

NORTH DEVON COUNCIL

Minutes of a meeting of the OVERVIEW AND SCRUTINY COMMITTEE held at the Brynsworthy Environment Centre, Barnstaple on Thursday 14th December 2017 at 10.00 a.m.

PRESENT: Members

Councillor Greenslade (in the Chair)

Councillors Chesters (present for minutes 82 to 93), Mathews (present for minutes 82 to 90), Moore, Patrinos, Webber and Worden (present for minutes 86 to 94).

Also Present:

Councillors R. Cann (present for minutes 82 to 87), Spear (present for minutes 82 to 87), and Yabsley.

Officers:

Contracts Delivery Manager (MK), Service Improvement Officer (JT), Service Lead Environmental Protection (AC), Chief Planning Officer (MK), Housing Services Manager (TR), Service Lead Housing Market Balance (JJ) and Corporate and Community Services Officer (KJ).

82 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bonds, Ley and White.

83 MINUTES

RESOLVED that the minutes of the meeting held on 16th November 2017 (circulated previously) be approved as a correct record and signed by the Chairman.

84 ITEMS BROUGHT FORWARD WITH THE CONSENT OF THE CHAIRMAN

(a) Closure of Lloyds Pharmacy Store

The Chairman advised the Committee that a letter had been sent on behalf of the Committee to Lloyds Pharmacy, regarding the closure of their store located on Rose Lane, Barnstaple. He advised that no response had yet been received.

RESOLVED that the Corporate and Community Services Officer would write to Lloyds Pharmacy to chase their response.

(b) Car-parking Strategy

The Committee discussed the Car-parking strategy which was due to be presented to the Executive in January 2018. An email had been received from the Economic Growth Manager which had required a response at short notice. The Committee were concerned that they had not been consulted on the matter. It was noted that the Committee had previously resolved to appoint the whole committee to a working group of Members and Officers to look at the review of car parks (as resolved at the Committee meeting of 22nd June 2017). The Committee discussed their views that the implications of the car park review would affect the whole of the North Devon area.

RESOLVED that the Chairman:

- (a) approach the Economic Growth Manager with the view to arranging a meeting prior to the next meeting of the Executive, and
- (b) write to the Leader of the Council to request a meeting to discuss the car park review.

85 DECLARATIONS OF INTEREST

The following declarations were announced:

Councillor Roome	Item 13: National Health Service Success Regime: declared a personal interest as an employee of Northern Devon Healthcare Trust.
Councillor Greenslade	Item 13: National Health Service Success Regime: declared a personal interest as a Devon County Councillor.
Councillor Mathews	Item 13: National Health Service Success Regime: declared a personal interest as a Devon County Councillor.

86 COMPENSATION PAYMENTS 2017-18 (QUARTERS 1-3).

The Service Improvement Officer presented a report "Compensation Payment 2017/18 (Quarters 1-3)" to the Committee (circulated previously). Appendices 1 and 2 were tabled.

She confirmed the appendices provided today had been delayed due to problems in obtaining the data whilst a new Customer Relationship Management (CRM) system had been installed.

In response to questions from the Committee, the Service Improvement Officer confirmed that payments made in November 2017 were the result of complaints received in June and July 2017 due to service problems. She advised that the value of the payments issued equated to roughly 50% of the monies paid by those complainants for waste collections.

The Service Improvement Officer advised the Committee that the final report for 2017-18 would be ready for consideration by the Committee at the end of the financial year.

RESOLVED that the report be noted.

87 AIR QUALITY UPDATE

The Service Lead Environmental Protection presented the Committee with an update on Air Quality and provided the Committee with a copy of the Minutes of the Braunton Air Quality Management Area Technical Working Group (TWG) of 23rd May 2017 (circulated previously). He also confirmed that the TWG held a meeting in November. Since the meeting Braunton Parish Council had confirmed their support to NDC of the implementation of the measures proposed in the Action Plan.

The Service Lead Environmental Protection provided an update on Devon County Council's (DCC) progress on the matter of air quality in Braunton with a presentation.

The Service Lead Environmental Protection confirmed NDC's 'Progress with Measures' as per the presentation were as follows:

- Supplementary Planning Document had been prepared in draft. This was awaiting further input from DCC prior to potential consultation.
- NDC Officers had worked on a communications exercise to highlight alternative travel options to residents and visitors. The plan was to launch the proposals in Spring 2018.

