

NORTH DEVON COUNCIL

Minutes of a meeting of the EXECUTIVE held at the Brynsworthy Environment Centre, Barnstaple on Monday 6th August 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Brailey (Leader)

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

Officers:

Chief Executive, Head of Resources, Head of Corporate and Community Services, Head of Environmental Health and Housing, Head of Place, Acting Economic Growth Manager, Acting Regeneration Manager, Lead Officer (Planning Policy) and Senior Corporate and Community Services Officer (BT).

Also Present:

Councillors Edmunds, Greenslade, Moore, Patrinos and Worden.

Paul Britton Homes England

37 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

38 MINUTES

RESOLVED that the minutes of the meeting held on 2nd July 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

39 LEADER'S ANNOUNCEMENT

(a) Item 11: Surrender of the Long Leasehold Interest in Gaydon Street Dairy, Barnstaple

Councillor Edgell gave advanced notice for item 11 to be considered under Part B of the agenda, as commercially sensitive information may be considered as part of this agenda item.

The Head of Corporate and Community advised that in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, a notice had not been duly published advising that the item would be considered under Part B of the agenda. Therefore, the Chairman of

Overview and Scrutiny Committee's consent would be required should the Executive consider excluding the public and press during the consideration of the item.

Councillor Patrinos, in his capacity as Chairman of the Overview and Scrutiny Committee advised that he had indicated that he would give consent should it become necessary during the consideration of the item for the public and press to be excluded from the meeting.

40 DECLARATIONS OF INTEREST

The following declaration of interest was announced:

Councillor Yabsley Item 10: Personal interest as a private landlord.

41 BARNSTAPLE TOWN CENTRE VISION

The Executive considered a joint report by the Acting Economic Growth Manager and Lead Officer (Planning Policy) (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the preparation of a visioning document for Barnstaple town centre.

The Acting Economic Growth Manager highlighted the following:

- There were several disparate projects already progressing across the commercial centre of Barnstaple ranging from large housing and regeneration sites such as Seven Brethren to small scale public realm projects.
- It was important that the Council ensured that a co-ordinated approach was taken to these projects which would require an overarching vision for the town centre. Not having such a vision in place would not provide the best outcomes for the area and could lead to criticism from key stakeholders including the local community.
- A meeting had been held with the Heritage Lottery Fund and Historic England in association with a Townscape Heritage Initiative application. It was made clear that prior to any further applications for funding a vision was required to show a clear strategy for the future of the town.
- Preparation of the vision would be undertaken with engagement of key stakeholders including Barnstaple Town Council and Barnstaple Town Centre Management. The Barnstaple Town Centre Management would be consulted at their next Board meeting to ensure their "buy in" to the proposal.

The Lead Officer (Planning Policy) highlighted the following and responded to questions:

- The Spatial Vision for Barnstaple contained in the emerging Local Plan for the period to 2031 reinforces the town's role as a sub-regional centre for Northern Devon. The town centre was the focus of commercial prosperity. The Spatial Development Strategy within the emerging Local Plan facilitates planned growth to meet future housing and employment needs, and delivery of associated infrastructure.

- If the proposed vision for Barnstaple town centre supplemented the existing policies within the emerging Local Plan, it could be adopted as a supplementary planning document, which would be subject to consultation.
- If the proposed vision differed from the emerging Local Plan, an Area Action Plan would be required. This would be a more time consuming exercise and also require public consultation.
- Barnstaple Town Council was currently in the process of preparing a town strategy/neighbourhood plan. There was a need to work in partnership with the Town Council.
- The consultants' brief could include exploring opportunities for enhancement.
- Barnstaple District Councillors would be consulted as part of the process.
- The Car Parking Strategy had not yet been finalised.

DECISIONS

- (a) That £20,000 be made available from the section 106 Anchorwood Bank revenue contribution for Barnstaple Town Centre Interim Mitigation to cover the cost of the preparation of a visioning document for Barnstaple town centre following a proper procurement process, matched by £10,000 from Historic England and that as with previous allocation of this funding the Board of Barnstaple Town Centre Management (BTCM) be consulted at the next meeting on 6 August to ensure their "buy in" to the proposal and that if there were other commitments for this fund, then to be funded from the Economic Development Reserve.
- (b) That procurement of a consultant be undertaken in accordance with Council procurement procedures and a consultants' brief for the project.

