

NORTH DEVON COUNCIL

Minutes of a meeting of the EXECUTIVE held at the Brynsworthy Environment Centre, Barnstaple on Monday 5th November 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Brailey (Leader)

Councillors Brailey, R. Cann (minutes 68 to 71), Edgell, Jones, Lane, Luggar, Meadlarkin, Moores and Yabsley.

Officers:

Chief Executive, Head of Resources, Head of Corporate and Community, Acting Growth Manager, Licensing Service Lead, Project Procurement and Open Space Officer and Senior Corporate and Community Services Officer (BT).

Also Present:

Councillors Biederman, Chesters, Croft, Edmunds, Greenslade, Haywood, Patrinos and Worden.

63 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

64 MINUTES

RESOLVED that the minutes of the meeting held on 1st October 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

65 LEADER'S ANNOUNCEMENTS

(a) Order of Agenda

The Executive agreed to consider item 11 before item 6 on the agenda.

66 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

67 APPROVAL AND RELEASE OF SECTION 106 OPEN SPACE FUNDS - CHULMLEIGH

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 number of projects in Chulmleigh.

DECISION

- (a) That £7,776 be allocated to Chulmleigh Cricket Club towards the cost of new wooden fencing around the ground;
- (b) That £80,482 be allocated to Chulmleigh Parish Council towards the cost of:
 - (i) A new adventure play area at Chulmleigh Playing Fields (£30,000)
 - (ii) New flooring and heating in the Pavillion at Chulmleigh Playing Field (£28,916)
 - (iii) Fencing to create a dog exercise area at Chulmleigh Playing Field (£6,566)
 - (iv) Enhancement of Davy Park, Chulmleigh (£15,000)

RECOMMENDATION

- (c) That Council be recommended to vary the capital programme by £88,258 and that funds be released, subject to Funding Agreements upon such terms and conditions may be agreed by the Head of Corporate and Community Services.

REASON FOR DECISION/RECOMMENDATION

- (a) To allocate funds in line with the requirements within the Section 106 agreement.
- (b) To protect and enhance public open space, including land and buildings.

68 PERFORMANCE AND FINANCIAL MANAGEMENT REPORT 2018/19 QUARTER 2

The Executive considered a report by the Leader and the Executive Team (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Performance and Financial Management report for quarter 2 of 2018/19.

The Head of Resources highlighted the following:

- As at 30th September 2018, the latest forecast net expenditure was £12.247m, an overall net budget deficit of £0.027m which was a small increase since quarter 1. Appendix 1 detailed the variations. It was anticipated that the budget variance could be reduced further throughout the remainder of the financial year.

- The original budget for 2018/19 included a forecast to achieve £0.200m worth of salary vacancy savings. The current position forecasts this will be exceeded and vacancy savings of £0.213m will be achieved.
- The “Recycle more” service changes were introduced on the 5th June 2017; the take up of the new garden waste service had exceeded expectations, 2017/18 saw a total sign up of 17,320. This year’s income had exceeded last year’s total already by 212 permits to date.
- The number of recycling rounds had remained at 20.
- Within the overall £0.027m net budget deficit there were various one-off savings offsetting the Waste and Recycling unit overspend of £0.290m. Waste and recycling increased costs have arisen from:
 - Within the Works and Recycling employees overspend there were additional costs relating to job evaluations for the operational staff and an agency invoice that was outstanding from the previous year.
 - The first half of the year had seen particular pressure on high levels of vehicle maintenance costs, diesel costs and overtime, these were now being monitored closely. The vehicle replacements within the capital programme have been bought forward from future years to help mitigate these costs, although the increasing cost of diesel continues to be a concern. An increase in fuel was budgeted for however, the actual increase was greater than estimated.
 - The sale of recyclable materials was an uncontrollable variable where there had been recent negative volatility in income, in particular cardboard and paper.
 - The amount of extra income in relation to the Shared Savings Scheme with Devon County Council for 2017/18 had now been confirmed and resulted in an additional £0.049m over and above the year end accrual and based on this additional income an additional £0.035m had been estimated for 2018/19.
- Appendix 2 Movement in Reserves and Balances detailed the movements to and from earmarked reserves in 2018/19.
- Appendix 3 included full details of the Executive Contingency Reserve movements and commitments.
- Appendix 4 detailed the Capital Programme for 2018/19 to 2020/21.
- The Budget and Financial Framework report to Executive 5th February 2018 outlined the Capital Programme for the 2018/19 financial year of £5.900m. Project under spends of £1.522m were brought forward from 2017/18 year and further variations of £1.204m and £0.993m were approved as part of the performance and financial management report to Executive on 4th June 2018 and 4th September to produce a revised Capital Programme of £9.619m.
- A capital funding bid for a further £0.133m was submitted to the Project Appraisal Group (PAG) in relation to the Ilfracombe Harbour Kiosks. If approved, this would provide an opportunity to re-provide the Kiosks in a more functional “fit for purpose”, attractive, commercial and practical manner and at the same time open up the access to the Pier which will alleviate traffic congestion and ease pedestrian access. This project scored high and had been put forward by the Project Appraisal Group for funding as it contributed towards the Council’s corporate objectives. There would also be an opportunity for the Council to charge a more commercial rent for the kiosks which would generate additional income.

