

NORTH DEVON COUNCIL

Minutes of a meeting of NORTH DEVON COUNCIL held at Brynsworthy Environment Centre, Barnstaple on Wednesday 22nd November 2017 at 6.00 p.m.

PRESENT: Members:

Councillor Croft (Chairman)

Councillors Barker, Biederman, Bonds, Bradford, Brailey, J. Cann, R. Cann, Chugg, Crabb, Croft, Davis, Edgell, Edmunds, Fowler, Greenslade, Gubb, Hunt, Jones, Lane, Ley, Lovering, Luggar, Manuel, Mathews, Meadlarkin, Moore, Moores, Patrinos, Prowse, Roome, Spear, Tucker, Webber, White, Wilkinson, Wood, Worden and Yabsley.

Officers:

Chief Executive, Head of Resources, Head of Corporate and Community, Economic Growth Manager and Senior Corporate and Community Officer (BT),

Also Present:

Dave Knight	Chair of Exmoor Hill Farm Network
Katherine Williams	Network Officer, Exmoor Hill Farm Network
Dr Tim Burke	Chairman, New Devon and South Devon and Torbay Clinical Commissioning Group
Lorna Collingwood-Burke	Chief Nursing Officer/Caldicott Guardian, New Devon and South Devon and Torbay Clinical Commissioning Group
Dr. Sonja Manton	Director of Strategy, New Devon and South Devon and Torbay Clinical Commissioning Group

40 ONE MINUTE'S SILENCE: FORMER COUNCILLOR MICHAEL HARRISON

The Executive stood in silence for one minute in memory of Councillor Michael Harrison who had recently passed away.

41 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Campbell, Chesters, Flynn and Haywood.

42 MINUTES

RESOLVED that the minutes of the meeting held on 6th September 2017 (circulated previously) be approved as a correct record and signed by the Chairman.

43 CHAIRMAN'S ANNOUNCEMENTS

(a) Councillor Derrick Spear

The Chairman welcomed Councillor Derrick Spear back to the Council and to his first meeting of Council since being re-elected.

(b) Item 17: Rural Champion

The Chairman invited the Leader to address Council in relation to item 17 "Rural Champion" on the agenda.

The Leader requested that consideration of the appointment of a Member as a Rural Champion be deferred to enable discussions to take place with the Exmoor Young Voices, Exmoor National Park Authority and Exmoor Hill Farm Network regarding whether they wished to appoint a representative to become the Council's Rural Champion.

RESOLVED that consideration of the appointment of a Member as a Rural Champion be deferred to enable discussions to take place with the Exmoor Young Voices, Exmoor National Park Authority and Exmoor Hill Farm Network regarding whether they wished to appoint a representative to become the Council's Rural Champion.

44 ITEM BROUGHT FORWARD BY OR WITH THE CONSENT OF THE CHAIRMAN

(a) Romansleigh Parish Council

Council considered a report by the Head of Corporate and Community (tabled) regarding the appointment of temporary Councillors to Romansleigh Parish Council.

It was moved by Councillor Brailey and seconded by Councillor Greenslade "that an Order under section 91 of the Local Government Act 1972 be made in the form attached to the report appointing the identified temporary Councillors to Romansleigh Parish Council to fill all current vacancies."

RESOLVED that an Order under section 91 of the Local Government Act 1972 be made in the form attached to the report appointing the identified temporary Councillors to Romansleigh Parish Council to fill all current vacancies.

45 **REPLIES TO QUESTIONS SUBMITTED BY THE PUBLIC AND/OR TO RECEIVE PETITIONS UNDER PART 4, COUNCIL PROCEDURE RULES, PARAGRAPHS 8 AND 9 OF THE CONSTITUTION**

(a) **Save Pilton Park Petition**

Council received a presentation by Mr Parker following a petition that had been submitted with 1107 valid signatures stating “please help us to stop the redirection of the River Yeo through Pilton Park inside the wall alongside the A39 at Pilton Causeway. The park as it is at present is a very good flood prevention scheme for a lot of houses in the low lying area surrounding it, and was purposely made this way between 1982-1990. If the Council are allowed to redirect the river and not allow the park to flood then we will be going back to the days when people’s houses used to flood on a regular basis, only now the flooding will be worse as tides are higher than they were back then and there are a lot more houses in the area likely to flood.”

It was moved by Councillor Brailey and seconded by Councillor Barker that “the petition regarding Pilton Park be referred to the Executive for consideration and that Mr Parker and a representative from the Environment Agency be invited to attend”.