REASONS FOR DECISIONS

- (a) A vision for Barnstaple's commercial centre is required to guide future development projects across the town centre and ensure a cohesive approach.
- (b) The document will allow funding bids to be made with greater chance of success.

42 DELIVERY PARTNER – SEVEN BRETHREN

The Executive considered a report by the Acting Regeneration Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the procurement of a delivery partner for the Seven Brethren project.

The Acting Economic Growth Manager advised that Paul Britton from Homes England was in attendance to answer any questions in relation to the Home England's role in securing a delivery partner.

The Acting Economic Growth Manager highlighted the following and responded to questions:

- In November 2017 North Devon Council had been awarded £2.2 million of Land Release Fund to bring forward 245 residential units at Seven Brethren, Barnstaple. £1 million was secured towards junction improvements and £1.2 million towards delivering flood defences and raising of site levels.
- North Devon Council have to determine how the project would be delivered. Homes England have a “Delivery Partner Panel” which the Council could use. This had gone through the European Union Level procurement process and Legal Services had confirmed that this framework agreement could be used.
- Homes England had acquired two sites in Barnstaple, Raleigh Park (land to the south of the hospital) and the Lace Works in Derby Road. They were soft marketing these sites in Barnstaple on 5th September 2018 and had suggested that the Council also soft market test Seven Brethren alongside these projects.
- The Council could also benefit from Homes England experience and guidance at no cost.
- The three sites would be complementary.

The Lead Officer (Planning Policy) confirmed that the Lace Works site would be a windfall site as it had not be included within the emerging Local Plan. All housing development sites were expected to deliver at least 30% affordable housing.

Paul Britton, Homes England advised that the two sites at Raleigh Park and Derby Road would be delivered as soon as possible but not to the detriment of delivery of high quality housing. There had already been commercial interest expressed in the sites. The soft testing would seek commercial views on the three sites. The three sites would deliver over 400 houses and create jobs.

DECISIONS

That Homes England’s ‘delivery partner panel’ be used to select a delivery partner for this project subject to review and acceptance of the framework agreement.

REASONS FOR DECISIONS

- (a) Homes England have offered to assist us in the delivery of this project in order to meet their remit for accelerating the delivery of quality housing.
- (b) Homes England’s ‘delivery partner panel’ has already gone through an EU Level Procurement Process that is compliant with the Public Contracts Regulations 2015 and is available for our use.
- (c) Homes England would share their experience of working with delivery partners and contractual relationships therein, which

would allow for ongoing control and management of quality and performance.

- (d) Homes England would provide this guidance free of charge.

43 NORTH DEVON COUNCIL'S SAFEGUARDING POLICY

The Executive considered a joint report by the Head of Environmental Health and Housing and Human Resources Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the adoption of a revised Safeguarding Policy.

DECISION

That the revised Safeguarding Policy as detailed in Appendix 1 be adopted.

REASON FOR DECISION

To ensure that the Council can discharge its safeguarding responsibilities in an efficient manner.

44 REVIEW OF FIXED PENALTY NOTICE FINES FOR ENVIRONMENTAL OFFENCES

The Executive considered a report by the Public Protection Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the review and introduction of new fixed penalty notice fines for Environmental offences.

The Head of Environmental Health and Housing highlighted the following and responded to questions:

- Recent legislative updates have amended the ranges within which the amounts of certain fixed penalties were capable of being specified by a local authority in respect of littering, free distribution of printed material on designated land, graffiti, fly-posting and other environment matters. The Council needed to clearly state the level of fine it intends to apply for each of the relevant offences, if a penalty was set at any level other than the default rate.
- The introduction of the new legislation enabled a review to be undertaken of fixed penalty notice fines to increase efficiency and effectiveness of the regulation of anti-social behaviour.
- Fixed penalty notices would be used for persons throwing wrappers and litter from vehicles.
- Low level fly tipping was an issue. It was anticipated that there would be an increase in the number of fixed penalty notices issued for low level fly tipping.