- Overall variations of (£1.836m) proposed to the 2018/19 Capital Programme. Of the £2.2m received from the Land Release Fund, £0.200m had been included within the capital programme for 2018/19, £1m in 2019/20 and £1m in 2020/21.
- The Programme for 2018/19 to 2020/21 of £12.166m was funded by Capital Receipts (£1.923m), External Grants and Contributions (£8.709m) and Reserves (£1.534m).
- The Bank Rate had increased from 0.5% to 0.75% during August 2018. The borrowing costs had reduced during the quarter.
- Non-financial information was contained within paragraphs 5 to 10 in the report. Appendix 5 detailed key performance indicators and Service Plan Action updates.

It was noted that on page 33, key performance indicator L82 (i) that the year end result of 45.01% and the revised target of 46% for 2018/19 had been omitted from the report. It was also noted that Table D on page 25 code reference HR 03 16/17 that there was a typographical error and that the due date should have stated 31 March **2019**.

In response to questions, the Executive were advised of the following:

- That the total percentage target of 50% for domestic waste recycled or composted may not be achieved unless changes to the delivery of the service were made. There were also changes nationally to reduce the level of plastic produced. The market for the sale of recyclable materials was volatile.
- The increase in the capital programme was due to the inclusion of the £2.2m Land Release Fund.
- The tenders received for the Watersports Centre were higher than £1.5m included within the capital programme. Officers were currently working on the project to seek a reduction in the tender price and to clarify revenue income from the Watersports Centre. A report would be presented to a future Executive.
- An update on the outstanding service plan action “CEM 02 15/16 Extension to Marlborough Road Cemetery” would be provided to Councillor Edmunds.
- Two two bedroom houses had been purchased for temporary accommodation and two three bedroom houses were in the process of being procured prior to the end of December 2018. Following the purchase of the four properties, approximately 50% of the capital programme would have been spent and the remaining amount would be rolled forward to 2019/20. The Council had also worked with North Devon Homes to secure the extended use of Beaufort Walk flats. This would achieve revenue savings for the Council. The Council was also working in partnership with North Devon Homes regarding a site in South Molton for the provision of four dwellings, one of which would be for the Council to retain for temporary accommodation. The Council was no longer using the Travel Lodge and Premier Inn for the provision of temporary accommodation.

- The vehicle replacements within the capital programme have been bought forward from future years to help mitigate costs for vehicle maintenance. Vehicle maintenance repairs were always planned and there were spare vehicles that could be utilised whilst vehicles were being repaired. However during the first six months of the year, there were particular pressures on vehicle maintenance costs. A mixture of second hand and new vehicles had been procured. The delivery of new vehicles took up to six months. The vehicle fleet was now more resilient.
- The new planning software had not yet been implemented. Therefore no improvements had yet been made to the website. Some parts of the website linked to the national planning portal. The Head of Corporate and Community would advise Councillor Biederman of the date for implementation of the new planning software.
- The service plan for Operational Services was currently being updated and would include a request for an extension to the completion date for the cleaning review.

In response to a question, the Leader advised that the Head of Place had circulated an email to all Members regarding a Garden Communities Bid to be submitted to the Ministry of Housing, Communities and Local Government as a funding opportunity had arisen and the deadline for the submission was 9th November 2018. A note had also been included on the weekly information sheet to advise Members. A briefing would also be provided at the next meeting of Council on 21st November 2018.

Councillor Greenslade requested that a briefing be arranged for Barnstaple Councillors prior to 9th November 2018 on the Garden Communities Bid.

Councillor Yabsley agreed to facilitate a briefing by the Head of Place for Councillors.

DECISION

- (a) That the actions being taken to ensure that performance is at the desired level be noted;
- (b) That the contributions to/from earmarked reserves be approved as detailed in section 4.2 of the report;
- (c) That the movements on the Executive Contingency Reserve as detailed in section 4.3 of the report be noted;
- (d) That funds be released for the capital schemes listed in section 4.4.13 of the report;
- (e) That the sections dealing with Treasury Management (section 4.5), and Debt Management (sections 4.6 and 4.7) be noted.