RESOLVED that the petition regarding Pilton Park be referred to the Executive for consideration and that Mr Parker and a representative from the Environment Agency be invited to attend.

46 **TO CONSIDER MOTIONS OF WHICH NOTICE HAS BEEN SUBMITTED BY MEMBERS IN ACCORDANCE WITH PART 4, COUNCIL PROCEDURE RULES, PARAGRAPH 11 OF THE CONSTITUTION**

Councillor Worden presented his notice of motion to Council.

Councillor Worden declared a personal interest as a Director (Governor) of a school.

In response to questions from Members regarding whether they should declare a personal interest if they were a school governor, the Head of Corporate and Community advised that a declaration of interest was not required as the item was not in relation to funding for a specific school.

Councillor Biederman declared a personal interest as pupils at his daughter's school were no longer able to undertake work experience unless the parents paid a contribution due to the reduced level of funding from the Government.

It was moved by Councillor Worden and seconded by Councillor Greenslade that "Council expresses its concern that the Government's recent announcement of "fair funding" for schools results in a further real term cut for many schools in North Devon. Accordingly Council calls on the MP for North Devon to actively seek an improvement to the level of funding for our schools for 2018/19."

RESOLVED that Council expresses its concern that the Government's recent announcement of "fair funding" for schools results in a further real term cut for many schools in North Devon. Accordingly Council calls on the MP for North Devon to actively seek an improvement to the level of funding for our schools for 2018/19.

47 DECLARATIONS OF INTEREST

The following declarations of interest was announced:

Councillor Worden Item 6(a): Personal interest as a Director
(Governor) of a school.

48 EXECUTIVE REPORTS

(a) Executive Leader Report

Council noted a report by the Leader of the Council (circulated previously) regarding the work of the Executive.

The Leader advised that the vacancy on the Executive following the death of Councillor Michael Harrison would not be filled. Councillor Lane now had responsibility for the Resources portfolio and Councillor Brailey had also taken on responsibility for the Service Delivery and Performance Management portfolio.

In response to a question from Councillor Patrinos regarding the forecast overspend in relation to Works and Recycling, the Head of Resources advised that the overspend had occurred following the change in service that had commenced in June 2017. Following the changes to the service, the amount of recycling had increased and the amount of food waste was higher than anticipated. As a result, rounds had not been finished and additional rounds had been required to ensure they were all completed. An in-house re-modelling exercise was currently being undertaken using the software "webaspx" with the intention to reduce the number of rounds required. Prior to the changes introduced, 17 rounds had been required. This had now increased to 22-23 rounds. The outcomes of the remodelling exercise would be known in January 2018. Front line staff would then be consulted on the

proposed rounds. An overspend for Operational Services was forecast for 2017/18, however savings achieved in other areas would reduce the overall overspend. However, an overall deficit for the Council of £99,000 was forecast in 2017/18. Work was ongoing in relation to reducing the costs for this service and it was anticipated that a balanced budget would be set for 2018/19.

In response to the question from Councillor Patrinos, Councillor R. Cann advised that following the introduction of the changes to the service, it had been a difficult transitional period. The Council had employed consultants to model the rounds; however this had not proved to be successful. There had been a higher volume of recycling material and food waste collected than anticipated. The process of remodelling the service was been undertaken in-house. The reduction in the garden waste collection service over the winter period had received criticism from customers, however all customers had been advised when signing up for the service. However, the garden waste collection service for next year's winter period would be reviewed. The number of complaints had now reduced.

Councillor Edmunds and Lovering expressed concern regarding the future of the Landmark theatre. The theatre had been closed over the summer period, which had affected the tourist industry. A number of show organisers had been advised to hold their shows at the Queens Theatre, rather than the Landmark Theatre. The building was open between 10 am to 4.00 pm and very limited catering had been provided.

Councillor Brailey advised that the cross party group would consider these points and that he would ensure that any future contractor would bring forward both the Queens and Landmark theatres.

In response to a question from Councillor Roome regarding the waste and recycling consultants that had been employed, Councillor R. Cann advised that the Council was pursuing the issue of the modelling rounds not being accurate with the consultants.

The Head of Corporate and Community advised that after the North Devon Theatres Trust had gone into administration, the Council had appointed a contractor for a temporary 12 month period. It was known that the contractor would concentrate the programmes on the Queens Theatre during this period. The Council would ensure that any new contractor would run programmes at both theatres.

(b) Executive Members reports, as required

Councillor Yabsley provided an update to Council on the examination of the North Devon and Torridge Local Plan. The Council had received a note from the Inspector which indicated that the Inspector required hearing sessions to be reopened for two days. A copy of the note from the Inspector had been emailed to all Members.

