

NORTH DEVON COUNCIL

Minutes of a meeting of the EXECUTIVE held at the Brynsworthy Environment Centre, Barnstaple on Monday 8th January 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Brailey (Leader)

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

Also Present:

Councillors Biederman, Edmunds, Greenslade, Moore, Patrinos and Prowse.

Mr S. Dart – Flood Risk Engineer for North Devon, Environment Agency.

Officers:

Chief Executive, Head of Resources, Head of Corporate and Community, Head of Operational Services, Head of Environmental Health and Housing, Economic Growth Manager, Senior Regeneration Officer, Housing Services Manager and Senior Corporate and Community Services Officer (BT).

92 ONE MINUTE SILENCE: COUNCILLOR WORDEN'S WIFE

The Executive stood in silence for one minute in memory of Councillor David Worden's wife who had recently passed away.

93 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

94 MINUTES

RESOLVED that the minutes of the meeting held on 4th December 2017 (circulated previously) be approved as a correct record subject to:

- (a) Minute 82 (b): Seven Brethren Masterplan – being amended to “That the supplementary planning document be produced in-house and not outsourced, as long as timescales allow **and that should timescales not allow that a report be brought back to the Executive for consideration**”;

- (b) Minute 83: Exmoor Hill Farming Network – that Councillor Yabsley’s declaration of interest as the Devon County Council Member also include reference to North Molton and East and West Anstey.

95 LEADER’S ANNOUNCEMENTS

The Leader advised that the proceedings of the meeting were being recorded and that should any member of public be invited to address the Executive that they speak into a microphone. He also requested that everyone switch off their mobile phones unless expecting an emergency call and advised of the procedures for evacuation of the building should there be a fire alarm.

96 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

97 ORDER OF AGENDA

RESOLVED:

- (a) that items 9 “Provision of Temporary Accommodation” and 12 “Approval and Release of Section 106 Public Open Space Funds – Marwood Community Hall” be considered prior to item 6 on the agenda;
- (b) that consideration of item 7 “Barnstaple Car Parking Strategy” be deferred at the request of Councillor Edmunds to enable further discussions to take place.

98 PROVISION OF TEMPORARY ACCOMMODATION

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 the Council procuring temporary accommodation for homeless households.

The Head of Environmental Health and Housing highlighted the following:

- The demand for temporary accommodation had increased and the provision could be further increased in 2018/19 due to the implementation of the Homelessness Reduction Act and Universal Credit.
- The Council was not currently procuring temporary accommodation in a way which was financially sustainable.
- The Council had an opportunity to purchase up to five existing properties in the market place for temporary accommodation by using unallocated section 106 affordable housing funds it had received from developers. This would achieve £100k annual revenue savings for the Council which would have a significant positive impact on revenue

budget service costs early in 2018/19 and beyond, which was vitally important to the Council as it would mitigate a risk to its financial sustainability.

- The current forecast temporary accommodation demand in North Devon was between 40-45 households.

Councillor Greenslade was sympathetic to the need to provide temporary accommodation for homeless, but expressed concern that the report had made no reference to consulting with Ward Members on the allocation of section 106 contributions in accordance with the long standing Council policy and that this should be undertaken prior to any allocation.

Councillor Wilkinson as Ward Member addressed the Executive. He was sympathetic to the need for providing temporary accommodation for homeless households however; he advised of the facilities and Council housing that had been lost within Morteohoe over the past 20 years, which was an indication of what the rural area had lost. The residents faced a real struggle with the number of facilities that had been lost. In excess of 30% of properties were holiday homes, which brought industry, jobs and local income to shops, however it also inevitably brought inflated house prices which were above the average of North Devon. There was a lack of housing to rent on a long term basis as properties were let on short term basis during the holiday season. The parish relied on 90% of tourist trade for employment and the average income was below average. Following the collection of section 106 funds for affordable housing from developments in the parish, the Parish Council had been proactive in seeking to produce an affordable housing scheme to redress the needs of the community and keep younger people in the area. It had been working with officers at North Devon Council and a major land owner on such a scheme. The school in the village had consistently received good Ofsted reports; however 50% of the pupils did not live within the parish. An affordable housing scheme was the first opportunity to address these issues and by removing the £200k section 106 contributions for the procurement of properties for temporary accommodation would be at the expense of protecting the rural area of Morteohoe. He suggested that alternative sources of funding for the procurement of properties for temporary accommodation could be achieved in other ways i.e. selling Council owned assets, capital receipts, borrowing. 50% of the section 106 funding contributions for the procurement of the properties had been secured from developments within the Morteohoe ward. He referred to a letter sent to the Executive from Mr Robert Sawyer (Director of Blast Properties and Developers of the Byron, Woolacombe) objecting to the unallocated section 106 contribution and summarised the content. A copy of the letter was tabled.

