



## Public Document Pack

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

K. Miles  
Chief Executive.

### **STRATEGY AND RESOURCES COMMITTEE**

A meeting of the Strategy and Resources Committee will be held as a Virtual – Online meeting on **MONDAY, 7TH DECEMBER, 2020 at 10.00 am.**

Members of the Strategy and Resources Councillor Worden (Chair)  
Committee

Councillors Barker, Knight, Lofthouse, Patrinos, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

### **AGENDA**

1. Virtual meeting procedure - briefing and etiquette  
Chair to report.
2. Apologies for absence
3. To approve as a correct record the minutes of the meeting held on 19 October 2020, 2 November 2020 and 13 November 2020 (attached). (Pages 5 - 36)
4. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.
5. Declarations of Interests.  
(Please telephone the Corporate and Community Services team to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary).
6. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

### **PART 'A'**

7. **Grounds Maintenance Service** (Pages 37 - 40)  
Report by Contracts Delivery Manager (attached).
8. **Approval and Release of Section 106 Public Open Space Funds - Tawstock**  
(Pages 41 - 42)  
Report by Parks, Leisure and Culture Officer (attached).

9. **Leisure Contract Payments** (Pages 43 - 46)  
Report by Contracts Delivery Manager (attached).
10. **Waste and Recycling - Update**  
Councillor Pearson, Lead Member for the Environment to report.
11. **Interim Devon Climate Change Plan and North Devon Council Environmental Policy** (Pages 47 - 56)  
Report by Head of Place (attached).
12. **Urgent Decisions Taken by the Chief Executive** (Pages 57 - 84)  
To note the urgent decisions that have been made by the Chief Executive in accordance with paragraph 3.48, Annexe 2, Part 3 of the Constitution (attached).

**PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)**

Nil.

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

27.11.20



## **North Devon Council protocol on recording/filming at Council meetings**

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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 and a reminder will be issued at the commencement of virtual meetings.
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. In a virtual meeting the public will be excluded from the meeting while in Part B.
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. Public contributions to virtual meetings will be recorded, unless, at the Chair's discretion, recording is deemed inappropriate in accordance with point 2 above.
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.

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Strategy and Resources Committee held at Virtual - Online meeting on Monday, 19th October, 2020 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Knight, Lofthouse, Pearson, Prowse, L. Spear and Yabsley

Officers:

Chief Executive, Head of Resources, Head of Place, Lead Officer - Planning Policy, Senior Planning Policy Officer and Planning Policy Officer

Also Present:

Councillors Luggar, Mackie, D. Spear and Tucker

**193. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE**

The Chair outlined the virtual meet procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officers confirmed the Members of the Committee, Members, Officers and external attendees who were present.

**194. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barker, Patrinos and Wilkinson.

**195. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.**

The Chair advised the Committee that there would be an informal briefing for Members following the Committee regarding the Council's financial position.

**196. DECLARATIONS OF INTERESTS.**

There were no declarations of interest announced.

**197. PLANNING FOR THE FUTURE WHITE PAPER**

The Committee considered the questions contained within the Planning for the Future White Paper (circulated previously).

Following consideration of the verbal report by the Lead Officer Planning Policy and Senior Planning Policy Officer, the Committee agreed that the following comments formulate the response to the questions contained in the Planning for the Future White Paper:

## **Pillar 1**

**1. What three words do you associate most with the planning system in England?** Democratic, under-resourced and contentious.

**2(a). Do you get involved with planning decisions in your local area?** Yes as local planning authority

**2(b). If no, why not?** Not applicable.

**3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?** [Social media / Online news / Newspaper / By post / Other – please specify] Other – All of these options and to also include library, neighbourhood and newsletter as recognised the importance of digital communications. However, it was not only about online since traditional media/approaches remained important in North Devon due to the rurality of the area and lack of comprehensive broadband coverage, plus an ageing population.

**4. What are your top three priorities for planning in your local area?**

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]. Other – All of the above – they are all important and about delivering sustainable development and place making. Also include more or better local infrastructure.

**5. Do you agree that Local Plans should be simplified in line with our proposals?** No. The White Paper lacked detailed of how it would operate. Agree that it should be simplified and quicker to produce and welcome certainty it could provide to developers and the local community. However, there were many unanswered questions due to the lack of detail including:

- How do we articulate a vision and strategy for the plan?– Focus only on specific development proposals loses important aspect of planning and place making
- Is the categorisation system over simplified? - Need to be able to differentiate between places and take account of local circumstances.
- Unclear if can sub-divide the categories and apply different approaches to respond to different needs and context.

- Should be specific control for growth and which design parameters should need.
- Concerns regarding the three zones including:
  - **Protected areas** – how does the council take account of local issues, ambitions, vision, etc. if having to use national policies?
  - **Renewal areas** – Concerns about areas that would traditionally be subject to overlapping approaches – i.e. town centres that are also conservation areas.

