of the Overview and Scrutiny Committee held on 22 June 2021 were confirmed by the Meeting as a true and correct record.

The informal notes and recommendations arising from the Informal Meeting held on 27 July 2021 were reviewed and noted. With regard to the informal recommendations

a) Devon Home Choice Review:

RECOMMENDED

The Committee **RECOMMEND** to the Hub Committee that the Council continues to be a Member of Devon Home Choice.

**b) Performance Management Report:
RESOLVED**

The Committee **RESOLVES** to note:

1. the performance figures shown in the Pentana report.
2. that Members have reviewed the information provided in the dashboards and provide feedback to the portfolio holder on any additional measures required to scrutinise performance.

***O&S 12 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting but there were none made.

***O&S 13 PUBLIC FORUM**

The Chairman confirmed that no formal requests had been received in accordance with the Overview and Scrutiny Procedure Rules.

***O&S 14 TRAFFIC CONGESTION IN WEST DEVON**

The Committee were given a presentation by Cllr Stuart Hughes, the Portfolio Holder for Highways, and Mr John Fewings, Neighbourhood Highways Manager (South), both of Devon County Council (DCC). During the presentation, the following points were made:

- There were two main types of works on the highway: road works (road maintenance works) and street works (mainly utilities works).
- Road works were generally known well in advance for budget, design, and consultation purposes. Utility works tended to be more problematic because there was less time to plan and it was a legal requirement to concur with the organisation's needs if at all possible. It was noted that utility organisations were now required to apply for a permit for street works.
- Meetings were held with Utility organisations at the beginning of the year to try to plan what activities there would be around the area throughout the year, to try to co-ordinate works, but it was accepted that unforeseen emergency works would always need to be dealt with quickly.
- Planning guidelines altered in recent years making it much more difficult to refuse a planning application for highways reasons.
- It was acknowledged that many major highways were close to capacity so any small event, eg road works, could inevitably cause long delays and added congestion.
- The Strategic planning team annually reviewed its local transport plan, which included cycle routes and bypasses. Following a question asked by the Chair for an overview of strategic planning and any correlation between that and Local Plans to see any impact on

roads, the Officer offered to send a link to Devon County Council's (DCC) strategic documents.

- Cllr Hughes confirmed that officers from West Devon Borough Council would discuss all new proposed developments with their DCC planning colleagues to review the potential impacts on nearby roads.
- Following a question regarding speeding within the Dartmoor National Park area, the officer outlined the process required for the introduction of a speed limit on the Moor and the need to request for individual speed signs to be erected on the road.
- It was confirmed that DCC held a capital drainage budget and a revenue drainage budget: both budgets were described as limited. DCC would soon be asking local Town and Parish Councils what were their priorities and the responses received would be used to determine which schemes could be implemented. Many under highway drains were at capacity, therefore Cllr Hughes encouraged Members to canvas their local MPs, following a reduction of £20 million from the Highways budget last year. Any construction on the roads would look at drainage issues at that point.
- Following a question regarding the severe traffic congestion in Okehampton Town Centre, it was confirmed that three large shopping centres had been built just off the main street which had impacted on vehicular movements. The re-opening of the rail station should help in this regard. Medieval towns like Okehampton were trying to cope with modern traffic which was very difficult. Signals in middle Okehampton were synchronised to try to ensure movement through the town centre as quickly as possible but these were restricted.
- Clarification was given on how capacity was defined for roads and it was stated that most town centres were very close to their capacity. The Officer offered to send the definitive figures to the Committee but pointed out that the figure was often lower in towns as the street layout would impact, eg bus stops.
- Single track and narrow roads should be limited to 30mph was one Member's view. It was confirmed that a blanket policy of 30mph was not possible
- Following several questions from Members, the Officer confirmed he would be happy to pass on any queries to his colleague in Highways Planning. It was agreed that any questions would be sent to the Democratic Services Specialist for forward transmission.
- It was agreed that the Officer would circulate details relating to the 'Doing What Matters' budget changes.
- Although the Officer confirmed there was a disconnect between highways planning and function areas, it was confirmed that the two areas held regular meetings to review up and coming developments and to review Section 106 monies and their potential uses.
- Following a question regarding the Council's declaration of a climate change and biodiversity emergency, it was confirmed that DCC had been actively promoting cycling and walking for many years. It was

acknowledged that it was harder for those living in rural areas to access public transport as often provision did not exist. Cllr Hughes agreed to update the Committee on the A386 cycling route proposals.

