

NORTH DEVON COUNCIL

Minutes of a meeting of the EXECUTIVE held at the Brynsworthy Environment Centre, Barnstaple on Monday 2nd October 2017 at 10.00 a.m.

PRESENT: Members:

Councillor Brailey (Leader)

Councillors R. Cann, Edgell, Lane, Luggar, Moores and Yabsley.

Also Present:

Councillors Edmunds, Greenslade, Moore and Patrinos.

Officers:

Chief Executive, Head of Resources, Head of Corporate and Community, Procurement and Service Deliver Manager, Housing Service Manager, Assistant Solicitor (SF), Project, Procurement and Open Space Officer (LW) and Senior Corporate and Community Services Officer (BT).

55 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barker, Jones and Harrison.

56 MINUTES

RESOLVED that the minutes of the meeting held on 4th September 2017 (circulated previously) be approved as a correct record and signed by the Chairman.

In relation to minute 54, clarification would be sought from the Head of Environmental Health and Housing regarding whether the Registered Provider would be paying the landowner direct.

57 DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Brailey Item 9: Tews Lane Playing field project – personal and prejudicial interest as a Member of Fremington Parish Council.

Councillor R. Cann Item 9: Tews Lane Playing field project – personal and prejudicial interest as a Member of Fremington Parish Council.

Councillor Lane Item 9: Play equipment at Bakery Way, Landkey and new surfacing at Tanners Road play area - personal and prejudicial interest as a Member of Landkey Parish Council.

The Head of Corporate and Community advised that in accordance with the Constitution, as Councillors Brailey, R. Cann and Lane interests arose as being members of a Parish Council they could remain in the room and with the consent of the Chairman speak but not take part in voting.

58 **ITEMS FOR DEFERRAL**

(a) CCTV Service

The Leader advised that the Executive required further information in relation to the CCTV Service report on the agenda and therefore requested that consideration of the report be deferred.

DECISION

That consideration of the report in relation to the CCTV Service be deferred pending the receipt of further information.

REASON FOR DECISION

To seek further clarification prior to the consideration by the Executive.

(b) Business Rates Relief

The Head of Resources advised that it had been understood that the Devon Revenues and Benefits Officer group had undertaken consultation with major preceptors on the proposed Discretionary Non-Domestic Rates Relief scheme, however he had been advised on 29th September 2017 that this consultation had not taken place and that each Local Authority would be required to undertake its own consultation. This consultation was required to be undertaken prior to consideration by the Executive.

DECISION

That consideration of the report in relation to Business Rates Relief be deferred for one cycle.

REASON FOR DECISION

To enable consultation to be undertaken with major preceptors on the proposed Discretionary Non-Domestic Rates Relief scheme.

**59 DISABLED ACCESS TO CAR PARKS – SPECIFICALLY
FREMINGTON CAR PARK**

The Executive considered a report by the Procurement and Service Delivery Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding disabled access to car parks, specifically Fremington car park.

A copy of appendix A “Car park charges” was tabled.

In response to questions and comments made by the Executive, the following responses were provided:

- A drop kerb was provided at one end of the car park.
- Maintenance works would be scheduled to be undertaken at the Fremington car park after the Christmas period.
- Prior to any works being undertaken at the car park, a full equality impact assessment would be carried out. An assessment was carried out prior to changes made to any car parks.
- Following the decision to remove 30 minutes free parking at the Fremington car park, drivers were parking on highways and were causing congestion. Devon County Council needed to be made aware of this issue.

Councillor Greenslade, as Chairman of Overview and Scrutiny Committee advised the Executive of the work that the Committee had undertaken in relation to disabled access to Council owned car parks.

Mrs J. Adnams Hatch addressed the Executive following a petition that had been submitted with 516 signatures in relation to the Council car park adjacent to Fremington Medical Centre, Beards Road, Fremington. She referred to the criteria in the Personal Independence Payment in relation to the distance to walk to a pay and display machine. She asked that the provision of a second meter at the bottom end of the car park be reconsidered. This car park predominantly serviced the medical centre and therefore requested that the reinstatement of the 30 minutes free parking be reconsidered. There needed to be a minimum of three disabled bays provided.

In response to the questions and comments made by Mrs J. Adnams Hatch, the Procurement and Service Delivery Manager provided the following responses:

- Three disabled bays were already provided in the car park and an extra bay could be provided but no decision had been made on this and on its location. It was considered that three of the bays should be located near to the medical centre.
- The number of pay and display machines provided in the car park would be considered as part of the equality impact assessment.
- The minimum distance of 50 meters from the pay and display machines met Government criteria.

- Payments for parking could be made via a mobile phone app, however this incurred an additional charge which was a cost imposed by the mobile phone company.

It was suggested that the Executive undertake a site visit at Fremington car park prior to the outcomes of the equality impact assessment being considered by the Executive and that the Ward Members and Mrs Adnams Hatch be invited to attend.

DECISIONS

- (a) That no change be made to the charge structure for this car park;
- (b) That an equality impact assessment be undertaken prior to any works being carried out and reported to the Executive for further consideration and that the anticipated works be undertaken after the Christmas period.

REASONS FOR DECISIONS

- (a) Fremington Car park is one car park of many car parks in District ownership and the recommendation recognises that the increase in disabled provision in this case is a valid request. The other requests would alter the parity between car parks and, if adopted, would mean other car parks across the district would also need to be reviewed.
- (b) To give the Executive opportunity to consider the outcomes of the equality impact assessment prior to any works being undertaken at the car park.