(c) Questions to Executive submitted under Part 4, Council Procedure Rules, paragraph 10 of the Constitution

The following questions were submitted in advance of the meeting and the response provided by the Leader and Executive Members were tabled:

- (i) Councillor Tucker asked “Does the Leader agree with me that the agenda for the recent Parish Forum was far too long and a number of important items were not given the attention they deserved and numerous attendees got fed up and left early?” Councillor Brailey’s responses “Councillor Tucker thank you for your question. Yes I would agree and future Parish Forums will be modified. Most people did stay until the end, however, I did note one or two of you left early. Nevertheless I believe we were able to air the subjects thoroughly.” Councillor Brailey noted Councillor Tucker’s further question as to why the Devon County Council Leader had been allowed to speak for 45 minutes at the Parish Forum.
- (ii) Councillor Worden asked “Can the Leader confirm that a mistake was made in starting the winter garden waste service too early and can he confirm that this will be rectified in future?” Councillor Brailey’s response “Councillor Worden thank you for your question. Yes and we will take measures to ensure that this is not repeated.”
- (iii) Councillor Webber “Can the Leader confirm he recently visited Butchers Row with Officers? If so what was the purpose of the visit and why did he not invite the Ward Members to attend?” Councillor Brailey’s response “Councillor Webber thank you for your question. Yes. The Executive were reviewing Car Parking in the town and indeed did look at the empty shop in Butchers Row. This was an ad-hoc decision.” In response to a supplementary question from Councillor Webber regarding the provision of additional security at the pannier market over the Christmas period and the review of car parks in Barnstaple, Councillor Brailey advised that he would consult with the Chief Executive; however the security was the responsibility of the police until such times as the building had been secured. He also advised that Members would be consulted as part of the review

of car parks and that Council would make the final decision.

- (iv) Councillor Manuel “When will the results of the public consultation events held earlier this year in Pilton Park be reported to Members?” Councillor Brailey’s response “Councillor Manuel thank you for your question. This report is being compiled currently by LDA design working with the Environment Agency. We expect this report to be available in early 2018.”
- (v) Councillor Greenslade asked “Can the Leader please say who regularly attends the Senior Management Team Meetings?” Councillor Brailey’s response “Councillor Greenslade thank you for your question. This is attended by senior officers.” The Chief Executive advised that the Senior Management consisted of four Heads of Service and himself. Senior Management Team meetings also included four managers who were leading on cross service initiatives.
- (vi) Councillor Bradford asked “Will the Leader please provide an update on the status of plans to close the Pannier Market at night?” Councillor Brailey’s response “Councillor Bradford thank you for your question. We are fairly advanced and expect the work to be completed by late January or early February 2018.”
- (vii) Councillor Greenslade asked “Can the Leader please say where the Homeless people evicted from Seven Brethren have been relocated?” Councillor Brailey’s response “Councillor Greenslade thank you for your question. There have been no evictions.” In response to a supplementary question from Councillor Greenslade regarding what had happened to the people residing at Seven Brethren, Councillor Brailey advised that there were three people in total residing at Seven Brethren, who still remained there.
- (viii) Councillor Worden asked “I refer to the Leaders report about meetings he has had with the South Molton Town Clerk. Does he feel the report accurately reflects the events and can he say why he is only talking to the Town Clerk and ignoring Town Councillors and the Two District Ward

Members?” Councillor Brailey’s response “Councillor Worden thank you for your question. I have not had any individual meetings with the town clerk and having viewed the town clerks weekly report it would appear he keeps you all well informed, however I did receive two different phone calls from the Town Clerk requesting assistance and reacted as I have pointed out in my briefing. I am sure you would be happy with both of these outcomes because South Molton has benefited both at the swimming pool and from the LEP.”

- (ix) Councillor Greenslade asked “Does the Leader intend to help encourage the local economy this Christmas by making car parks free on some occasions leading up to Christmas?” Councillor Brailey’s response “Councillor Greenslade thank you for your question. Once again we believe based on previous statistics it is more appropriate to encourage people into the town if it were struggling. This is not the evidence we have currently far from it and I am sure we can all be positive about our town centre.” In response to Councillor Greenslade’s supplementary question regarding what proactive steps were the Council taking to promote the town centre, Councillor Brailey advised of the programme of events leading up to Christmas that had been arranged by the Economic Development Team and Town Centre Manager.
- (x) Councillor Spear asked “Coastal Protection & Shoreline Management Plan. The original Budget allocated £7658 to the Coastal Protection & Shoreline Management Plan and apparently none of this money was spent and there is no allocation in the emerging 2018/19 Budget or 2019/20 Budget. Could this be explained please.” Councillor Brailey’s response “Councillor Spear thank you for your question. The balance in the capital programme of £7,658 is the residual balance carried forward from the original £12,000 allocated back in 2008/09 for costs associated in the production of the plan. The latest Coastal Protection and Shoreline Management Plan has been signed off in March 2017 and covers the period up to 2025. In the medium term a review of the actions within the plan will take place and any of the current budget not spent will be rolled