RECOMMENDED

- (f) That variations to the Capital Programme 2018/19 to 2020/21 (sections 4.4.4 and 4.4.7 of the report) be approved.

REASONS FOR DECISION/RECOMMENDATION

- (a) To ensure that appropriate action is taken to allow the council to meet its objectives.
- (b) To inform the Executive of actual results compared to the approved Corporate Plan, as well as progress in delivering service within the revenue budget and Capital Programme.

69 HOUSING INFRASTRUCTURE FUND PROJECTS

(a) Project Update: Ilfracombe Southern Extension

The Executive considered a report by the Head of Place (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding an update on the Housing Infrastructure project in relation to the Ilfracombe Southern Extension.

The Acting Growth Manager highlighted the following:

- The Council had been successful in a bid to secure funding from the Housing Infrastructure Fund for two projects which was available for new infrastructure that would unlock new homes in areas of greatest housing demand where developments were marginally viable.
- The Council had been awarded £6.5m to bring forward the primary school on the Ilfracombe Southern Extension at Ilfracombe. The delivery of the new school up front would give developers the confidence to progress development in this unproven housing market.
- The Ilfracombe Southern Extension would provide 750 houses. It was anticipated that the provision of a primary school in the area would make the housing more attractive for occupiers.
- The Council was working with Homes England, stakeholders and Devon County Council to develop the project and also working with the developer of the first phase of the development.
- The money loaned to the developer by the Council was subject to conditions and grant determination agreement. The legal exchange of the grant determination agreement must be made by the 31st December 2018 after which Homes England reserve the right to retract the offer of funding.
- Clarification was currently being sought from Homes England on the three proposed conditions.
- The developer would be required to repay the Housing Infrastructure funding back to the Council. The Council was required to re-use this money to accelerate other housing delivery schemes.
- Ilfracombe currently had one infant school and one junior school both of which were nearing capacity. Devon County Council were in initial discussions with

the two schools regarding changing to primary school status. Any proposal would be subject to a full statutory public consultation.

In response to questions, the Executive were advised of the following:

- The funding could be used in any aspect to bring forward housing infrastructure.
- It was proposed that the first phase of housing would be built at the same time as the primary school. However, the school would be procured by Devon County Council and the contractor was currently unknown.
- There was no requirement from the Government for the Council to repay the grant. However local authorities were expected to recycle the funding to bring forward housing infrastructure.
- The Council was awaiting further advice from the Government regarding the mechanism to be put in place to secure the repayment of the funding from the developer to the Council.
- The Council was working closely with Devon County Council colleagues and they had been consulted on the contents of the report.
- Further reports would be presented to the Executive in due course regarding the project and mechanisms for the recycling of the funding.

DECISION

(a) That the progress be noted;

(b) That the acceptance of the proposed conditions be delegated to the Head of Place, together with the Lead Members for Planning and Economic Development and Councillor Edmunds (as Ward Member) following the appropriate clarification from Homes England.

REASON FOR DECISION

It was considered necessary to provide Members with an update on this key project and to notify them of the conditions proposed by Homes England.

(b) Project Update: Westacott

The Executive considered a report by the Head of Place (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding an update on the Housing Infrastructure project in relation to Westacott urban extension, Barnstaple.

The Acting Growth Manager highlighted the following:

- In February 2018, the Council had been successful with a bid for the Westacott Urban extension Barnstaple. The Council was awarded £2,080,000 to bring forward a new roundabout off the A361 to access the

Westacott site. The funding was in relation to the Barwood development comprising of 820 houses.

- The award was dependent upon accelerated housing delivery. The Housing Infrastructure Fund required the infrastructure to be built soon after the award and homes to follow at pace. The money must be committed by March 2021.
- Homes England and CBRE representatives visited the site with officers and a representative from Barwood Land in October 2018.
- Negotiations regarding the conditions and grant determination agreement were further behind than for the Ilfracombe Southern Extension project.
- Officers were in discussions with Devon County Council Highways and the developer to ensure that the roundabout was compatible with the A361 improvements.

DECISION

That the progress and risks be noted.

REASON FOR DECISION

It was requested that Members be provided with an update on this key project.

70 BARNSTAPLE BUS STATION CLEANING

The Executive considered a report by the Estates Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding arrangements for the cleaning of the Barnstaple Bus Station.

