

**NORTH DEVON COUNCIL**

Minutes of a meeting of NORTH DEVON COUNCIL held at Brynsworthy Environment Centre, Barnstaple on Wednesday 26<sup>th</sup> September 2018 at 6.00 p.m.

PRESENT: Members:

Councillor Biederman (in the Chair)

Councillors Barker, Bonds, Bradford, Brailey, J. Cann, R. Cann, Chesters, Crabb (minutes 33 to 45), Davis, Edgell, Edmunds, Flynn, Fowler, Gubb, Haywood, Hunt, Lane, Ley, Leaver, Lovering, Mackie, Manuel, Mathews, Moores, Patrinos, Prowse, Spear, Tucker, Webber, White, Wilkinson, Worden and Yabsley.

Officers:

Head of Resources, Head of Corporate and Community, Head of Environmental Health and Housing, Public Protection Manager, Community Protection Manager and Senior Corporate and Community Services Officer (BT).

**28 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Campbell, Chugg, Croft, Greenslade, Jones, Luggar, Meadlarkin, Moore and Roome.

**29 MINUTES**

RESOLVED that the minutes of the meetings held on 25<sup>th</sup> July 2018 and 14<sup>th</sup> August 2018 (circulated previously) be approved as correct records and signed by the Chairman.

**30 CHAIRMAN'S ANNOUNCEMENTS**

(a) Tour of Britain Cycle Race

Councillor Biederman congratulated the Council's and the communities' involvement in the Tour of Britain Cycle race that took place on 3<sup>rd</sup> September 2018.

(b) Councillor Moore and Mrs Moore

Council congratulated Councillor Moore and Mrs Moore on their 60<sup>th</sup> wedding anniversary.

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

- (a) To consider the following notice of motion from Councillor Patrinos

Councillor Biederman advised that as items 6 (a) and 6 (b) both related to Brexit, the notice of motions would be debated together, but voted upon separately.

Councillor Patrinos presented his notice of motion to Council

It was moved by Councillor Patrinos and seconded by Councillor Edmunds that “The departure of the United Kingdom from the European Union is an issue that is beyond the scope of North Devon Council to influence. However, it will certainly have a significant impact on North Devon, but what that impact might be remains unknown. It is the Council’s duty to improve the economic, social, and environmental well being of our area, and this requires us to understand any significant changes so that we can minimise any adverse impacts, and exploit any opportunities presented. This motion is for North Devon Council to use the provisions of the Sustainable Communities Act to require from the UK Government immediate receipt by North Devon Council of all Government departmental information and analysis relating to the impacts upon North Devon’s communities and businesses of the UK’s withdrawal from the European Union, including any information deemed by the government to be confidential.”

RESOLVED that the departure of the United Kingdom from the European Union is an issue that is beyond the scope of North Devon Council to influence. However, it will certainly have a significant impact on North Devon, but what that impact might be remains unknown. It is the Council’s duty to improve the economic, social, and environmental well being of our area, and this requires us to understand any significant changes so that we can minimise any adverse impacts, and exploit any opportunities presented. This motion is for North Devon Council to use the provisions of the Sustainable Communities Act to require from the UK Government immediate receipt by North Devon Council of all Government departmental information and analysis relating to the impacts upon North Devon’s communities and businesses of the UK’s withdrawal from the European Union, including any information deemed by the government to be confidential.

- (b) To consider the following notice of motion from Councillor Worden

Councillor Worden presented his notice of motion to Council.

It was moved by Councillor Worden and seconded by Councillor Leaver that “The impact of Brexit (hard or soft) will affect all North Devon residents. This Council

believes that with Brexit fast approaching, it is both sensible and realistic that the potential risks and impact of Brexit on North Devon - good and bad, short term and long term - are fully understood as far as is possible and aired in public together with detailed discussion on how these impacts can be mitigated. To achieve this, this Council undertakes to organize and co-ordinate a public conference/symposium before Christmas in which North Devon's experts and leaders in business, farming, tourism, education, health and social services and other areas are invited to participate, together with elected representatives at all levels. This council is uniquely placed to lead this initiative by immediately setting up a Cross Party Working Group. The findings and conclusions of the symposium would be presented as a report to full Council and other authorities. Furthermore we request that consideration be given to how this Council can assist businesses etc. before and during the transition period."