RESOLVED that the Executive Procedure Rules be waived to enable Councillor David Barron from Morteohoe Parish Council the opportunity to address the Executive.

Councillor David Barron, Morteohoe Parish Council addressed the Executive. He was sympathetic to the requirement of North Devon Council to provide housing for those less fortunate. During his 12 years as being a Member of

Mortehoe Parish Council, the Council had undertaken various surveys regarding the need for affordable housing. There would be only one chance to negotiate the purchase of land to deliver an affordable housing scheme and by removing the section 106 funding would take away that opportunity. 21 families had been identified as in need of affordable housing in the parish and there were other people who wanted to move to the parish. The electoral roll had reduced from 2,400 to 2,100 as a result of local people not being able to afford to purchase properties within the parish. He requested that the Executive consider the deferral of the decision to award the section 106 contribution funding to purchase properties for the provision of temporary accommodation to give the Parish Council the opportunity to deliver an affordable housing scheme in the parish and for further consultation to take place.

RESOLVED that the Executive Procedure Rules be re-instated.

In response to questions, the Head of Environmental Health and Housing advised:

- That recommendation 2.2 should have referred to both paragraphs 5.4 and 5.5.
- The market place had been researched and reviewed using online tools and the Council was confident that it could purchase five properties for £541,591. It was important that the Council purchased the properties as soon as possible to achieve the financial savings required.
- In relation to the section 106 contributions secured from developments, the only limitation of use was in relation to planning application 58629, whereby the funds were required to be used in South Molton. Therefore, it was proposed that one property would be procured in South Molton and the remaining properties in Barnstaple to reflect the needs of the clients.
- The Council as an organisation had undertaken an assessment on its duty to address homelessness and react to the enactment of the Homelessness Reduction Act in April 2018. There were other funds available to the Council to procure the properties such as Council Tax for second homes and the Community Housing Fund whereby bids for funding could be made during 2018/19. In relation to the lack of consultation with Ward Members, the view had been taken that as pressures to provide temporary accommodation were acute and immediate that the Council had little choice but to proceed with the purchase of properties. He was confident that by using the section 106 contributions from developments to purchase the properties would not compromise the Parish Council's proposed affordable housing scheme.

In response to a question, the Head of Resources confirmed that a business case would be produced for each property and the Council's Property team would undertake a survey for each property. If the Council was required to borrow £200k for the purchase of the properties, then the revenue costs for the Council would be approximately £13.5k.

In response to a question, the Head of Corporate and Community confirmed that the section 106 contributions had been secured specifically for the provision of affordable housing.

DECISIONS

- (a) That £541,591 of capital be allocated for the purchase of existing dwellings for temporary accommodation in the manner set out in the report;
- (b) That authority be delegated to the Head of Resources, in consultation with the Leader and Lead Member for Assets to carry out the proposed purchases;
- (c) That Executive confirms that the existing policy to consult with Ward Members about the application of section 106 monies before use be respected and applied.

RECOMMENDED

- (d) That the Capital Programme be varied by £439,591 funded as detailed in paragraphs 5.4 and 5.5 of the report, or following consultation with affected Ward Members, through borrowing, with the decision as to whether to borrow and how much being delegated to the Head of Resources in consultation with the Leader.

