



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

K. Miles  
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 in the Barum Room - Brynsworthy on **WEDNESDAY, 20TH NOVEMBER, 2019** at **6.00 pm.**

A handwritten signature in black ink, appearing to read 'K. Miles', is written over a light blue horizontal line.

**Chief Executive**

### **AGENDA**

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting held on 25th September 2019 (attached) (Pages 9 - 22)
3. Chair's announcements
4. Business brought forward by or with the consent of the Chair
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
6. 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:

The Devon and Somerset Fire and Rescue Service (DSFRS) is due to take a decision on 18th December 2019 that might significantly affect the lives of everyone in North Devon. The decision might be to

close some fire stations and reduce the number of fire engines and staffing levels elsewhere.

The closures that will most directly impact North Devon are of the fire stations in Woolacombe, Appledore and Porlock. Some of these are outside our boundaries but will nevertheless affect us because engines move to provide cover whenever one is on call, but the closures will reduce this ability.

The removal of some of the fire stations' engines that will most directly impact North Devon will be at Lynton and Crediton.

The reduction in cover due to staffing reductions that will most directly impact North Devon are in Barnstaple, Ilfracombe and Tiverton. DSFRS undertook a consultation exercise as part of this process of potential change. However, it was significantly and fundamentally flawed in a variety of ways. The consequence of these flaws is that any decision taken based on the consultation is also flawed. To determine that this is so will require the decision to be judicially reviewed.

Other councils across Devon and Somerset are considering whether to contribute or earmark contributions to a Judicial Review fund.

**The motion is:** That this Council earmark a £3,000 contribution to the funding of a potential Judicial Review.

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. Chair's replies to any questions to Council by Members submitted under Part 4, Council Procedures Rules, Paragraph 10 of the Constitution

9. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

**PART A**

10. **Honorary Aldermen**

Presentation of certificates by the Chair of the Council to the Honorary Aldermen appointed at the meeting of Council on 25<sup>th</sup> September 2019.

11. **Devon and Somerset Fire and Rescue Service - Community Safety/Prevention**

Presentation by Mark Quick, Watch Manager, Community Risk, Devon and Somerset Fire and Rescue Service in pursuance to minute 15(c) of the meeting of the Policy Development Committee held on 12<sup>th</sup> September 2019.

12. **Report of the Leader of the Council** (Pages 23 - 26)  
Report by Leader of the Council (attached).
13. **Questions by Members**  
Questions to the Leader or the Chair of a Committee submitted under Part 4, Council Procedure Rules, paragraph 10.4 of the Constitution.
14. **Devon County Council/North Devon Council response to the Climate Declaration**  
Lead Member for Climate Change to report.
15. **Performance and Financial Management Quarter 2 of 2019/20** (Pages 27 - 60)  
(NOTE: A copy of the report that was considered by the Strategy and Resources Committee on 4<sup>th</sup> November 2019 is attached).
  - (a) Report of the Policy Development Committee  
To receive the report of the Policy Development Committee held on 14<sup>th</sup> November 2019 (to follow).
  - (b) Report of meeting of the Strategy and Resources Committee  
To receive the report of the meeting of the Strategy and Resources Committee held on 4<sup>th</sup> November 2019 (to follow).
16. **Mid Year Treasury Management Review** (Pages 61 - 76)  
(NOTE: A copy of the report that was considered by the Strategy and Resources Committee on 4<sup>th</sup> November 2019 is attached).
  - (a) Report of the Policy Development Committee  
To receive the report of the Policy Development Committee held on 14<sup>th</sup> November 2019 (to follow).
  - (b) Report of meeting of the Strategy and Resources Committee  
To receive the report of the meeting of the Strategy and Resources Committee held on 4<sup>th</sup> November 2019 (to follow).
17. **Amendment to Constitution** (Pages 77 - 82)  
Report by Senior Solicitor (attached).
18. **Braunton Marsh Internal Drainage Board**  
In pursuance to minute 28 (a) (iii) of the meeting held on 24th July 2019, to consider the appointment of up to two Members to the Braunton Marsh Internal Drainage Board.

(NOTE: Paragraph 5 of Schedule 1 of the Land Drainage Act 1991 states that:  
“In appointing a person to be a member of an internal drainage board a charging authority shall have regard to the desirability of appointing a person who—  
(a) has knowledge or experience (including knowledge of the internal drainage district in question or commercial experience) of some matter relevant to the functions of the board; and  
(b) has shown capacity in such a matter.”)

19. **Heart of the South West Joint Committee Governance Arrangements** (Pages 83 - 94)

Report by Chief Executive (attached).

20. **Minutes of Committees**

Council is recommended to note the schedule of Committee minutes and approve recommendations as listed below:

(a) Licensing and Community Safety Committee (Pages 95 - 98)

(i) 8<sup>th</sup> October 2019

(b) Planning Committee (Pages 99 - 108)

(i) 4<sup>th</sup> October 2019

(ii) 9<sup>th</sup> October 2019

(c) Policy Development Committee (Pages 109 - 112)

(i) 15<sup>th</sup> October 2019

(ii) 14<sup>th</sup> November 2019 (to follow).

(d) Strategy and Resources Committee (Pages 113 - 124)

(i) 7<sup>th</sup> October 2019

(A) Minute 44: Civil Penalty Notice Policy – Housing and Planning Act 2016

(B) Minute 45: NDC’s Homelessness Review and Strategy

(C) Minute 47 (d): Approval and Release of Section 106 Public Open Space Funds – Bishops Nympton, Heasley Mill and Fremington

(ii) 4<sup>th</sup> November 2019 (to follow)

(A) Minute 66 (b): Approval and Release of Section 106 Public Open Space Funds – Heanton Punchardon and South Molton

**PART B (CONFIDENTIAL RESTRICTED INFORMATION)**

Nil.

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

12.11.19

## **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 Question Time**

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of 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 Brynsworth, the full address is:  
Brynsworth Environment Centre (BEC), Roundswell,  
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

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.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.