**6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?** No. Consider that there was scope for streamlining the development management content of Local Plans, and that some of these Policies should not need to be repeated if they appear within a revised National Planning Policy Framework (NPPF) (such as amenity considerations, design principles (where not detailed within a design code) etc). It was essential that there must be scope for the inclusion of locally drafted Development Management (DM) Policies at the discretion of the Local Planning Authorities. It was essential that such flexibility was available to meet the varying needs of differing Local Authorities' particular circumstances and to ensure successful place making in accordance with Members' vision for the area. For example: include DM Policies relating to both rural development supporting the rural communities and tourism and leisure development within a rural district where these sectors are of considerable importance. The proposed 'alternative option' was therefore considered to be appropriate to allow the flexibility to respond to the individual needs of differing Authorities and allow these areas the ability to flourish in a planned for and sustainable manner. Concern was expressed regarding the practicality of producing rules without local influence, the reduction of local DM policies and removal of officers' and Members' flexibility to be able to respond.

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?** Not sure. There was insufficient detail in this proposal and it would be dependent upon content of the consolidated "sustainability test". Current tests were clear and simple to apply, but do recognise that a substantial amount of evidence and documentation was required to support the examination of the local plan. Accept that a sustainability appraisal was a large undertaking, but it does provide checks and balances including the justification for the chosen strategy and sites in the Plan. Key questions include:

- What would be the definition of sustainable development?, It's important to include all three strands
- How will the plan be examined – what would be the rules?

**7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?** Clear that the Duty to Cooperate does not work in current form and welcome consideration of review. However essential that some mechanism for cross boundary strategic planning, with neighbours and across tiers. There was need for reform rather than wholesale removal. For

example it can't be met after submitting the local plan, which has caused several plans to fail across the country, even when solutions have been found.

**8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?** Not sure. Welcome certainty provided by guidance on approach to be taken, but it should not be binding on local authorities as it needed to be able to take account of local circumstances. Planning was meant to be about place making incorporating sustainable development factors. It cannot be derived from an algorithm. Consider the Standard methodology was a shift from need to the delivery of Government ambitions.

Further questions include: how would the local constraints be factored into the calculation? Will there be discussion with Local Planning Authorities (LPAs)?

The reality was the imposed numbers would not result in delivery if the housing market was unable to absorb the new requirement and potentially setting up the LPA to fail from the beginning. If the figure was binding on the LPA then delivery should be binding on development industry with sanctions if it failed to deliver. Welcome the removal of five year land supply. The Government have put in place increasingly stringent tests, which have been interpreted inconsistently by inspectors. It results in a developers' charter and not a truly plan led system. Under the current local plan system the number of houses required was linked to the growth agenda and this was not included in the proposed new calculation. There should be a standard methodology for the calculation for the number of houses required in local areas and consideration of local environmental constraints were required to determine the local outcome and capacity to deliver.

**8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

No. No empirical link between affordability and housing numbers. Increasing numbers would not assist affordability or result in higher delivery where there is a constrained housing market, which is dependent on a range of other factors such as:

- development finance,
- wider housing market,
- access to lending.

The scale of an existing urban area was not a good proxy for need which was dependent upon demographics, for example young single households vs inter-generational housing, etc. It should be based on need. There would be a failure to deliver starting with the artificial 300,000 figure which had not been justified and evidence based through projected births, deaths, migration, etc.

**9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

Not sure. Agree with principle however need clarity of detail. In theory, an existing Local Plan (LP) allocation should already provide that certainty. Is this a question for the development industry to answer as to why they submit outline applications on allocated sites? It provides confidence. Concerns over level of work/evidence/skills required at LP stage to enable certainty. Who would carry this out, how would it be funded, how would it fit in timeframes? Need to include greater



consideration of principles. How would this be achieved within current resources? How would community engagement and technical evidence be achieved for assessing 600 sites and allocating 100 of these sites for drainage, ecology etc. Concerns over ability to still have route for non-conforming uses. For example, faster routes to detailed consent still need to cover all issues and be supported by sufficient evidence. What happens if ecological issues change over time from the point of inclusion in the Plan to delivery on site? Importance of continued community and democratic engagement? What about design codes/ masterplans – should these be in place at LP stage? What was a growth area and how was it defined? What was substantial and could it be applied to villages? It should be relative. Should include small sites on edge of villages. Does not ensure deliverability for the LPA or community. Developers are restricting supply to maintain prices.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?** No. Could agree with the approach to ‘protected’ area, albeit with the flexibility added via the use of exceptional local DM Policies as discussed in (6) above. Consider that the consent arrangements for ‘renewal’ areas could lead to a complex consenting regime, adding uncertainty to local communities and delay to the planning system. A permission route which gives automatic consent if a scheme meets design and prior approval requirements may be open to interpretation and contention again resulting in uncertainty and delay. This had been the case with the introduction of historic ‘prior-approvals’ which have required the extensive use of the appeals process in order to gain case law which aids interpretation. The use of design codes was supported, although interpretation of the design code may differ, and automatic consent may not allow the ‘added value’ which a more traditional DM process adds in improving submitted schemes for communities and developers benefit. The ability to submit a planning application for a scheme which departs from the plan was essential to aid consideration of individual developments which, due to other material considerations, may be acceptable. In addition, suggest that the ability for all proposals to be considered by neighbours and other interested parties where the principle of development had been established via the Local Plan be required to allow consideration of material issues at the point of a scheme coming forward, which could be a number of years after a Local Plan was adopted.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?** No. Significant Infrastructure Projects are major infrastructure projects which have a separate development consent regime with the Planning Inspectorate examining applications for development consent. Should be a local decision responding to local circumstances and local views about how to accommodate required growth. Need to retain local decision making on proposals when they come forward.