REASONS FOR DECISIONS

- (a) To ensure that the Council can continue to meet its statutory obligations to provide TA in a manner which is both economically advantageous and meets the needs of its homeless clients.
- (b) To establish the necessary capital programme and then to release the funding so that the financial benefits of this initiative are realised as soon as possible.
- (c) To enable the Council to move quickly in the market place if a suitable property becomes available.
- (d) To ensure that the existing policy to consult with Ward Members about the application of section 106 monies before use was applied.
- (e) To give the Council the opportunity to support the proposed affordable housing scheme in Morteheo in the future.

99 APPROVAL AND RELEASE OF SECTION 106 PUBLIC OPEN SPACE FUNDS – MARWOOD COMMUNITY HALL

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 allocation of section 106 public open space contributions towards a project at Marwood Community hall.

Councillor Jones confirmed that Councillor Tucker, Ward Member supported the allocation of section 106 public open spaces toward the project at Marwood Community Hall.

DECISION

- (a) That £17,220.00 be allocated towards Marwood Community Hall enhancement;

RECOMMENDED

- (b) That the capital programme be varied by £17,220 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed Head of Corporate and Community Services.

REASONS FOR DECISION/RECOMMENDED

- (a) To allocate funds in line with the requirement of S106 agreement, which specifically allocates this contribution to Marwood Community Hall Enhancement.
- (b) To support the delivery of community priorities.

100 BARNSTAPLE FLOOD DEFENCE STRATEGY

The Executive considered a report by the Senior Regeneration Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Barnstaple Flood Defence Strategy.

The Economic Growth Manager highlighted the following:

- That JBA Consulting had completed two reports on the behalf of the Council and the Environment Agency. The first a Flood Defence Strategy for Barnstaple as a whole and the second focussed on the Mill Road/Pilton/Pottington areas (Cells A and B).
- The Environment Agency had been invited to present to the Executive to respond to a petition regarding Pilton Park flood defence options, which was presented to full Council on 22nd November 2017.

The Executive received a presentation by Simon Dart, Flood Risk Engineer for North Devon, Environment Agency regarding the following:

- Current flood risk in Barnstaple – 2,500 + properties were at risk of flooding in Barnstaple, however these were protected by different flood defences. A public consultation event had been held in July 2017 regarding changes to Pilton Park. This event revealed that a number of people did not have a full understanding and as a consequence a presentation had been given to Barnstaple Town Council by the Environment Agency to assist with the process of educating the residents and the public on the proposals.
- Current flood risk – tidal and river.
- Impact on Pilton Park following Storm Eleanor on 3rd January 2018. The Environment Agency had issued flood warnings. The peak tide at Castle Quay had reached 5.597m AOD (above ordnance datum). The top of defences for the River Yeo was 6.4m AOD. If there had been a tidal event also, the levels would have been 1m higher.
- Barnstaple tidal flood levels – following climate changes the levels would be 0.5m higher than the current flood defences. All schemes considered looked forward to the future risk in 2115.
- Work had been undertaken in partnership with Devon County Council and North Devon Council since 2014 to produce a Flood Defence Strategy for Barnstaple and a more detailed report on the approach for Cell B, the Pilton/Mill Road area. It was predicted that the levels would rise in the River Yeo to 7.25m AOD and as a consequence properties had been identified at risk of flooding in Cells B and C in the Pilton area.
- The Partnership project had considered the whole of Barnstaple; how good the defences were now and for the future; what was at risk; long list solutions; high level design and costings for short list solutions; identified the worst areas; identified houses at risk now and in the future.
- Phase 1 long list of solutions options. The option of redirecting the River Yeo in combination with raising the flood defences along the River Yeo had been considered along with speeding the river up. Detailed consideration had been given to Cells B and C, damages and third party impacts; realistic benefits and costs; most viable and sustainable solution; identification of funding shortfall; costs for improving defences.
- Environment Agency project and timelines. The Environment Agency would promote the scheme; the project was not currently on the current six year capital plan but was on the following six year plan; funding still needed to be confirmed with partners; stages of the scheme and consultation.
- Pilton Park current options. There were two options based on design (viability) and sustainability (including cost (capital and maintenance)). Option 1 cost £10-£11m and option 2 cost £4.5m. The works had been designed to speed up the river flows. The redesign of Pilton

Park was an additional project which would be undertaken by North Devon Council.

