



North Devon Council
Brynsworthy Environment
Centre
Barnstaple
North Devon EX31 3NP

M. Mansell, BSc (Hons),
F.C.P.F.A.
Chief Executive.

To : All Members of the Council
and Chief Officers

NOTE: PLEASE NOTE THAT PRAYERS WILL BE SAID AT 5.55 P.M. PRIOR TO THE COUNCIL MEETING FOR ANY MEMBER WHO WISHES TO ATTEND

COUNCIL MEETING

YOU ARE HEREBY SUMMONED to attend a meeting of **NORTH DEVON COUNCIL** to be held at Brynsworthy Environment Centre, Barnstaple on **WEDNESDAY 21ST NOVEMBER 2018 AT 6.00 P.M.**

A handwritten signature in black ink, appearing to read "M. Mansell", with a stylized flourish at the end.

Chief Executive

AGENDA

1. Apologies for absence.
2. To approve as correct records the minutes of the meetings held on 26th September 2018 and 29th October 2018 (attached).
3. Chairman's announcements.
4. Business brought forward by or with the consent of the Chairman.
5. Replies to any questions submitted by the Public and/or to receive Petitions under Part 4, Council Procedures Rules, Paragraphs 8 and 9 of the Constitution.
 - (a) To consider the following question received from Ms Jane Faust:

"NDC is not following the government Inspectors' Conditions for measuring and assessing the noise levels from the wind turbines at Batsworthy Cross. Subsequently, to establish why this process is failing, a member of the Overview & Scrutiny Committee referred this matter to the Overview and Scrutiny Committee. However the Chair of the Overview and Scrutiny Committee says that "*as this is clearly a planning matter it can not be a matter for the O&S Committee.*"

However, the following reasons, supported with referenced evidence to the legislation below, show this matter can be referred to the OSC, Overview and Scrutiny Committee:

- 1) The OSC can investigate the discharge of any local authority function; and this case is about a failure to deliver a service.
- 2) While there are exclusions on referrals, (for example, on matters relating to planning), these do not apply if, as in this case, the referrer is a member of the OSC.
- 3) Regardless, even if the referrer was not a member of the OSC, the exclusions do not apply, if as in this case, there is allegation of a failure to discharge a service.

In light of these evidenced findings, to ensure the Overview and Scrutiny Committee is not prevented from acting in line with its duties, the Leader of the Council is asked please, (using reasons directly referenced in the pertinent numbered legislation), whether the Overview and Scrutiny Committee Chair's stance complies with the Overview and Scrutiny legislation, in other words, whether allegations of NDC's failure to deliver a service, can in fact be referred to the Overview and Scrutiny Committee?"

Evidence in support of the three points (attached). (Pages 1 to 5)

- (b) To consider the following question received from Helen Walker to Councillor Yabsley:

"The roads, schools and services in Bickington and Fremington are already under pressure as a result of recent housing development west of Barnstaple. Can the Council reassure residents that any new house building as a result of the Garden Town initiative will not increase pressure on our infrastructure? Can they assure us that development will not be located in Roundswell, Bickington, Fremington or Instow? How will the council ensure that there is the infrastructure to support any such development in the Barnstaple area, both in the required local services and employment generation to support both families wishing to remain in the Barnstaple area and people wanting to relocate here? I am asking this question as the parent of young adults who would like to remain in the area they grew up in, but are finding the employment opportunities limited and low paid and housing expensive".

6. To consider motions of which notice has been submitted by Members in accordance with Part 4, Council Procedures Rules, Paragraph 11 of the Constitution.

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

"This Council regards the decision to close Appledore Ship Yard as a hammer blow to the economy of Northern Devon and calls on the Government and Babcock's to investigate ways to see if this decision can be changed. Furthermore this council requests that the Government reverses its decision to close RMB Chivenor and

instead looks to enhance its capacity by bringing 45 Commando from Scotland and 40 Commando from Norton Manor, Taunton to North Devon. The closure of both Appledore Ship Yard and RMB Chivenor would have a devastating impact on businesses, schools and public services and this council calls on the Government to face up to their responsibilities toward areas like North Devon where wages are already low and many residents are struggling financially.”

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

“In the light of the recent report from the Citizens Advice Bureau (CAB) for North Devon into its work over the last six months, this Council re-affirms its support for the CAB and commits to on-going financial support for its work with the most vulnerable in North Devon’s communities, and in particular during the early years of the introduction of Universal Credit in North Devon.”