**10. Do you agree with our proposals to make decision-making faster and more certain?** No. The Council does not agree with the specific proposals to make decision making faster and more certain and do not feel that the proposals will benefit the quality of development or the democratic process. The well-established time limits of 8 and 13 weeks are currently able to be extended by agreement with applicants. ‘Extensions of time’ (EoT) are not a ‘get around’ as stated within the White Paper, more a tool that was equally valuable to applicant and communities as well as a Local Planning Authority. The use of EoT’s allows for

proper consideration and continued improvement of schemes to the benefit of all parties. (If an applicant felt that there was no benefit, it was open to the applicant not to agree an EoT). An unintended consequence of this could be more applications being refused due to having to achieve a firm deadline, resulting in further delay and costs via the appeal process, which could have expediently been dealt with via a short agreed EoT. Suggest a more appropriate solution would be to allow a further single EoT for additional matters to be dealt with, following which an application must be determined. Disagree that following consideration at planning committee, applicants should be entitled to an automatic rebate of the planning fee if they are successful at appeal. The White Paper indicates that consideration of detailed matters is principally a matter for professional planning judgement. However, the Council believes that true planning judgement, be it professional or Member led, should not be influenced by considerations of a financial matters in terms of potential significant financial impacts on a Local Authority. Also decision making can in some instances be either subjective (in matters such as design), a case of Policy interpretation, or indeed a matter of weighting factors in the planning balance. A differing, but reasoned, professional judgement on these matters should not warrant the automatic rebate of fees. The current appeal costs regime ensures that there were sufficient penalties to discourage any 'unreasonable' decision making. Concerns that the determination of detailed planning decisions should be solely delegated to Planning Officers where the principle of development has been established. Whilst principally a matter of professional planning judgement, community and democratic engagement can add value to this stage of the process and allow the input of views from parties whom may not have been engaged with consultation at the Local Plan drafting stage. This engagement often results in better place making, with opportunities for enhanced quality of development and place which would may not be achieved through the strict following of a design code to the benefit of intended occupiers and the surrounding area and communities. The Plantech innovation should be encouraged to help achieve more efficient processes. Such innovation would need to be adequately resourced and standardisation was supported where appropriate.

**11. Do you agree with our proposals for accessible, web-based Local Plans?**

Not Sure. The principle of accessible, web-based Local Plans was supported but a proposed template or structure was required. However, Local Plans and engagement on their preparation must also remain easily accessible for residents without access to the internet. Small rural authorities may have issues of access to technology and expertise. Mindful of those without access to technology and alternatives were required.

**12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

No. Welcome principles of speeding up process but the timetable was unrealistic. Process doesn't allow for place making as it was an iterative process not only front loaded engagement. Plan making should be more organic process. Efficiencies from parts removed is not going to make up for the additional detail that would be required or the engagement that should occur. Far more important to engage with the community than previously but it does not allow for meaningful engagement. Difficult to understand how it could be achieved without sufficient detail in proposal. Contradiction between speeding up and front loading to

the plan stage. Could be counter-productive and may be minded to leave out sites or areas if not forthcoming in the first 6 months.

**13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?** Yes, agree that should be retained. Can be a powerful tool for local communities, although recognise they are a big undertaking to produce. Unclear what they will be able to achieve under new proposals. Often about providing locally distinctive policies for development, which are often DM type policies, which the government are considering removing from the planning system. Will they just become design codes for development? Neighbourhood Plans should be retained as input from local communities was vital and further adequate resources were required to support communities with this process.

**13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?** Capacities, skills and knowledge – willingness and access to software and associated costs.

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

Yes – need to focus on this. No tools for LPAs. There was a requirement for the delivery of 17,200 houses. The current Local Plan required over 20,000. Developers need to be more accountable for the progress of their sites, with sanctions on developers who do not deliver.

## **Pillar 2**

**15. What do you think about the design of new development that has happened recently in your area?** [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify] Other. Design relates to the appearance of buildings but also the space around them and how they fit into the surrounding community and how the buildings and locality function. It is about place making and not just about the external aesthetics of a building:

- Subjective judgement but varied – Often Uninspiring or Indifferent. Often anodyne, not enhancing a locality
- If you walk/drive through new housing estates there are often rows of standard house types with limited open spaces, green infrastructure & inadequate off-street parking?
- Lack of creativity – often standard designs for major house builders. Lack of industry skills and capacities.
- Lack of focus on design nationally – appeal decisions do not support importance of design. Does not give confidence to LPAs to challenge.
- Other priorities / 5 Year Housing Land Supply / Viability – quality often costs more.

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?** [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]. Other.

Sustainability relates to all of the above as well as other factors. Social, economic and environmental considerations need to be considered together in a holistic way. They are all important. Importance of infrastructure coming alongside development.

**17. Do you agree with our proposals for improving the production and use of design guides and codes?** [Yes / No / Not sure. Please provide supporting statement.] Yes. It is proposed that design guides and codes must have effective input from the local community and that decisions must be made in line with them. Can provide context and key design requirements, such as height, layout, materials, but concern that they should not stifle creativity. Support preparation in principle for Growth Areas (allocations). Unsure what level of detail or master planning can be set out in a design code. Unclear if prepared alongside Local Plan (LP) or after it or whether examined as part of LP examination. Big resource implications for design codes for each Growth Area and every Renewal Area. Within Renewal Areas, if too vague they can endorse development delivering more standard house types. Potential that will stifle creativity. Concern over capacities, skills and experience in LPAs to facilitate delivery. Timings of preparation alongside LP otherwise would impact of slowing down development.