- Future developments had been taken into consideration in formulating the flood defence strategies.

RESOLVED that the Executive Procedure Rules be waived to enable Mr Keith Parker representing the Save Pilton Park Campaign the opportunity to address the Executive.

Mr Parker addressed the Executive and referred to his detailed presentation that had been tabled. He then asked questions of Mr Dart following his presentation.

RESOLVED that the Executive Procedure Rules be re-instated.

Councillor Greenslade, as Ward Member addressed the Executive. He stated that no proper consultation had been undertaken with the residents of Fair View and Yeo Vale regarding the Environment Agency's proposals for the redirection of the River Yeo. He congratulated Mr Parker and residents for the work that they had undertaken. The Environment Agency needed to arrange a proper consultation exercise so that all residents were aware of the proposals. Residents believed that diverting the River Yeo through Pilton Park was not the answer and that raising the flood defences was. Discussions had taken place with Devon County Council regarding raising banks.

RESOLVED that the Executive Procedure Rules be waived to enable Mr Alan Richards representing the Save Pilton Park Campaign the opportunity to address the Executive.

Mr Alan Richards addressed the Executive.

RESOLVED that the Executive Procedure Rules be re-instated.

DECISIONS

- (a) That the current position in relation to the Flood Defence Strategy for Barnstaple be noted;
- (b) That the Council continue to work as partners with the Environment Agency (EA), who are the promoters of the project to improve the flood defences in Barnstaple;
- (c) That Mr Dart, EA be requested to provide a written response to the questions raised by Mr Parker;
- (d) That the EA be recommended to undertake extensive external consultation with residents regarding the diversion of the River Yeo through Pilton Park;

- (e) That the Council formally work with the Environment Agency to secure the flood protection for Barnstaple that it needs to protect the lives and properties at risk.

REASONS FOR DECISIONS

- (a) Existing properties require additional protection from flood defences in Barnstaple. The EA are promoters of a project to deliver improved flood defences across the town as part of the Barnstaple Flood Defence Strategy. Flood risk is highest in Cell B which includes the Pilton and Mill Road areas.
- (b) The EA wish to work in partnership with NDC and others to fund and deliver these improvements, and will be undertaking a programme of consultation, prior to making a planning application.
- (c) The improved flood defences would allow brownfield sites, currently blighted by flooding, to be released for development to achieve regeneration aims for Barnstaple.
- (d) Proposals for Pilton Park will be the subject of a further report to Executive. The draft report by LDA Design, following consultation last summer, will be made available on the NDC website when complete.
- (e) To ensure that residents were aware of the EA proposals regarding the diversion of the River Yeo.

101 THE DEVELOPMENT OF DISABLED FACILITIES GRANTS AND OTHER NDC'S SERVICES TO SECURE DISABLED ADAPTATIONS AND IMPROVEMENTS IN RESIDENTIAL PROPERTY

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 the development of Disabled Facilities Grants and other Council's services to secure disabled adaptations and improvements in residential property.

In response to a question, the Head of Environmental Health and Housing confirmed that North Devon Homes had confirmed that their capacity would be increased to enable the adaptations to be undertaken within its properties. Any future funding would be subject to further agreement by the Executive.

DECISIONS

- (a) That the statement of policy as detailed in Paragraph 4.5 be approved;
- (b) That authority be delegated to the Head of Service (Environmental Health and Housing) to undertake a feasibility study into establishing a Home Improvement Agency as detailed in the report;
- (c) That North Devon Homes be commissioned, on a trial basis up to 31st March, 2018, to undertake bathroom adaptations in their properties as a precursor to reviewing alternative models of service delivery as set out in the report;
- (d) That the requirement in the Contract Procedure Rules, within Part 4 of the Constitution, to tender the provision of bathroom adaptations in properties managed by North Devon Homes be waived.

RECOMMENDED

- (e) That the new Home Loans Policy as detailed in Appendix 1 be adopted.