In response to questions, the Chief Executive advised that there was guidance in relation to the length of time that election material could be displayed and if the time

was exceeded it could possibly be classified as littering. Planning applicants were advised to remove all planning notices following the determination of planning applications

DECISION

- (a) That Fixed Penalty Notices (FPNs) be issued for the range of offences and at the levels set in accordance with Appendix One of the report with effect from the 1 September 2018.

RECOMMENDATION

- (b) The Council's Constitution be amended at Part 3, Annexe 2 "Officer Delegations" by adding paragraph 5.17 to 'Appointments and Authorisations' to facilitate the issue of Fixed Penalty Notices under relevant environmental health and housing legislation by the Head of Environmental Health and Housing Services.

REASONS FOR DECISION/RECOMMENDATION

- (a) That the Council takes advantage of:
 - (i) the revised penalties which came into effect in April 2018 by way of The Environmental Offences (Fixed Penalties) (England) Regulations 2017.
 - (ii) new powers to issue FPNs for littering from vehicles by virtue of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.
 - (iii) The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which introduced powers for local authorities to issue FPNs for small scale fly tipping.
- (b) It is necessary to clearly state the level of fine the Council intends to apply in its area for each of the relevant offences, if it wants to set a penalty at any level other than the default rate.
- (c) It is believed that the suggested amends are a necessary and proportionate response to the current environmental issues facing the Council and will equally save the time and expense of initiating prosecutions through the courts.
- (d) The introduction of a fixed penalty notice scheme for littering from vehicles aims to reduce expenditure on deploying resources to clean up street litter as a result of littering from vehicles where an individual cannot be identified in a particular vehicle. Furthermore the introduction of an FPN for unauthorised deposit of waste will provide a more efficient means to tackle this issue. Historically the authority would have dealt with such

deposits by way of prosecution, which can be time consuming and costly for the authority.

- (e) The recommended level of fines if paid within the prescribed period will provide a targeted response to existing problems within the district, in accordance with the new legislative framework.
- (f) Adopting maximum FPN levels will act as a deterrent against environmental crime, and provide maximum impact in terms of press releases, social media campaigns etc. Adoption of £100 (the default) for littering and littering from a vehicle will allow the Council to continue to be able to effectively tackle some of the more minor littering offences, such as the deposit of cigarette ends, and chewing gum, and provide a useful tool for doing so. Feedback gained is that Council enforcement officers will be more confident in undertaking action at this level and believe in the appropriateness of the sanction. Moreover it is believed to be slightly incongruent to set a level of fine for litter above that for dog fouling. Adopting a fine of £100 will bring a littering fine in line with a breach of the Public Spaces Protection Order, and still make it a significant deterrent, whilst reducing the potential for the public to cite the sanction as being excessive for smaller scale offending. Where the amount of litter does become excessive, the Council will be able to utilise the increased penalty option of fly-tipping.
- (g) The provision of some level of reduction for those making early payment, will provide a proportionate response for those seeking a swift remedy.
- (h) Discounts for early payment have proved successful in improving payment rates.
- (i) A reduction in fines by 20% for early payment across all FPNs will provide for consistency of approach. This rate of reduction is largely in line with other authorities.
- (j) The proposal for FPN levels takes into consideration the further increase in levels due to have effect from the 1 April 2019 for offences including littering, distribution of printed matter, graffiti, and fly-posting, and a further report will not be necessary to make any future increase in order to gain compliance.

45 THE DEVELOPMENT OF DISABLED FACILITIES GRANTS AND OTHER NDC 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 adoption of a Devon wide Disabled Facilities Grant/Home Improvement grant assistance policy.