The Service Lead Environmental Protection confirmed DCC's 'Progress with Measures' as per the presentation were as follows:

- Upgrading of the traffic signals at Braunton Square to Microprocessor Optimised Vehicle Actuation (MOVA). DCC were to seek funding as no section 106 funds were available as DCC first thought.
- To consider amending the South Street (Braunton) one-way system in relation to optimising traffic flow. 5% transfer of traffic calming from Caen Street therefore small benefit.

- Fleet partnerships working with local companies to encourage using fleet vehicles with lower emissions. DCC were working with bus companies to try to ensure priority given –with any new fleet being used on routes through Braunton.
- Implementation of school/work travel plans- Completed by DCC. NDC to continue to ensure sustainable travel plans are required for all relevant planning permissions

Remaining Measures (Braunton Parish Council (BPC) expressed limited support):

- To review all pedestrian movements around Braunton to identify optimal location/use of signals/crossings. (to include consideration of amending signal, timings, re-siting, removal of crossing outside the George Hotel, crossing patrol associated with Caen Primary School).
- Improving parking management (including the prevention of parking associated with blocking bus stops).

In light of the position BPC have recently reported to NDC, DCC intends to seek DCC Member support to consult further with BPC - to include South Street.

The future plans included:

- DCC were seeking support from the DCC members to further consult Braunton Parish Council.
- NDC financial contribution could then be targeted.
- NDC lead project and progress measures – communications, Supplementary Planning Document (SPD).
- NDC to continue their ongoing assessment of air quality across the district and reporting to DEFRA regarding the progress.

The Chairman invited Councillor Spear to address the Committee.

Councillor Spear addressed the Committee and highlighted the following:

- Braunton Parish Council had been invited to be involved in the TWG with the view to providing a representative on the group. However this invitation was retracted.
- He was happy that the issue was being considered as part of the emerging local plan.

The Committee considered that:

- They were concerned about the impact of the air quality in Braunton.
- DCC were consultees on planning applications.
- Section 106 monies could be put forward to help tackle the problem providing consultees requested these contributions in response to planning application consultations and any such contributions were otherwise S106 compliant.

- A clear audit trail was needed along with a consistent stance when assessing section 106 contributions.
- Extra traffic, as a result of increased development in Braunton, would only add to the problems of air pollution in the Braunton area.
- It was felt by some of the Committee that the only real solution would be the provision of a bypass for Braunton.
- The Committee welcomed the idea of closer working with DCC with the view to resolving the problem and welcomed the Chairman writing to DCC to advise of the position.
- The issue of pedestrian safety should also be considered. This should include the location of crossings and the age of the local population.

RESOLVED that:

- (a) the Chairman contact DCC in order to seek clarification on DCC's progress with those measures for which they are responsible as identified in these minutes.
- (b) Councillor Yabsley contact the local County Councillor in order to ask them to try to influence cabinet.
- (c) the report be noted.

88 AFFORDABLE HOUSING UPDATE

The Committee considered the update on Affordable Housing (previously circulated) by the Chief Planning Officer (MK), Services Manager (TR) and Service Lead Housing Market Balance (JJ).

The Housing Services Manager (TR) highlighted the following:

- North Devon had more completions per head compared to the national figures.
- The North Devon figures were for North Devon as an administrative district and included the Exmoor National Park.
- The Council were increasing the number of affordable housing provided year-on-year.
- Of the New Affordable Housing provided in 2016/17 (chart 5 of presentation) 70% was social rent. This was a 100% increase on 2015/16 (35%).
- In 2016/17 98% of NDC's completions were acquired with nil grant via section 106 schemes, compared to 43% in England. The figures were queried when submitted to the Department of Communities and Local Government (DCLG) as they were thought to be incorrect as they were so high but North Devon had just performed well in securing social rents with nil grant.

The Service Lead Housing Market Balance (JJ) confirmed that a scoping document for Affordable Housing Supplementary Planning Document (SPD) had been created and the research for the project would be outsourced to enable the Council to have the best information available in respect of the optimum sized property (number of bedrooms) and affordability etc. Her team would be consulting the planning department and others on this.