An amendment was moved by Councillor R. Cann and seconded by Councillor Brailey "that the wording of notice of motion be amended to include "To achieve this, the Council undertakes to organise and co-ordinate a public conference/symposium **and that a meeting be arranged at the earliest opportunity as soon as the final recommendations of the Brexit agreement have been published.....**"

The amendment was put to the vote and lost.

The notice of motion was carried.

RESOLVED that the impact of Brexit (hard or soft) will affect all North Devon residents. This Council believes that with Brexit fast approaching, it is both sensible and realistic that the potential risks and impact of Brexit on North Devon - good and bad, short term and long term - are fully understood as far as is possible and aired in public together with detailed discussion on how these impacts can be mitigated. To achieve this, this Council undertakes to organize and co-ordinate a public conference/symposium before Christmas in which North Devon's experts and leaders in business, farming, tourism, education, health and social services and other areas are invited to participate, together with elected representatives at all levels. This council is uniquely placed to lead this initiative by immediately setting up a Cross Party Working Group. The findings and conclusions of the symposium would be presented as a report to full Council and other authorities. Furthermore we request that consideration be given to how this Council can assist businesses etc. before and during the transition period.

- (c) To consider the following notice of motion from Councillor Tucker

Councillor Tucker presented his notice of motion to Council.

It was moved by Councillor Tucker and seconded by Councillor Brailey that "It has been brought to my attention that N D D C have been issuing parking tickets where

larger vehicle's overhang the lines of the bays. As vehicle's generally are getting larger, I would request Executive to look at our current policy and consider providing more larger size bay's, or re-lining all the existing to accommodate larger vehicle's."

RESOLVED that it had been brought to Councillor Tucker's attention that North Devon Council have been issuing parking tickets where larger vehicle's overhang the lines of the bays. As vehicle's generally were getting larger, that the Executive be requested to look at our current policy and consider providing more larger size bay's, or re-lining all the existing to accommodate larger vehicle's.

### **32            DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

### **33            EXECUTIVE REPORTS**

#### (a)    Executive Leader Report

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

In response to a question from Councillor Edmunds, the Leader advised that he would arrange for a copy of the Local Plan containing all of the proposed amendments to be sent out to all Members at the earliest opportunity prior to the Extraordinary Council meeting on 29<sup>th</sup> October 2018.

#### (b)    Executive Members reports, as required

There were no Executive Member reports.

#### (c)    Questions to Executive reports, as required.

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

- (i)    Question to Councillor Brailey from Councillor Bradford "When are the boundaries for the new wards going to be finalised and when are we going to get definite maps showing details of the streets and boundaries etc.?" Councillor Brailey's response "Cllr Bradford or is it Brayford? Anyway, thank you for your question. On the 4<sup>th</sup> of May 2018 our CEO Mike Mansell sent an advanced email to all of the group leaders notifying us of the boundary changes. At the time it was embargoed for 3 days. However, on the 8<sup>th</sup> May Mr Mansell sent a copy of the changes to all councillors. I can of course arrange for this to be resent subject to your request, or you could access via the web site." In response to a supplementary question, the Head of Corporate and Community Services confirmed that the proposed boundary

changes would be laid before Parliament. The date had not yet been confirmed. Details of ward boundaries were contained within an interactive map on the Boundary Commission's website.