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?** Not Sure. Design and place making are important, although difficult to see exactly what the role would do different to Chief Planning Officer? Need more detail. An enhanced national recognition of the role of the Chief Planning Officer in championing design would be better. A Lead Member should also be in place to drive design coding and building better places. Is the development industry willing to support designs that may not fit their standard house type?

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**  
Yes it was important and should be welcomed.

**20. Do you agree with our proposals for implementing a fast-track for beauty?**  
No. Proposals which comply with pre-established principles of good design (ie design codes and designs informed by the community) get consent more quickly. Allow pre-approval of popular and replicable designs through PD. Propose a limited set of form-based development types, which can be modified by those most popular locally. Not supported as stifling creativity, and not reflecting local context. Seek to move away from standard house types and monotonous estates, even if brick colours can be changed. Unclear who determines whether a proposal is in accordance with design code principles. If determined by developer then effectively granting themselves prior approval. Good designs should reflect the surrounding character and context not inserting pre-approved patterns that may not be appropriate there. Too much emphasis on physical 'beauty' and not function. Beauty is only one aspect of a proposal. Needs to be part of the planning judgement. Insufficient detail to fully comment. Concerns over pattern books, etc. and standardisation which are not high quality and locally distinctive – not responsive to context. Importance of negotiation to improve outcomes.

## Pillar 3

**21. When new development happens in your area, what is your priority for what comes with it?** [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify].  
Other. Good 'place making' requires consideration of all of these matters, and many more. They are all important and need to be considered in combination. Important to create mixed and balanced communities.

**22(a). Should the government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?** Not Sure. Recognise that Section 106 was slow and complicated through viability assessments, negotiations with sometimes many recipients needing to agree and sign. For different issues, some developers may not have an urgency to sign and complete agreement. A levy would be simpler and would apply to all scales and types of development. However express concerns over:

- who sets the threshold and how often it's reviewed
- at what level it was set
- who establishes changes in land value
- what will happen with low value areas

Clarification was required on most of the details and regulations.

Note need to retain s106 for other purposes.

Concern that lower value areas will not achieve funds to deliver infrastructure/affordable housing if thresholds were set incorrectly.

Section 106 delays often not responsibility of LPA.

Practicalities plus administrative burden for small authorities.

**22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?** Not sure. Should probably be set locally as if it's set nationally, there was no local control or influence. It's unclear at what scale an area-specific rate would be set e.g. regional, sub-regional, county, district, housing market area. There were big differences in viability across a small area. If it's set locally, we may need to commission viability assessments and may need examination or accordance with regulations to agree them. Concerns over impact on regeneration / schemes with abnormalities if floor set incorrectly

**22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?** More value.

There was currently inadequate infrastructure delivery, ideally more but need to be mindful of deliverability and need for sufficient value to make attractive to land owner, particularly in low value areas.

**22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?** Yes. Support the ability to borrow against the Infrastructure Levy to forward fund it but not a requirement to do so. Developers should fully fund infrastructure requirements. Risks for any councils

that borrows against future receipts and there is no certainty of when homes will be occupied and when funds will be collected.

**23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?** Yes. There were many prior approvals existing and more proposed. Suggest that self-build and custom-build homes should not be exempt as they were under CIL regulations. Such development still puts a strain on local infrastructure. Practicalities and clarification on how it would be administered and enforced. Would it undermine some of the principles of what PD intended to achieve – i.e. quicker, simpler?

**24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?** Yes, but should be locally set and the mix of sizes and tenures prioritised locally on the basis of need.

**24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?** Support In principle the right to purchase affordable housing from developers i.e. guaranteed provision on site. Delivery on site was an in-kind payment in lieu of levy contributions. The difference between the price it was sold to the Registered Provider (RP) and open market price would be offset from the final cash liability to the levy. Unclear what discounted rates were proposed. Alternative was 'first refusal' right for LAs (or RPs) to buy up to a set proportion of onsite units. How do you secure it in perpetuity? Need to retain section 106 mechanisms. May wish for different proportions in different value areas? Hybrid – in-kind first, but with option to buy more.

**24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?** Not sure. Advised that if cost of in-kind provision is greater than the final levy liability then the developer had no rights to reclaim overpayments. Unclear what happens to rural exception sites. Likely overpayment but then no levy towards education and POS etc. Need clarification whether they should be exempt from levy?

**24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?** Yes. Currently if homes are not of sufficient quality (or wrong type), developers were unable to sell them to RPs. To ensure developers were not rewarded for low-standard homes, Local Authorities have option to revert back to cash contributions if RPs unwilling to buy homes. Suggest all homes were built to meet national standards (quality and size) so appropriate for use as affordable homes. Also sizes of homes reflect local needs.

**25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?** Not Sure. Unclear what restrictions were envisaged i.e. those for CIL? Says flexibility for levy collected once core infrastructure obligations met but unlikely to receive enough levy to meet all core infrastructure obligations. Levy should be collected and spent to deliver affordable housing and key

infrastructure. Inappropriate to use for other purposes such as funding planning department or reducing council tax.