The Chief Planning Officer (MK) advised the Committee that many developers question the viability of the schemes which impacted on the provision of affordable housing and that NDC was drafting best practice guidance for the calculation of contributions towards the off site provision of affordable housing in those exceptional circumstances where affordable housing could not be provided on site.

The Service Lead Housing Market Balance (JJ) confirmed that their research was required to be thorough and professional. The information needed to be in a clear and concise format such as a table which could be used by NDC and the developers. Currently rural sites of between 6 and 10 dwellings did not need to provide on-site provision of affordable housing and could instead provide off-site contributions.

In answer to questions from the Committee, the Chief Planning Officer, Housing Services Manager and Service Lead Housing Market Balance confirmed:

- The issue of affordable housing had been considered in the emerging local plan and would be included in the SPD. NDC would not be looking specifically at individual parishes but the plan had been widely consulted on and any parish would be able to get involved. Similarly this would be the case for the SPD.
- That lenders were currently lending on shared ownership properties with deposits of 5-20% depending on the section 106 restrictions.
- NDC do not have a scheme to assist with deposits for open market properties.
- The Government had schemes in place which were promoted nationally/online.
- NDC work closely with the Housing Associations and Parish Councils but cannot prevent Housing Associations from disposing of old housing stock as they were encouraged to do so by the Government for new supply.
- The Government were looking into processes where planning permissions could be refused where a developer had a history of not 'building out'. The Chief Planning Officer expressed concerns over the outcome of any appeals made on this basis and the effect on the five year land supply.

In relation to the information in the presentation regarding the Government White Paper "Fixing our Broken Housing Market" and subsequent questions from the Committee the Service Lead Housing Market Balance advised that

- The paper was more from a planning aspect rather than Housing.
- The Government had been setting out a new rent policy which would allow a small annual rent increase on Housing Association properties.
- £670k had been secured through the Community Housing Fund in 2016/17. This had been used in Lynton and Lynmouth, Morteohoe, Parracombe, Combe Martin and Chittlehampton. The projects were progressing well. In 2017/18 £60m was available. Parishes were welcome to come forward to take part.
- HCA funding would soon include social rent rather than just affordable rent and shared ownership. Local Authorities would need to be able to demonstrate need in their bid for these funds.
- NDC currently owned two temporary accommodation units in Castle Street, Barnstaple.
- There was a need to make starter homes more attractive. Discounts of 20% off the purchase prices may not necessarily make these properties affordable. The Discounted sale product was better and made in line with local incomes.
- NDC would need to identify the need for such properties. The authority would be able to choose the tenure types required in the district. If Shared Ownership Discounted Scheme (SODS) the authority could control the affordable housing through section 106 and ensure they were genuinely affordable.
- NDC Planning Policy had commented on the responses to the consultation. This had been undertaken through the Local Plan Working Group.
- There had been no sign of a decrease in the number of planning applications submitted to the authority.
- Housing with an extra care element was required in the area.
- Devon County Council (DCC) were currently consulting on a document for a strategy for housing the elderly. This included the problems faced by those who wanted to downsize, those who required an element of care but did not need to be placed in care homes.
- The Chief Planning Officer reported on the importance of providing affordable housing to contribute to our corporate priority of growing North Devon.

RESOLVED that:

- (a) the report from the Joint Local Plan Working Group in response to the Government White Paper Consultation be forwarded to the Corporate and Community Services to be issued to the Committee members;
- (b) this update be provided to the Committee annually with any additional matters to be considered as required and that that date be agreed once the committee dates for 2018/19 were published;
- (c) the report be noted.

RECOMMENDED that the Executive consider the closer working between the Economic Development, Planning and Housing and Environmental Health teams in relation to the growth agenda.

89 **EMPTY HOMES UPDATE**

The Committee were advised that no formal update on this item was possible at this short notice as the officer involved was unavailable.

The Services Manager confirmed that in North Devon there were currently 144 properties which had been empty for over 12 months.

RESOLVED that the item be considered at the Committee meeting in March 2018.

90 **PLANNING UPDATE**

The Committee considered the report “Strategic Planning and Development Service – Performance and Financial Management” by the Chief Planning Officer (tabled).