The Head of Resources highlighted the following:

- Following a meeting with Councillor R. Cann and the Head of Operational Services, the Estates team have undertaken to carry out a Public Convenience review. Part of this review included the current cleaning arrangements at the Barnstaple Bus Station.
- The cleaning was currently undertaken by the Operational Services team. The daily cleaning requirements and intensity of use had put significant strain on the internal resources.
- There was a need to maintain a level of cleanliness of these premises.
- South West Cleaning currently undertook the Council's current external cleaning contract and it was proposed that the cleaning of the Bus Station be included within that contract.
- Operational Services would re-align their resources and budget to cover the external cost, therefore the change would be cost neutral on the overall Council budget.

Councillor Mathews expressed concern regarding the general state of Barnstaple town centre and the level of graffiti.

DECISION

That contract procedure rules be waived and that the current external cleaning contract with SW Cleaning be amended to include the Bus Station premises cleaning until the end of the contract period (June 2020).

REASONS FOR DECISION

- (a) It is necessary to include the daily cleaning of the Bus Station within the current external cleaning contract.
- (b) To date the cleaning of the Bus Station has been undertaken in house by Operational Services, but the daily cleaning requirements and intensity of use has put significant strain on the internal resources.
- (c) To maintain a level of cleanliness at the Bus Station, it would be practical to place the cleaning responsibility with SW Cleaning under the current contractual arrangement as soon as possible.
- (d) It is important to maintain standards at the Bus Station because of the impression it gives to the public visiting Barnstaple and using NDC's facilities at this property, as well as for the responsibilities we have to our tenants and Bus Companies using the property.

71 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

The Executive considered a report by the Licensing Service Lead (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Licensing Act 2003 Statement of Licensing Policy.

The Licensing Service Lead highlighted the following:

- The Council was under a legal obligation to review its Licensing Act 2003 Statement of Licensing Policy on a five yearly basis.
- A period of 9 weeks public consultation had been undertaken and representations received were detailed in Appendix 1 of the report. The Licensing Committee at its meeting on 9th October 2018 had recommended that the draft revised Licensing Act 2003 Statement of Policy be approved.
- A summary of the representations received were detailed in paragraph 4.7 to 4.12.4 of the report.

RESOLVED that the meeting be adjourned due to a fire alarm taking place.

RESOLVED that the meeting be reconvened.

RECOMMENDED

That following a recommendation of the Council's Licensing Committee on the 9 October 2018 that Council approve the revised Licensing Act 2003 Statement of Licensing Policy as detailed in Appendix Two of the report.

REASONS FOR RECOMMENDATION

- (a) In order to discharge its statutory duties under the Licensing Act 2003, North Devon Council is required to produce a Licensing Act 2003 Statement of Licensing Policy and review it at least every five years.
- (b) The current Licensing Act 2003 Statement of Licensing Policy was adopted by the Council's Executive in November 2013 and became effective on 7 January 2014. In order to keep within the statutory time-scale and adhere to the Council's Constitution, committee time tables, and best practice relevant guidance to consultation, Licensing Committee recommended approval on 9 October 2018; Executive will consider the matter on the 5 November 2018, approval will be sought from Full Council on the 21 November 2018, and the Policy will be published and become effective by the 7 January 2019.

72 GAMBLING STATEMENT OF PRINCIPLES

The Executive considered a report by the Licensing Service Lead (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Gambling Statement of Principles.

The Licensing Service Lead highlighted the following:

- The Council was under a legal obligation to review its Gambling Statement of Principles on a three yearly basis.
- A period of 9 weeks public consultation had been undertaken and representations received were detailed in Appendix 1 of the report. The Licensing Committee at its meeting on 9th October 2018 had recommended that the draft revised Statement of Gambling Principles be approved.
- A summary of the representations received were detailed in paragraph 4.8 to 4.20 of the report.

RECOMMENDED

That following a recommendation of the Council's Licensing Committee on the 9 October 2018 that Council approve the revised Gambling Statement of Principles as detailed in Appendix Two of the report.

REASONS FOR RECOMMENDATION

- (a) In order to discharge its statutory duties under the Gambling Act 2005, North Devon Council is required to produce a Gambling Statement of Principles and review it at least every three years.
- (b) The current Gambling Statement of Principles was published in December 2015 and became effective on 3 January, 2016. In order to keep within the statutory time-scale and adhere to the Council's Constitution, committee timetables, and best practice guidance relevant to consultation, Licensing Committee recommended its approval on the 9 October 2018; Executive will consider the matter on the 5 November 2018, approval will be sought from Full Council on the 21 November 2018, the Policy will be published prior to the 3 December, 2018 and become effective by the 3 January, 2019.

Chairman

The meeting ended at 11.32 a.m.

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: 7th November 2018.