60 LOCAL LETTINGS PLAN – CROW VIEW, GOODLEIGH VIEW, GOODLEIGH RISE, BARNSTAPLE AND JORDAN CLOSE, BARNSTAPLE

The Executive considered a report by the Head of Environmental Health and Housing (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding two local lettings plans relating to the four separate developments at Crow View, Goodleigh Road site and Goodleigh Road and Jordan Close, Barnstaple.

In response to questions made by the Executive, the following responses were provided:

- Local lettings plans had been previously considered by the Executive for approval. Local lettings scheme benefitted from sensitive allocation to enable sustainable communities to be created to avoid potential management issues.

- The process that had been undertaken with North Devon Homes regarding the criteria for the schemes and identification of direct matches.
- The allocation process for the units.
- The Homes and Community Agency used the terminology of “affordable rents”. The term “intermediate rents” was also used which included shared ownership and rent. Section 106 agreements included reference to “affordable rents”.
- Local connection for residence was defined as having been resident in North Devon for 6 of the last 12 months, or 3 of the last 5 years. This definition was based on national criteria. Devon Homes Choice scheme favoured people with local connection and who had been on the register for the longest period of time.
- The Housing Services Manager would confirm whether consultation had been undertaken on the road naming for the developments.
- As Barnstaple was a large urban area, it was not necessary to apply a cascade criteria. The Housing Services Manager would confirm whether the proposed lettings plans were the same as previous lettings plan approved by the Executive.
- An update report would be provided to the Executive regarding the allocation of accommodation in accordance with the Devon Home Choice scheme to ascertain the percentage of accommodation allocated to people with local connection.
- The Devon Home Choice scheme was a choice based letting system based on a banding system of A to E. When a vacancy arose, the vacancy was advertised and bids were invited. Following the bidding process, the person with the highest band and earliest date of being in that band would normally be allocated the property.

DECISION

That the two Local Lettings Plans, as detailed in Appendix 1 of the report, for initial lettings of rented properties at Gorwell (for Crow View (to be known as Harman Court), Goodleigh View and Goodleigh Rise (to be known as Crookmans Close)) and Jordan Close, Barnstaple (subject to planning approval) be approved.

REASON FOR DECISION

These schemes would benefit from sensitive allocation to enable sustainable communities to be created to avoid potential management issues.

61 APPROVAL AND RELEASE OF SECTION 106

The Executive considered a report by the Project, Procurement and Open Space Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the approval and release of section 106 public open space funds towards a number of schemes across the District.

Councillors Brailey and R. Cann declared personal and prejudicial interests in the Tews Lane Playing field project as Members of Fremington Parish Council.

Councillor R. Cann also declared a personal interest and prejudicial interest as the Chairman of Tews Lane Parish Council Committee.

Councillor Lane declared a personal and prejudicial interest in the Play equipment at Bakery Way, Landkey and new surfacing at Tanners Road play area projects as a Member of Landkey Parish Council.

Councillor Brailey gave consent to those Members to stay in the room, speak but not vote on those particular projects.

DECISIONS

- (a) That section 106 public open space funds be allocated as follows:
 - (i) £18,492 to Landkey Parish Council towards new surfacing at Tanners Road Play Area;
 - (ii) £6,777 to Fremington Parish Council towards drain repairs at Tews Lane pitches;
 - (iii) £21,526 to Braunton Football Club towards club and ground enhancements;
 - (iv) £3,600 to Shirwell Village Hall towards purchase and landscaping of land adjacent to the village hall;
 - (v) £22,091.71 to Morteheo Parish Council towards play equipment at Morteheo and Woolacombe Play Areas.
 - (vi) £3,413.90 to NDC towards improvements Town Walk Play Area, Barnstaple.
 - (vii) £9,650 to Landkey Parish Council on behalf of North Devon Homes towards play equipment at Bakery Way, Landkey

RECOMMENDATION

- (b) That the Capital programme be varied by £85,550.61 and that funds be released, subject to Funding Agreements upon such terms and conditions as may be agreed by the Head of Corporate and Community Services.

REASONS FOR DECISION/RECOMMENDATION

- (a) To allocate the funds in accordance with the S106 agreements.
- (b) To provide investment in community/sport facilities and open space infrastructure.

62 LEISURE CENTRE PROJECT – PROCUREMENT

The Executive considered a report by the Head of Corporate and Community (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding seeking delegated powers to enable decisions to be taken on the Leisure Centre tender process.

DECISIONS

That power to the Head of Corporate and Community to reject or accept submissions and tenders and to appoint a contractor to deliver a new Leisure Centre facility subject to:-

- (a) compliance with the Council's Contract Procedure Rules and relevant laws relating to procurement,
- (b) compliance with revenue and capital budgets set by Executive/Council, and
- (c) prior consultation with the Head of Resources; the Leader; the portfolio holders Councillors Barker, Edgell, Jones, Moores; Group Leaders Councillors Edmunds, Greenslade and Moore; and any other Councillor(s) nominated by the Leader.

REASON FOR DECISION

To ensure that speedy decisions can be made during the procurement process.

Chairman

The meeting ended at 11.03 a.m.

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: 4th October 2017.