forward into future years of the capital programme to cover any associated costs". In response to a supplementary question from Councillor Spear regarding the Council's maintenance works programme for the coastline, the Chief Executive advised that the Shoreline Management Plan sets out the grade responses for each area of coastline to either defend or leave to nature. The Council's maintenance programme for the coastline reflected the Shoreline Management Plan for each area.

(d) Recommendations of the Executive

Council considered the recommendations of the Executive held on 4th September 2017 and 2nd October 2017 (circulated previously).

(i) 4th September 2017

It was moved by Councillor Brailey and seconded by Councillor Barker that "minute 54 (b) Allocation of Section 106 Affordable Housing Commuted Sums to Higher Westaway, Newton Tracey of the meeting held on 4th September 2017 be adopted."

RESOLVED that minute 54 (b) Allocation of Section 106 Affordable Housing Commuted Sums to Higher Westaway, Newton Tracey of the meeting held on 4th September 2017 be adopted.

(ii) 2nd October 2017

It was moved by Councillor Brailey and seconded by Councillor Barker that "minute 61 (b) Approval and Release of Section 106 of the meeting held on 2nd October 2017 be adopted."

RESOLVED that minute 61 (b) Approval and Release of Section 106 of the meeting held on 2nd October 2017 be adopted.

Councillor Wilkinson declared a personal interest as a Member of Morteohoe Parish Council in minute 61 (b) (v) of the Executive held on 2nd October 2017.

49 EXMOOR HILL FARMING SCHEME

Council received a presentation by Katherine Williams, Network Officer, Exmoor Hill Farm Network and Dave Knight, Chair of Exmoor Hill Farm Network regarding the Exmoor Hill Farming Scheme. They advised that the scheme supported the farming community on Exmoor covering 267 square miles which was a unique landscape consisting of woodland, steep valleys

and moorland; overview of the scheme which was formed in February 2014; the current contract with the Princes Countryside Fund ended on 31st January 2018; key funders and partners for the scheme; the scheme was farm lead; how income was generated through private sector income and sponsorship to ensure that the scheme was sustainable; promotion and marketing of the scheme; training provided to farmers; advice and guidance provided to farmers; peer support groups that had been established i.e. Exmoor Forward Farming Group, Women in Farming Group and Micro Farming Group; next generation engagement; the “Exmoor Ask” which had been set up following on from the Brexit vote and had led on to the “Exmoor’s Ambition” which would be presented to the Secretary of State in due course; key objectives for 2018-2020 and applications that had been submitted to fund the scheme from 1st February 2018 onwards.

A question and answer session then followed.

50 NEW DEVON AND SOUTH DEVON AND TORBAY CLINICAL COMMISSIONING GROUPS (CCGS)

Council received a presentation by Dr Sonja Manton, Director of Strategy and Dr Tim Burke Chairman, New Devon and South Devon and Torbay Clinical Commissioning Group regarding the CCGs Sustainability and Transformation five year Plan (STP) which had been produced to address the challenges that the NHS and social care were facing; aims of the STP; the STP priorities; the building of “high trust” relationships across Devon with Chief Executives, clinicians, staff and organisations in the NHS and Councils; proposals for transforming models of care; proposals for transforming primary care; proposals for transforming hospital care; the delivery of recommendations from phase 1 of the STP in relation to hospital services; phase 2 of the STP in relation to hospital services to look at sustainable capacity, value for money and quality of a range of other services; comparison of performance targets for this year compared to last; strong financial progress had been made since the STP submission; the CCG’s plans for the next two years in accordance with the STP.

A question and answer session then followed.

51 PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 1 OF 2017/18

- (a) Report of meeting of the Overview and Scrutiny Committee

Councillor Greenslade, Chairman of the Overview and Scrutiny Committee presented the Committee’s report on the Performance and Financial Management for Quarter 1 of 2017/18 (circulated previously).