- (ii) Question to Councillor Brailey from Councillor Joy Cann "In some parts of the south west residents have expressed their concern at the number of second homes in their communities and have taken action to try and prevent this becoming even more of a problem. Is it time to increase the council tax on second homes or have a mini-referendum to stop the spread of second homes in North Devon?" Councillor Brailey's response "Cllr Joy Cann thank you for your question. I also feel strongly about second homes, however, service personnel and perhaps emergency service personnel who own homes but then receive a posting out of area must be protected. Unfortunately the current regulations do not allow local authorities to just increase the council tax on second homes. Even though there have been no changes proposed on second homes tax yet, the government have started to look at amendments which will allow local authorities to charge premiums on empty homes that (providing the legislation is approved) would come into effect in April 2019. This will require a Full Council resolution by this authority to approve such a premium on empty homes and whilst not affecting second homes tax yet we can see that government have started to look at the council tax laws around charging premiums and we await to see if this goes any further onto areas such as second homes. However one must also be cautious about following the St Ives model referendum. The result could be to push up house prices."
- (iii) Question to Councillor Brailey from Councillor Tucker "Can you confirm that Mike Mansell and Jane Whittaker are now on the board of North Devon +? What are the aims of this move? How will the future role of ND+ be affected if EU funding opportunities cease after Brexit?" Councillor Brailey's response "Cllr Tucker thank you for your question. I can confirm both of the above are on the board of North Devon Plus and have been for over 12 months. The amended articles approved provide both Councils with greater influence over strategic direction, operation and delivery of North Devon+ to (i) ensure value for money from the public purse is maximised (ii) ensure economic development outputs and outcomes are maximised and best respond to NDC's corporate priority 'Growing North Devon'. Both NDC and TDC were engaged in work to refocus and restructure North Devon+ during 2016-17 whilst seeking to ensure increased involvement from the local authorities moving forwards; any impact on funding opportunities following Brexit will be

continually monitored and the North Devon+ business model will be amended accordingly.”

- (iv) Question to Councillor Brailey from Councillor Worden “It has been brought to my attention by a tenant that the property they are renting with a young family has a radon reading which is well in excess of the minimum level (200 Bqm-3) which qualifies as a HHSRS Category 1 Hazard. Having informed the Council, could the Leader please tell us what action is taken in cases such as this?” Councillor Brailey’s response “Cllr Worden, thank you for your question. I was not aware of this however, I have made it my duty to find out. Our officers are aware of the item you refer and are dealing with this. The individual in question has communicated with this council. The problem seems to be that he is not willing to let the landlord enter his property and carry out official monitoring. While I appreciate the individual has purchased a radon monitor calibration could be in question. The second part of your question I mentioned on the phone of course we have a procedure. Radon is identified as a potential hazard in dwellings in the Housing Act 2004. The need for action is defined by the Housing Health and Safety Rating System which applies a numerical score to the different hazards depending on their overall risk to the occupant. If the score exceeds certain trigger points the local housing authority (NDC) is obliged to act. The Council will take the 'appropriate enforcement action' which is dependent on the severity of the risk. The measured annual average radon level is used to calculate the risk. The type of remedy specified in any enforcement notice is linked to the construction of the property and the annual average radon level.”

(d) Recommendations of Executive

Council considered the recommendations of the Executive held on 6<sup>th</sup> August 2018 (circulated previously).

It was moved by Councillor Brailey and seconded by Councillor Barker “that minutes 44 (b) and 46 (c) of the meeting held on 6<sup>th</sup> August 2018 be adopted.”

RESOLVED that minutes 44 (b) and 46 (c) of the meeting held on 6<sup>th</sup> August 2018 be adopted.

**34 NORTH DEVON+**

Council received a presentation by Stephen Taylor-Jones, Business Advisor, North Devon+. He outlined the Business Support Programmes which was provided through European Union funding for Torridge and North Devon for the provision of free business support. There were two programmes available which were Start up and Grow aimed at new businesses and Growth Support Programme aimed at

businesses already trading. Both Business Support programmes provided 12 hour programmes which included one to one advice and support with a Business Advisor and Workshops. There was still funding available to businesses and the fund was open to the end of 2019. He requested that Members take copies of the two leaflets and promote the support available to businesses within their Wards.