REASONS FOR DECISIONS/RECOMMENDATION

- (a) To show how the Council intends to play an important role in the health and wellbeing of its community and relieve pressure on the NHS and Social Care.
- (b) To investigate the possibility of establishing a Home Improvement Agency as a means of helping residents better and more efficiently.
- (c) To ensure the delivery of the DFG Capital Programme and future funding. To improve the efficiency of service delivery in the future.
- (d) To allow North Devon Homes to carry out bathroom adaptations in properties managed by North Devon Homes, so as to expedite the provision of these adaptations.
- (e) To maximise the community benefit from the loan fund with Wessex CIC.

102 HOMELESSNESS REDUCTION ACT 2017

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 the new duties being placed on local authorities to prevent homelessness which would commence in April 2018 as a result of the implementation of the Homelessness Reduction Act 2017.

The Housing Services Manager highlighted the duties placed on the Council and the changes that would be introduced following the amendment to Part VII of the Housing Act 1996 and implementation of the Homelessness Reduction Act with effect from 1st April 2017 and the steps that would be taken to introduce the Act

Councillor Greenslade, as Chairman of the Overview and Scrutiny Committee advised that he had requested a report regarding the number of empty homes in North Devon to be presented to a future meeting of the Committee

DECISIONS

- (a) That the report be used to gain an understanding of the duties contained in the Homelessness Reduction Act 2017;
- (b) That the Statement of Intent as set out in paragraph 4.8 in the report be endorsed;
- (c) That the implementation plan proposed in paragraph 4.10 of the report be approved, subject to the appropriate funding being in place.

REASONS FOR DECISIONS

- (a) To provide organisation awareness of the changes.
- (b) To set out an appropriate policy direction.
- (c) To agree the process and timing of the steps to introduce the Act.

103 REVIEW OF WINTER GREEN WASTE COLLECTION

The Executive considered a report by the Head of Operational Services (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding a review of the winter green waste collections.

The Head of Operational Services highlighted the following:

- That on 5th June 2017, the Council had introduced a chargeable garden waste collection service as part of the Recycle More project.
- Collections were scheduled on a fortnightly basis up to the end of October, with the service reducing to once every four weeks for the months of November, December and January, with fortnightly collections resuming from February.
- The Council had received criticism for stopping the fortnightly collections too early.
- Options available for consideration were detailed in paragraphs 4.4, 4.5 and 4.6 of the report.

In response to a question, the Head of Operational Services advised that the service would be remodelled as there was now a static customer base. Green garden waste had not been collected during the month of December for a number of years. He also advised that no response had been received to the letter sent to Eunomia in December 2017.

DECISIONS

- (a) That it be recognised that the winter green waste collection service had been stopped too early and that the service be extended to fortnightly collections through to the end of November as detailed in Option 1;
- (b) That a calendar for the winter green waste collection service be sent to all customers.

REASON FOR DECISION

To provide a collection service that meets the needs of our customers.

104 TOWN AND PARISH FUND (TAP) – STRATEGIC FUNDING STREAM

The Executive considered a report by the Senior Corporate and Community Services Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding applications to the Strategic Funding Stream of the Town and Parish Fund.

In response to a question, the Senior Corporate and Community Services Officer confirmed that three applications had been received in total to the Strategic Funding Stream.

DECISIONS

That funding be offered to the following Voluntary and Community Sector organisations that provide services across a wide area of the North Devon Council area as follows:

Application 015	Over and Above	£2,155.20
Application 022	Headway	£1160.00
Application 025	Vista Wellbeing C.I.C.	£4392.50

REASON FOR DECISION

The applications received to the funding stream, have all been assessed against the published criteria in the TAP fund scheme as per appendix 2.

105 PROPOSED COMMITTEE TIMETABLE 2018/19

The Executive considered a report by the Senior Corporate and Community Services (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the proposed committee timetable for 2018/19.

DECISION

- (a) That the timetable of Executive meetings for 2018/19 be agreed;

RECOMMENDED

- (b) That Council be recommended to adopt the timetable of Council and Committee meetings for 2018/19.

REASONS FOR DECISION/RECOMMENDATION

To ensure that the Council has a timetable of Committee meetings for 2018/19.

Chairman

The meeting ended at 12.41 p.m.

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: 10th January 2018.