RESOLVED that it being 1.00 p.m. that the meeting continue in order for the remaining business to be transacted.

**25(a). If yes, should an affordable housing 'ring-fence' be developed?** Not Sure. Levy was calculated based on increase in land value. There is not a specified amount collected for affordable housing so unclear what proportion could or should be ring-fenced. Affordable Housing would be high priority but so will other key infrastructure. Individual Authorities should be able to decide how to divide the Infrastructure Levy based on priorities.

**26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?** No. Provision of public transport, health facilities and employment opportunities would mitigate against protected characteristics need to be taken into account.

RESOLVED that the views of the Committee form the basis of the Council's response to the Planning for the Future White Paper and that the final wording of the consultation response be delegated to the Head of Place in consultation with the Leader and Lead Member for Economic Development and Planning Policy.

Chair

The meeting ended at 1.07 pm

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

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Strategy and Resources Committee held at Virtual - Online meeting on Monday, 2nd November, 2020 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Knight, Lofthouse, Patrinos, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Resources, Lead Officer - Planning Policy, Senior Solicitor/Monitoring Officer, Service Lead - Environmental Protection, Accountancy Services Manager and Exchequer and Technical Manager

Also Present:

Councillors Roome, D. Spear and Tucker

**198. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE**

The Chair outlined the virtual meet procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officers confirmed the Members of the Committee, Members, Officers and external attendees who were present.

**199. APOLOGIES FOR ABSENCE**

The Senior Corporate and Community Services Officer advised that Councillors Prowse and L. Spear were now present at the meeting.

Apologies for absence were received from Councillor Barker.

**200. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 5 OCTOBER 2020 (ATTACHED).**

RESOLVED that the minutes of the meeting held on 5 October 2020 (circulated previously) be approved as a correct record and signed by the Chair.

**201. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.**

The Chair advised the Committee that an informal briefing would be held for Members following the conclusion of the meeting regarding the Government's announcement of a further National Lockdown.

**202. DECLARATIONS OF INTERESTS.**

There were no declarations of interest announced.

**203. REVIEW OF NORTH DEVON AND TORRIDGE LOCAL PLAN 2011-2031**

The Committee considered a report by the Head of Place (circulated previously) regarding the review of the North Devon and Torrridge Local Plan 2011-2031.

The Lead Officer Planning Officer highlighted the following:

- The North Devon and Torrridge Local Plan 2011-2031 had been adopted by both District Councils on 29 October 2018. Since that time the local context for it had changed substantially across a number of key policy areas which warranted an early review.
- National planning policy required a review of a Local Plan to be completed within five years of its adoption, however local planning authorities were entitled to undertake an early review should they wish to do so.
- The Government's consultation on proposed changes to the planning system in early 2020, set out a deadline of December 2023 for all local planning authorities to have an up-to-date local plan. The joint local plan would have been adopted over five years at that time and would not be considered as up-to-date at that point.
- The Joint Local Plan Working Group had endorsed the move towards a formal review of the Local Plan and it had been agreed that associated reports be prepared in parallel and consistent manner for consideration by both Councils.
- The first stage in reviewing the Local Plan required a formal decision by each Council to agree the fundamental principles as detailed in the report.
- Once the key principles had been agreed by both Councils, a range of actions would be required as part of the early stages of plan preparation as outlined in the report.
- Active engagement with all elected Members from both Councils would commence at an early stage to enable them to identify key issues and options to be addressed within a new Local Plan, whilst identifying any particular approaches, policies or policy gaps they wish to be considered.

RECOMMENDED that the Council:

- (a) Commit to working in partnership with Torrridge District Council to carry out a comprehensive review and update of the North Devon and Torrridge Local Plan on a joint basis;

- (b) Review the governance arrangements for the preparation of the Local Plan to ensure inclusive, effective and efficient oversight and engagement;
- (c) Review the Local Development Scheme in partnership with Torridge District Council;
- (d) Arrange Member workshops to enable early involvement in identifying key issues and potential options to be addressed through a new Local Plan.

## **204. BATSWORTHY CROSS WINDFARM**

The Committee considered a report by the Service Lead Environmental Protection (circulated previously) regarding Batsworthy Cross Windfarm.

The Service Lead Environmental Protection highlighted the following:

- Noise compliance monitoring at six locations close to Batsworthy Cross Windfarm had confirmed compliance with the noise related planning conditions at five of these six locations.
- The Council re-issued a request to the Operator asking them to provide details of a proposed further mitigation strategy for properties in the vicinity of Birchwood House within 30 days. A response from the Operator was received on 8th October 2020 detailing a proposed strategy and approach to verify the outcome of this strategy.
- This response was currently being reviewed by Officers' and the Council's acoustic consultant and to consider the next steps.
- A meeting with the Community had been arranged on Tuesday 10 November 2020 and the information provided by the Operator would be circulated to the Community group prior to the meeting.
- An update would be provided to the Committee when the review of the Operator's response was complete.

In response to a question, the Service Lead Environmental Protection advised that the process had taken longer than hoped or anticipated to give the Operator the opportunity to achieve compliance in the 6<sup>th</sup> location. It was hoped that the situation would be resolved as soon as possible.

The Committee noted the current position.

## **205. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 2 OF 2020/21**

The Committee considered a report by the Head of Resources (circulated previously) regarding the Performance and Financial Management for quarter 2 of 2020/21.