(b) Report of meeting of the Executive

Councillor Brailey reported the recommendations of the Executive on the Performance and Financial Management for Quarter 1 of 2017/18 (circulated previously).

It was moved by Councillor Brailey and seconded by Councillor Barker “that the recommendation in minute 53 (f) of the meeting of the Executive held on 4th September 2017 in relation to the Performance and Financial Management for Quarter 1 of 2017/18 be adopted.”

RESOLVED that the recommendation in minute 53 (f) of the meeting of the Executive held on 4th September 2017 in relation to the Performance and Financial Management for Quarter 1 of 2017/18 be adopted.

**52 PERFORMANCE AND FINANCIAL MANAGEMENT
QUARTER 2 FOR 2017/18**

(a) Report of meeting of the Overview and Scrutiny
Committee

Councillor Greenslade, Chairman of the Overview and Scrutiny Committee presented the Committee’s report on the Performance and Financial Management for Quarter 2 of 2017/18 (tabled).

(b) Report of meeting of the Executive

Councillor Brailey reported the recommendations of the Executive on the Performance and Financial Management for Quarter 2 of 2017/18 (circulated previously).

It was moved by Councillor Brailey and seconded by Councillor Barker “that the recommendation in minute 69 (f) of the meeting of the Executive held on 6th November 2017 in relation to the Performance and Financial Management for Quarter 2 of 2017/18 be adopted.”

RESOLVED that the recommendation in minute 69 (f) of the meeting of the Executive held on 6th November 2017 in relation to the Performance and Financial Management for Quarter 2 of 2017/18 be adopted.

53 **TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID YEAR REVIEW REPORT 2017/18**

- (a) Report of meeting of the Overview and Scrutiny Committee

Councillor Greenslade, Chairman of the Overview and Scrutiny Committee presented the Committee's report on the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2017/18 (tabled).

- (b) Report of meeting of the Executive

Councillor Brailey reported the recommendations of the Executive on the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2017/18 (circulated previously).

It was moved by Councillor Brailey and seconded by Councillor Barker "that the recommendation in minute 70 of the meeting of the Executive held on 6th November 2017 in relation to the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2017/18 be adopted."

RESOLVED that the recommendation in minute 70 of the meeting of the Executive held on 6th November 2017 in relation to the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review report 2017/18 be adopted.

54 **GROWTH WORKSHOP**

Council considered a report by the Economic Growth Manager (circulated previously) regarding the main discussion points from the Growth Workshop, key conclusions and the next steps.

RESOLVED that the key conclusions and the next steps from the Growth Workshop held on 30th October 2017 be noted.

55 **OUTSIDE BODY APPOINTMENTS**

Council considered a report by the Head of Corporate and Community Services (circulated previously) regarding the appointment of representatives on Outside Bodies to which former Councillor Roy Lucas had been appointed to for the life of the Council.

Council noted that Councillors Barker and Yabsley had already been appointed to the South West Provincial Council by Council in April 2017, therefore an appointment was only required to be made to the Braunton Marsh Internal Drainage Board.

It was moved by Councillor Luggar and seconded by Councillor Chugg “that Councillor R. Cann be appointed to the Braunton Marsh Internal Drainage Board for the life of Council and that attendance at meetings be an approved duty; and that Councillor R. Cann be required to report back to Council at appropriate intervals, usually annually.”

RESOLVED:

- (a) that Councillor R. Cann be appointed to the Braunton Marsh Internal Drainage Board for the life of Council and that attendance at meetings be an approved duty; and
- (b) that Councillor R. Cann be required to report back to Council at appropriate intervals, usually annually.”

56 URGENT DECISIONS TAKEN DURING THE PERIOD 25TH AUGUST 2017 – 13TH NOVEMBER 2017

Council noted that no urgent decisions had been taken during the period 25th August 2017 to 13th November 2017.

57 REPORT OF CHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEE

Council noted a report of the Chairman of the Overview and Scrutiny Committee (circulated previously) regarding the work of the Overview and Scrutiny Committee.

58 MINUTES OF COMMITTEES

(a) **Overview and Scrutiny Committee**

RESOLVED that the following minutes of the Overview and Scrutiny Committee (circulated previously) be noted and adopted as follows:

- (i) 21st September 2017
- (ii) 19th October 2017
- (iii) 16th November 2017 (tabled)

(b) **Planning Committee**

RESOLVED that the following minutes of the Planning Committee (circulated previously) be noted and adopted as follows:

- (i) 13th September 2017
- (ii) 11th October 2017

Chairman

The meeting ended at 8.49 p.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of Council.