He highlighted the following:

- The positive performance of the Council in meeting all DCLG planning application determination targets.
- In 2016/17 the Government looked at the “EoT” (extensions of time” figures.
- Performance indicator P 03a 15/16: The use of “PPAs” (Planning Performance Agreements) were no longer promoted in recent best practice and although NDC had entered into one or two the applicants were usually disinclined to enter into them.
- Performance indicator P 03b 15/16: the annual budgeted income had been identified as £40,000 although £60,500 had been received.
- NDC could benefit from a trained financial investigation officer, working alongside, for example, DCC Trading Standards and Police, to investigate breaches of legislation across Council services particularly using the Proceeds of Crime Act; in time, this could result in substantial capital receipts. The Senior Planning Enforcement Officer had commenced formal training in this capacity.
- The Government had agreed to increase planning fees by 20% in future. The date had not yet been set.

In response to a question regarding whether issues with Planning Enforcement would be classed as a criminal offence, the Chief Planning Officer confirmed that although NDC could issue enforcement notices if expedient to do so, such notices are usually the subject of appeal. If dismissed at the appeal and the Notice was not complied with, the Council would look to prosecute (usually at Magistrates Court) for non-compliance. Advice would be taken beforehand.

- Performance indicator P 02c 15/16: The Chief Planning Officer highlighted that the current system used by the Planning service was 20 years old which in terms of IT was antiquated. The new system would improve efficiency throughout the service. The provider of the new IT software had now been chosen and the specification was currently being finalised. This system was also being used by DCC.

In response to a question from the Committee regarding the New Homes Bonus and any possible receipts from North Devon Homes, the Chair advised that this would be considered by the Committee in the new year once the budget had been set.

Councillor Yabsley (as Chair of the Local Development Plan Working Group) advised the Committee that the Inspector would commence the hearing in respect of the local plan in January 2018, with her report expected at the end of the financial year. Once accepted by the Inspector the process for formal adoption will commence.

In response to a question regarding discrepancies in the performance figures provided at the previous committee, the Chief Planning Officer advised that he would look into this further and provide the answers to the Committee after investigation.

91 RMB CHIVENOR

The Chairman advised the Committee that the local MP had written to the new Secretary of State for Defence regarding the future of RMB Chivenor but no response had yet been received. There were no further updates to report.

92 POLICE AND CRIME COMMISSION UPDATE

The Chairman presented the Committee with the “Blue Light Collaboration” report from the recent meeting of the Police and Crime Panel (circulated previously). He advised that the meeting had been promising and it was noted that the closer-working between the Devon and Cornwall Police and the Devon and Somerset Fire Authority was working well.

There were no further updates at present.

93 NATIONAL HEALTH SERVICE SUCCESS REGIME

The Chairman addressed the Committee and provided an update regarding the National Health Service Success Regime.

He advised that the acute services of Accident and Emergency, Stroke and Maternity would continue at North Devon District Hospital (NDDH) but there were still budget pressures which would affect those and other services in the future.

Councillor Patrinos addressed the Committee and advised that he had been informed that the Acute Services Review undertaken by clinicians earlier this year recommended the networking of consultant services between the four main Devon hospitals. Each would be required to have enough consultants to cover their own workload before sparing staff to cover elsewhere. He noted that the nationwide shortage of consultants could hinder this. Any consultants provided under this plan should only be working for the other hospital for a maximum of 12 weeks. He advised that the use of locums with the maternity services was being looked at across the whole of Devon by the SOHS (North Devon Save Our Hospital Services). The services of NDDH were under threat as the Northern Devon Healthcare Trust (NDHT) were expecting a deficit of £5 million for 2017/18.

94 WORK PROGRAMME/FORWARD PLAN

The Committee considered the Work Programme / Forward Plan (circulated previously).

RESOLVED that:

- (a) the item Compensation Payments 2017-18 be added to the work programme for 22nd March 2018;
- (b) the item Air Quality Update be added to the work programme for consideration after April 2018;
- (c) the Affordable Housing Update be brought to the Committee annually with any additional matters to be considered as required;
- (d) the work programme be noted.

95 OVERVIEW AND SCRUTINY TRAINING

The Chairman advised the Committee of the training booked for Monday 12th February 2018 (1:30pm in the Barum Room)

There were no further updates at present.

RESOLVED that the date of the training session be noted.

Chairman

The meeting ended at 12.12 p.m.

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