The Accountancy Services Manager highlighted the following:

- The revenue budget for 2020/21 was approved at Council on 26th February 2020 at £13,380,000.
- As at 30 September 2020, the latest forecast net budget is £13,516,000, which produced a forecast budget deficit of £136,000. (Q1 deficit was £385,000). Details of all variances were shown in “Appendix A – Variations in the Revenue Budget”.
- The original budget for 2020/21 included a forecast to achieve £200,000 worth of salary vacancy savings. The current position forecasts this will be exceeded this year; we were currently predicting to achieve £245,000.
- There was much pressure on the 2020/21 budget due to the Covid-19 pandemic and the Council’s income streams have been greatly affected in the first two quarters of 2020/21 and this was expected to continue through the financial year. Also additional costs have been incurred by the council in provision of temporary accommodation, additional agency staff for waste and recycling and in supporting the local community.
- Central government have announced and paid local authorities three tranches of support funding totalling £1,189,000 for North Devon. We have also claimed £160,000 in respect of the job retention scheme and received £170,000 New Burdens grant for SBG and RHLG. Central government have announced they will help support local authorities for lost income by paying 75% of any lost income after Councils incur the first 5% variance. The expected lost income and additional costs have been factored into the figures in Appendix A along with the anticipated government support. Figures relating to the forthcoming national lockdown would be worked on this week.
- It was anticipated that there would be a reduction in both Council Tax and Business Rates income during 2020/21 as a result of the pandemic. However, no reduction for income was being reported for 2020/21 year as the financial effect of any deficit on the Collection Fund income will not have an impact on NDC finances until later years as the Government also announced that deficits on this taxation income can be spread over the next 3 financial years.
- It was difficult to quantify the full impact of Covid-19 at this stage with any certainty, however the financial pressure on the Council would be substantial through 2020-21 and beyond – even after taking into account the above mentioned emergency Covid-19 funding announced by the Government. The Council does have both general fund and earmarked reserve balances which it could call upon in 2020-21 to mitigate the economic impact being experienced but clearly this would have much longer term solvency implications for the authority.
- “Appendix B – Movement in reserves and Balances” detailed the movements to and from earmarked reserves in 2020/21.
- Full details of the Strategic Contingency Reserve movements and commitments are attached as “Appendix C – Strategic Contingency Reserve”.
- The 2020/21 to 2022/23 Capital Programme is attached as “Appendix D – Capital Programme”.
- Project under spends of £2,673,332 were brought forward from 2019/20 year and further variations of (£2,356,424) were approved as part of the

performance and financial management report to Strategy and Resources to produce a revised 2020/21 Capital Programme of £12,938,936.

- Two capital funding bids for a further £166,000 were submitted to the Project Appraisal Group (PAG) in relation to new Trade Waste software £36,000 and Repairs to the Queens Theatre's flat roof £130,000. The projects were to be funded from the improvement reserve and repairs fund respectively. The projects have been scored and have been put forward by the Project Appraisal Group.
- Overall variations of (£2,526,908) were proposed to the 2020/21 Capital Programme as detailed in paragraph 4.4.4.
- The overall Capital Programme for 2020/21 to 2022/23 is £29,729,999 and is broken down as follows: 2020/21 - £10,412,028; 2021/22 - £17,033,383; 2022/23 - £2,284,588.
- The Programme of £29,729,999 was funded by Capital Receipts / Borrowing (£14,844,331), External Grants and Contributions (£12,147,339) and Reserves (£2,738,329).
- Once funds have been included in the Capital Programme the Constitution required a separate decision to release those funds. Accordingly the schemes below need the funds to be released so that spending can start within the following three months: Trade Waste Software £36,000; Queens Theatre flat roof repair £130,000.
- Treasury Management (paragraph 4.5), Debt Management (paragraph 4.6) and General Debtors (paragraph 4.7).
- Performance information as detailed in Appendix E.

In response to a question regarding ICT Skype for Business (page 41), the Accountancy Services Manager advised that there was currently a dispute with the supplier and once resolved the final payment would be made.

In response to questions the Chief Executive advised:

- Park and Change site at Chivenor (page 47) - once the land ownership issues had been resolved, the Council would adopt the site and manage the car park in line with other Council managed car parks.
- Discounted sale processes action (page 49) – there were a number of supplementary planning documents to be produced. Discussions would be undertaken with the team shortly regarding progress on the production and adoption of these documents.

In response to questions, the Head of Resources advised:

- Action "Develop a Climate Change and Biodiversity Action Plan" (page 48) - the Environmental Policy had now been approved and that the action would be updated by the Head of Place.
- Appendix A Government funding – the Council had received three tranches of funding from the Government for Covid 19 totalling £1.189m. Since the publication of the agenda, the Council had received further Government funding of £385,000. However, following the next national lockdown there would be further financial impact on the Council. The report for the next

quarter would detail the net financial impact on the Council. The claim for reimbursement of lost income for the first four months had been claimed. The forecast loss of income was until the end of the financial year. A further claim would be made for the reimbursement of income for the remainder of the year.