Following the presentation there was a question and answer session.

In response to questions, Stephen Taylor-Jones advised that some sectors were ineligible for funding which including farming, mining and education. North Devon+ would react in the support provided to businesses following the publication of the Brexit agreement and would be keen to be involved in the conference arranged by the Council for businesses.

### **35 ADOPTION OF THE HILLSBOROUGH CHARTER**

Council considered a report by the Community Protection Officer (circulated previously) regarding the proposed adoption of the Hillsborough Charter.

Council noted a typographical error under recommendation (i) and that it should state paragraph “4.2” and not “2.3” as detailed in the report.

It was moved by Councillor Brailey and seconded by Councillor Worden “that the recommendations in the report be adopted.”

RESOLVED that:

- (a) The Council sign up to the Hillsborough Charter as set out in paragraph 4.2 of the report;
- (b) This action be cascaded to all services through the Managers Forum ensuring the intentions set out in this charter are embedded in the management culture of Council;
- (c) The sign-up be promoted through internal and external communication mechanisms.

### **36 NORTH DEVON COUNCIL KERSLAKE REPORT RECOMMENDATIONS**

Council received a presentation by the Community Protection Manager regarding the Kerslake report recommendations. She advised that the Kerslake report had been produced following an independent review undertaken into the preparedness for and emergency response to the Manchester Arena attack on 22<sup>nd</sup> May 2017. There was a need for public bodies to consider the recommendations of the Kerslake report. She outlined the main sections contained within the report for consideration by Manchester City Council. She advised of the Council’s responsibilities as Category 1 responder and issues raised by the report for consideration by the Council. There were further findings from other inquiries into incidents such as the Grenfell tower fire

that is likely to endorse the findings of this report. She outlined the Council's potential risks.

Following the presentation there was a question and answer session.

In response to a question, the Community Protection Manager advised that for any major incident, the Council would receive notification from a blue light agency. A communications team consisting of members of Senior Management Team and Communications was in place. A process was in place to cascade information to Leaders of Groups and Members. The Council needed to actively engage with communities and encourage them to produce their own resilience plans. The Council had considered the early recommendations that had been made following the Grenfell Tower fire. The Council had very strong relationships with the Police and Fire Services and carried out joint inspections where possible.

**37 NORTH DEVON UK PARLIAMENTARY/LOCAL GOVERNMENT POLLING DISTRICT AND POLLING PLACES REVIEWS**

Council considered a report by the Electoral Services Manager (circulated previously) regarding the North Devon UK Parliamentary and Local Government Polling District and Polling Places reviews.

It was moved by Councillor Brailey and seconded by Councillor Worden "that the recommendations in the report be adopted."

In response to a question from Councillor Webber, the Head of Corporate and Community advised that he would request that the Electoral Services Manager provide her with an update on the Council's position in relation to online voting.

RESOLVED that the initiation of a Review of polling districts and polling places within the North Devon District be approved.

**38 ADDITIONAL MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

Council considered a report by the Head of Environmental Health and Housing (circulated previously) regarding additional mandatory licensing of houses in multiple occupation.

It was moved by Councillor R. Cann and seconded by Councillor Brailey "that the recommendations in the report be adopted."

RESOLVED that the fees detailed in Appendix 1 of the report for Houses in Multiple Occupation licensing be adopted



**39**                    **THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

Council considered a report by the Public Protection Manager (circulated previously) regarding the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

It was moved by Councillor Chesters and seconded by Councillor Moores “that the recommendations in the report be adopted.”