7. **Declarations of Interest (NB. Members only need to re-declare any interests previously declared at Committee and Sub-Committee meetings if the item is discussed at Council).**
8. Chairman’s replies to any questions to Council by Members submitted under Part 4, Council Procedures Rules, Paragraph 10 of the Constitution.
- (a) To consider the following question from Councillor Manuel to the Leader:
- “I am concerned that there still seems to be difficulties with getting appropriate responses incorporated in press releases. Could the Leader tell me what has happened to the promised review of the press protocol. Is there likely to be something happening on this soon and will any review include input from the Ethics Committee?”
9. To agree the agenda between Part ‘A’ and Part ‘B’ (Confidential Restricted Information).

PART ‘A’

10. **Executive reports.** (NOTE: Minutes of the meeting of the Executive held on 1st October 2018 and 5th November 2018 (attached). (Pages 6 – 22)
(NOTE: Please refer to Guidance Notes for Rules of Debate at meetings of Council on page 7 of the agenda front pages)
- (a) **Executive Leader Report.** Report of Leader (attached). (Page 23).
- (b) **Executive Members reports, as required**
- (c) **Questions to Executive submitted under Part 4, Council Procedure Rules, paragraph 10 of the Constitution.**

- (d) **Recommendations of the Executive.** To consider the recommendations of the Executive (attached). (Page 24)
 - (i) **5th November 2018**
 - (A) **Minute 67 (c) : Approval and Release of Section 106 Open Space Funds – Chulmleigh.**
 - (B) **Minute 71: Licensing Act 2003 Statement of Licensing Policy.**
 - (C) **Minute 72: Gambling Statement of Principles.**
- 11. **Performance and Financial Management Quarter 1 for 2018/19.** (NOTE: A copy of the report that was considered by the Executive on 4th September 2018 is attached). (Pages 25 to 58).
 - (a) **Report of meeting of the Overview and Scrutiny Committee.** To receive the report of the meeting of the Overview and Scrutiny Committee held on 11th October 2018 (attached). (Pages 59 to 62)
 - (b) **Report of meeting of the Executive.** To receive the report of the meeting of the Executive held on 4th September 2018 (attached). (Page 63).
- 12. **Performance and Financial Management Quarter 2 for 2018/19.** (NOTE: A copy of the report that was considered by the Executive on 5th November 2018 is attached). (Pages 64 to 104).
 - (a) **Report of meeting of the Overview and Scrutiny Committee.** To receive the report of the meeting of the Overview and Scrutiny Committee held on 15th November 2018 (to follow).
 - (b) **Report of meeting of the Executive.** To receive the report of the meeting of the Executive held on 5th November 2018 (attached). (Page 105).
- 13. **Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee.** To consider the appointment of 1 Member to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee. (NOTE: Members cannot be a member of the Executive or a Devon County Councillor). Terms of reference (attached). (Pages 106 – 115)
- 14. **Appointment of Member to the Planning Committee Reserve List for Substitutes 2018/19.** To consider the appointment of an Independent Member to the Planning Committee Reserve List for Substitutes 2018/19.
- 15. **Urgent Decisions Taken During the Period 14th September 2018 – 12th November 2018.** Report by Councillor Brailey, Executive Leader (attached). (Pages 116 to 120)
- 16. **Report of Chairman of Overview and Scrutiny Committee** (attached). (Page 121).

17. **Minutes of Committees.** (Pages 122 to 142)

Council is recommended to note the attached schedule of committee minutes and approve recommendations as listed (see section 2 of the agenda papers).

PART 'B' (Confidential Restricted Information)

Nil.

<p><u>Reminder</u> - Members please return your agenda to the Corporate and Community Services Officer at the end of the meeting</p>

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

SCHEDULE OF COMMITTEE MINUTES AND RECOMMENDATIONS

(a) **Ethics Committee**

(i) 17th October 2018

(b) **Licensing Committee**

(i) 9th October 2018

(c) **Overview and Scrutiny Committee**

(i) 11th October 2018

(ii) 15th November 2018 (to follow).

(d) **Planning Committee**

(i) 12th September 2018

(ii) 10th October 2018

GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL

Part 4, Council Procedure Rules of the Constitution

The basics

At a meeting of Full Council, Members shall stand when speaking unless unable to do so and shall address the Chair.

While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

No speeches may be made after the mover had moved a proposal and explained the purpose of it until the motion has been seconded.

Unless notice of motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Speeches must be directed to the question under discussion or to be personal explanation or point of order.

A speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.

Speeches by other Members may not exceed 3 minutes without the consent of the Chair, unless when the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to 5 minutes or such longer period as the Chair shall allow.

The rules of Executive Question Time

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader, any Executive Member or the chair of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is: Brynsworthy Environment Centre(BEC), Roundswell, Barnstaple, Devon. EX31 3NP.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side. There should be plenty of spaces.

On arrival at the main entrance, please dial 8253.