**RESOLVED:**

- (a) That the actions being taken to ensure that performance was at the desired level be noted;
- (b) That the contributions to/from earmarked reserves be approved as detailed in paragraph section 4.2;
- (c) That the movements on the Strategic Contingency Reserve (paragraph 4.3) be noted;
- (d) That funds be released for the capital schemes listed in paragraph 4.4.11;
- (e) That the sections dealing with Treasury Management (paragraph 4.5), and Debt Management (paragraphs 4.6 and 4.7) be noted;

**RECOMMENDED:**

- (f) That Council approve the variations to the Capital Programme 2020/21 to 2022/23 (paragraph 4.4.4)

**206. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY: MID YEAR REVIEW REPORT 2020/21**

The Committee considered a report by the Chief Financial Officer (circulated previously) regarding the Treasury Management Strategy Statement and Annual Investment Strategy Mid Year Review Report 2020/21.

The Exchequer Manager highlighted the following:

- The Treasury Management Strategy Statement (TMSS) for 2020/21 was approved by this Council on 26th February 2020.
- The underlying TMSS approved previously required revision in the light of economic and operational movements during the year as detailed in paragraph 4.1 of the report.
- The Council's Capital Position (Prudential Indicators) as detailed in paragraph 4.2 of the report.
- Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and Operational Boundary as detailed in paragraph 4.3 of the

report. The forecast Capital Financing Requirement had reduced by circa £1.6m from the original estimate. The majority of this reduction related to the slippage in the Leisure Centre capital project with the spend re-profiled into future years.

- The forecast operational boundary has reduced by £6m. Delays to the capital programme expenditure, stronger reserve forecasts and the strategy of postponing or delaying external borrowing means that the external borrowing position was not now expected to exceed £2.25m this financial year.
- Limits to borrowing activity as detailed in paragraph 4.4. of the report.
- Borrowing strategy as detailed in paragraph 4.5 of the report, which remains to delay external borrowing whilst we can use internal cash flow balances. The current forecast for next financial year (2021/22) shows CFR increasing by £9.9m with the bulk of the Leisure centre spend in year, giving a total CFR of £17m. This would potentially require £14.5m of external borrowing in addition to internal borrowing.
- Annual Investment Strategy as detailed in paragraph 4.8 of the report. As shown by the interest rate forecasts in Appendix A, it was now impossible to earn the level of interest rates commonly seen in previous decades as all investment rates were barely above zero now that Bank Rate was at 0.10%. The Council held £24.7m of investments as at 30 September 2020 (£16.25m at 31 March 2020). The Council's budgeted investment return for 2020/21 was £50,000. As at 30th September 2020 £40,689 investment interest was earned in the half-year period.
- Economic and Interests Rates as detailed in Appendix A.

**RECOMMENDED:**

- (a) The changes to the prudential indicators be approved;
- (b) The report and the treasury activity be noted.

**207. TEST AND TRACE PAYMENT SCHEMES**

The Committee considered a report by the Revenues and Benefits Manager (circulated previously) regarding policies for the Test and Trace Support Payments Scheme and Discretionary Payments Scheme.

The Head of Resources highlighted the following:

- From 28th September 2020, Government had changed legislation so that certain people would have to self-isolate due to the current COVID-19 crisis.
- A package of legislative measure had been introduced both to ensure that those who are required to self-isolate do so and that those on a low income receive a payment to assist their finances to encourage compliance with the legislation.
- The Government had set down the requirements for two payment schemes to be set up by the Council: Test and Trace Support Payments Scheme (standard scheme) and Test and Trace Discretionary Payments Scheme (discretionary scheme).

- The eligibility criteria for the standard scheme was detailed in paragraph 4.1 of the report.
- Where individuals meet all of those requirements but were not in receipt of a qualifying benefits they could be considered for a payment from the discretionary scheme. The discretionary scheme had been approved by Devon Chief Executives and Leaders as detailed in paragraphs 4.5 and 4.6 of the report.
- The Council had received a fixed amount of funding from Government for the four months that the discretionary scheme was intended to last. Government had confirmed that no additional monies will be given to the Council.
- Arrangements were quickly put in place to administer these payments, including the design of an on-line claim, and this went live on 12 October 2020.

In response to questions, the Head of Resources advised the following:

- To date 15 payments of £500 had been made under the standard scheme.
- It was anticipated that the take up of the scheme would be low and was for individuals on low income and were required to self isolate.
- The funding received for the discretionary scheme (£24,000) would allow for approximately 50 payments to be made.
- It was anticipated that the funding received from Government should be sufficient, however if it was not then the Council would make representation to the Government for additional funding.
- The schemes would be administered in house and the online application form had been designed in house. Therefore if required some of the funding received from Government for administration costs could potentially be used.

RESOLVED that the adoption of the policies for the Test and Trace Support Payments Scheme and the Test and Trace Discretionary Payments Scheme with effect from 28 September 2020 as detailed in Appendices A and B be approved.

## **208.           COMMERCIALISATION STRATEGY**

The Committee considered a report by the Head of Resources (circulated previously) regarding the Commercialisation Strategy.

Councillor Roome, Lead Member for Commercialisation outlined the reasons why a Commercialisation Strategy had been produced for the Council.

The Head of Resources highlighted the following:

- The financial position of the Council was uncertain and a budget gap was forecast beyond 2021/22.
- We were awaiting the Comprehensive Spending Review which was anticipated to be November 2020 and announcements on Government funding for Local Authorities which we hope would see a 3-year funding settlement to provide some certainty into the medium term. However, it was anticipated that this announcement would be a one year funding settlement.