RESOLVED that:

- (a) the legislative changes brought into effect by way of the Regulations be noted;
- (b) the Constitution at Part 3 be amended by inserting new paragraphs 5.14 and 5.15 to ‘Appointments and Authorisations’ under relevant environmental health and housing legislation for the Head of Environmental Health and Housing Services. This will facilitate administration and enforcement in respect of those licences issued under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The following paragraphs are suggested for inclusion:
  - (i) ‘Power under the Animal Welfare Act 2006 to inspect in connection with licences, and to inspect records required to be kept by the holder of a licence.’
  - (ii) ‘Power under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for the grant, renewal, variation, suspension, and revocation of licences; to impose licence conditions; and to take samples from any animals on premises occupied by an operator. Power to undertake risk ratings of premises and allocate star ratings. Power to determine appeals in respect of risk ratings and associated star ratings of premises, and to refer any matter to the Council’s Licensing Sub-Committee for determination.’
- (c) the fees contained in Appendix One be adopted for animal licensing with effect of 1 October 2018. In doing so, it should be noted that the substantial increases from those fees imposed under the current regime, will better enable cost recovery. It be further noted that due to the position with DEFRA only recently having issued its Procedural Guidance Notes for Local Authorities under the new provisions, it had not been feasible given the time constraints to undertake any consultation with the licensed community or members of the public. Given that the figures provided in respect of the necessary tasks required and officer rates with on-costs were

fixed, this was not highly relevant. Albeit, that a possible suggestion from the licensed community had consultation been undertaken was that Members consider some level of fee subsidy whilst fees were increased more incrementally over a set period.

**40 APPOINTMENT OF MEMBER TO THE OVERVIEW AND SCRUTINY COMMITTEE 2018/19**

It was moved by Councillor Flynn and seconded by Councillor Brailey “that Councillor Croft be appointed to the Overview and Scrutiny Committee for the remainder of the municipal year 2018/19”.

RESOLVED that Councillor Croft be appointed to the Overview and Scrutiny Committee for the remainder of the municipal year 2018/19.

**41 APPOINTMENTS COMMITTEE**

It was moved by Councillor Spear and seconded by Councillor Brailey “that Councillor Worden be appointed as Leader of the Liberal Democrat Group to the Appointments Committee and Vice-Chairman of the Committee for the remainder of the municipal year 2018/19.”

RESOLVED that Councillor Worden be appointed as Leader of the Liberal Democrat Group to the Appointments Committee and Vice-Chairman of the Committee for the remainder of the municipal year 2018/19.

**42 URGENT DECISIONS TAKEN DURING THE PERIOD 17<sup>TH</sup> JULY 2018 – 13<sup>TH</sup> SEPTEMBER 2018**

Council noted the urgent decisions taken during the period 17<sup>th</sup> July 2018 to 13<sup>th</sup> September 2018 (circulated previously).

The Head of Resources confirmed that there was no additional costs for the purchase of the waste collection vehicles as it had been included within the Capital Programme. However, the purchases had been made one year earlier than planned.

**43 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. Councillor Worden read an email received from the Office of the Police and Crime Commissioner’s office on 26<sup>th</sup> September 2018 regarding an update on the proposed merger between Devon and Cornwall Police and Dorset Police.

**44 REPORT BY CHAIRMAN OF AUDIT COMMITTEE**

Council noted a report of the Chairman of the Audit Committee (circulated previously) regarding the work of the Audit Committee.

**45 MINUTES OF COMMITTEES**

(a) **Audit Committee**

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

- (i) 14<sup>th</sup> August 2018
  - (A) Minute 19: Letter of Representation (NOTE: Council noted that this recommendation was adopted by Council on 14<sup>th</sup> August 2018)
- (ii) 4<sup>th</sup> September 2018

(b) **Ilfracombe Harbour Board**

RESOLVED that the following minutes of the Ilfracombe Harbour Board (circulated previously) be noted and adopted as follows:

- (i) 14<sup>th</sup> August 2018

(c) **Overview and Scrutiny Committee**

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

- (i) 23<sup>rd</sup> August 2018

(d) **Planning Committee**

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

- (i) 11<sup>th</sup> July 2018
- (ii) 6<sup>th</sup> August 2018
- (iii) 8<sup>th</sup> August 2018
- (iv) 7<sup>th</sup> September 2018

Chairman

The meeting ended at 7.28 p.m.

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