The Head of Environmental Health and Housing highlighted the following and responded to questions:

- The Government had increased the funding for Disabled Facilities Grants (DFGs) this year via the Better Care Fund (BCF). This now delivered a level of resources to housing authorities which exceed the demand for mandatory DFGs. This provided the opportunity to enhance current services and provide new home improvement grants to a wider range of households by expanding current policy in line with the BCF objectives.
- The chance to improve service provision in North Devon had been further enhanced by an agreed re-allocation of BCF funding by the Devon authorities which was now in line with need.
- A new Devon county wide policy had been developed to complement existing district policies to maximise the public health benefit, which can be delivered by this new level of funding.
- The policy included conditions, which may be reviewed at a later date.
- Housing Officers and Occupational Therapists considered the long term sustainable solutions for individuals

In response to a question, the Head of Corporate and Community confirmed that in relation to the Accessible Homes Grant, a local land charge would be placed against the property for a period of five years for owner occupiers.

Councillor Yabley re-declared a personal interest as a private landlord and declared a personal interest as a member of Devon County Council.

Councillors Edgell and Greenslade declared personal interests as members of Devon County Council.

DECISION

That the Devon wide Disabled Facilities Grant/Home improvement grant assistance policy, as set out in Appendix A of the report, be adopted.

REASON FOR DECISION

To provide an enhanced and consistent range of home adaptation and improvement grants across Devon in support of the objectives set out in the Integration and Better Care Fund Policy Framework 2017-19.

46 SURRENDER OF THE LONG LEASEHOLD INTEREST IN GAYDON STREET DAIRY, BARNSTAPLE

The Executive considered a joint report by the Head of Resources and Estates Officer (circulated previously), the options and/or alternatives and other relevant

facts set out in the report regarding the proposal to accept a surrender of the long leasehold interest in Gaydon Street Dairy, Barnstaple.

The Head of Resources highlighted the following and responded to questions:

- The report contained no confidential information, however if the Executive discussed valuations, then a decision would be required to exclude the public and press as it would prejudice the negotiations with the current tenants.
- The Council owned the freehold interest in the Gaydon Street Dairy property. The current occupational lease was for a term of 99 years, which expired in 2071. The current rent was £3,500 per annum. The tenants would shortly be closing the property from an operational basis.
- The lease was currently assigned to Muller UK and Ireland Group LLP. Their agents approached the Council about the potential to either widen the user clause of the lease to permit them to sublet the property or consider a joint venture to release the sites marriage value.
- Rather than pursuing a joint venture or negotiations to vary the lease terms, by agreeing a surrender which could be completed within a concise timescale, the Council had the opportunity to obtain the unfettered freehold interest in the site with vacant possession. Alternative uses and potential can then be fully investigated with a view to maximise value to the Council.
- Discussions had taken place with the agent, who had indicated that the offer to surrender the lease would be accepted provided it was completed by the end of September 2018.
- Discussions had taken place with the Planning department regarding opportunities for development of the site.

The Executive gave notice that it wished to consider commercially sensitive information and therefore the public and press would be required to be excluded from the meeting.

Councillor Patrinos, in his capacity as Chairman of the Overview and Scrutiny Committee gave his consent to exclude the public and press to enable the Executive to consider commercially sensitive information.

RESOLVED that under the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended), as made under the Local Government Act 2000, the public and press be excluded from the meeting as it involved the likely disclosure of exempt information as defined by Paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended from time to time) namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Executive considered commercially sensitive information.

RESOLVED that the public and press be re-admitted to the meeting.

DECISIONS

- (a) That the proposal to accept a surrender of the leasehold interest be supported and that upon the payment of a negotiated sum of £100,000 to the tenants, the leasehold interest will end providing vacant possession of the property;
- (b) That the Executive undertake a visit to the site at a future date;

RECOMMENDATION

- (c) That Council vary the capital programme by £100,000 and that funds be released.

REASONS FOR DECISION/RECOMMENDATION

- (a) To maximise the potential use of this property for the benefit of the town.
- (b) To allocate capital funds to this project and to release value to the Council, in terms of the future potential uses for the asset and capital receipt(s).
- (c) To release potential benefits to the Temporary Accommodation Procurement over the longer term.
- (d) To enable the Executive to familiarise themselves with the site.

The Executive discussed inviting the two Ward Members to the site inspection undertaken by the Executive.

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: 8th August 2018.