- One Member queried what measurements determined responses on planning applications after being informed that there was only one yardstick used, and that was how many accidents, major or minor, and number of deaths had occurred in the vicinity of the application. The DCC Officer agreed to find out and update the Committee outside of this meeting.
- It was explained that roads were prioritised for repairs through information garnered from Neighbourhood Officers, and by using two types of scanning device: one for road deformation and another that registered cracking and surface deterioration. The collation of this information produced a county wide map highlighting road conditions which would be used to prioritise repairs. Major roads were prioritised over minor roads. Further to a question from a Member, it was confirmed that workers should be filling all nearby potholes and not just the one that had been assigned for filling. The Officer stated that he would remind the contractor of this requirement. The reduction in the Highway's budget meant that the repairs were severely limited.
- Following a question about speed limits in the Borough, it was outlined that a Borough wide speed limit of 20mph would not be possible but specific areas could be added to the list waiting for review. It was requested that any such areas should be highlighted with the relevant County Councillor.

The Chair thanked Cllr Hughes and Mr Fewings for their time, and confirmed that the Democratic Services Specialist would send a list of the items to be investigated further following this Meeting.

***O&S 15 LAMERTON HOUSING REPORT**

The Lead Hub Member for Housing introduced the report and explained the report was as had been presented to the Hub Committee Meeting on 16 March 2021 and therefore opened up to questions.

In response to questions, the following points were made:

- The strong local opposition to this proposal was, in part, due to opposition to the developing Neighbourhood Plan.
- The formation of a new Neighbourhood Planning group was being supported by officers, and it was hoped that a proposal could be developed that could be supported by all in Lamerton.
- The viability of the project would also now be impacted by the increase in construction costs in recent months which would counter the recent rise in house prices.

- It was confirmed that £135,000 had been spent on developing the project which would not be recoverable.
- One Member suggested looking at the option of zed pod housing.
- The Officer was requested to circulate the figures showing the relationship of salary to house prices across Britain.
- Homes was a significant part of the new 'Plan For West Devon' and officer resources would be reviewed to ensure housing had sufficient resource.
- The housing situation was exacerbated by many houses in West Devon being purchased for second homes and/or letting purposes. It was agreed that there was insufficient social housing provision in the Borough.
- It was confirmed that officers would soon be meeting with the Chief Executive of Live West to discuss the recent sales of affordable housing.
- Homes was agreed to be the first corporate theme to be reviewed by the Committee.

It was then:

RESOLVED

That the Overview and Scrutiny Committee:

- 1) **NOTE** the follow up report on the Lamerton Scheme;

and,

- 2) **RECOMMEND** that the Hub Committee **RECOMMEND** to Council that, we, as a Council, adopt a position to lobby Central Government, and our local MPs, to close the loophole which allows Small Business Rates Relief to second home owners who rent their home out for more than 140 days a year.

***O&S 16 RURAL BROADBAND: VERBAL UPDATE**

The Community Digital Specialist was unable to join the meeting so her bullet point update was circulated after the meeting.

***O&S 17 TASK AND FINISH GROUP UPDATES (if any)**

There were no updates.

***O&S 18 O&S ANNUAL WORK PROGRAMME 2021/22**

It was noted that the next meeting (to be held on 16 November) would include Cllr Davies and Mr Jones from Devon County Council to update the Committee on the Okehampton Rail line and public transport. The agenda would also include:

Review of Localities: Annual Report
Community Safety partnership
Council delivery on housing
Overview & Scrutiny Annual Report: 2020/21
Work programme

It was agreed to consider setting up a task and finish group to look at Housing provision and the role of Live West.

Following the questions raised in this meeting regarding Highways and Planning, it was agreed to invite DCC's Portfolio Holder for Planning and a senior officer to the meeting on 15 February 2022 to give a strategic overview of Planning and to review the impact of the environmental crisis.

The Police and Crime Commissioner had replied that they were unable to attend.

***O&S 19 MEMBER LEARNING AND DEVELOPMENT OPPORTUNITIES ARISING FROM THIS MEETING**

Members referred to the earlier interesting discussions on both the housing and strategic planning issues facing the Borough and recognised that these would be subject to a great deal of ongoing consideration by the Borough Council.

(The meeting terminated at 4:08pm)

Chairman