- The Council had already started to look at other opportunities for generating income such as Plot 1B at Seven Brethren, where the Council took back the long term lease and site was now leased to the Police.
- A high-level refresh of the above forecast budget position in light of the current pressures being experienced had increased the predicted budget gaps further as detailed in paragraph 4.5 of the report.
- However, one certainty we can be assured of is that we will still have a significant funding gap for future years to bridge and we need to ensure that we have clear parameters and strong governance in place within the financial context we are operating to look at exploring opportunities and business cases when they arise.
- A Commercial Strategy sets these parameters, which we have clearly proposed as set out in Appendix A of this report.
- It was important that clear outcomes were set when devising any strategy and these had been defined in paragraph 4.10 of the report.
- Aspirational targets had been set as detailed in paragraph 5.1 of the report.
- Commercial Decision making should focus on four main drivers as detailed in Appendix A, page 126.

In response to questions, the Head of Resources advised the following:

- The Council had visited Cheltenham Borough Council to discuss types of commercial opportunities that they had been involved in as they had embedded similar principles and provided more “business like” services.
- He was unaware of the Preston model. The commercial strategy was not just about bridging the financial gap. It would also achieve economic benefits for both the community and the Council.
- The Commercialisation Strategy had been discussed at a recent Managers Forum. Managers were invited to consider ideas with their teams that could be considered and feedback.
- There would be opportunities for Members to discuss the refreshed Medium Term Financial Strategy.
- There would be opportunities for both Members and Officers to feed in ideas into the commercial strategy.

RECOMMENDED that the context of the financial parameters the Council was currently working within be noted and that the adoption of the Commercialisation Strategy as set out in Appendix A of the report be recommended to Full Council.

## **209. LYNTON AGENCY PERFORMANCE REVIEW**

The Committee considered a report by the Head of Resources (circulated previously) regarding the Lynton Agency Performance Review.

The Head of Resources highlighted the following:

- In February 2015 North Devon Council approved the service improvement framework to objectively review services to improve the customer experience and/or value for money. A review of the Lynton and Lynmouth agency agreement was added to the review programme.
- Following a successful agency arrangement being in place for the above 3-year period, a further report to the meeting of Strategy and Resources on 4 November 2019 it was approved that the agency agreement with Lynton and Lynmouth Town Council with effective 1 April 2020 be continued for a period of 3 years with a formal review on that date. It had been agreed that an annual report be presented to the Committee.
- The report updated members on progress against the 14 review recommendations put forward by the review team and to receive the financial outturn for the agency for the 2019/20.
- The summary annual report on the 2019/20 agency performance and financial outturn from Lynton and Lynmouth Town Clerk was detailed in Appendix A
- The only remaining review recommendation to be completed was in relation to exploring a joint way forwards to reducing public convenience costs and this action was reliant on North Devon Council carrying out a wider review of all public conveniences across the District.
- Following the agency review, the revised forecast figures presented by Lynton and Lynmouth Town Council were projecting a net budget surplus (excluding parking fines) of £48,912; which was in line with the in-house North Devon Council costing put forward as part of the review process. The actual financial performance for 2019/20 year had resulted in a net surplus of £65,843 (2018/19 was £60,177) which would be returned to North Devon Council.

Councillor Patrinos declared a personal interest as a Member of Lynton and Lynmouth Town Council.

RESOLVED:

- (a) that the annual report and that the actions being taken to ensure that performance against the 14 review recommendations was at the desired level be noted;
- (b) that this be the final report presented to the Committee and it only be brought to the Committee by exception in the future.

**210. NORTH DEVON DESTINATION MANAGEMENT ORGANISATION**

The Committee considered a report by the Chief Executive (circulated previously) regarding a proposal to form a dedicated Destination Management Organisation (DMO) for Northern Devon.

The Chief Executive highlighted the following:

- The paper attached to the report had been produced by North Devon+ and gave a background of the role of a DMO and the potential advantages that it might bring to the northern Devon area.
- There had been a major impact on tourism in northern Devon as a result of the Covid 19 impact with Ilfracombe and Combe Martin being the worst affected wards in Devon and this had been prior to the second national lockdown.
- A DMO would be solely linked to northern Devon rather than relying on other organisations.
- The proposal had been discussed with the North Devon Marketing Bureau who were supportive and see their organisation working in a complimentary way with any new DMO.
- It was estimated that the cost of taking this proposal forward may be in the region of £80,000. Efforts would be made to secure external funding and explores ways of undertaking work internally.
- He suggested that recommendation 2.2 be amended to include “or other resource” after the word “funding”.

RESOLVED:

- (a) That note the content of this report be noted and approve in principle to exploring the proposal further, including consultation with businesses and stakeholders;
- (b) That officers be supported in efforts to identify external funding or other resource to move forward with (a) above.

**211. JOINT LOCAL PLAN WORKING GROUP - APPOINTMENT OF MEMBERS**

RESOLVED that in pursuance to minute 7 of the meeting of the Committee on 3 June 2019, that Councillors Prowse, D. Spear and Yabsley appointments to the Joint Local Plan Working Group be confirmed and that Councillor Knight be appointed to replace Councillor Leaver on the Group for the life of the Council.

Chair

The meeting ended at 11.33 am

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

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Strategy and Resources Committee held at Virtual - Online meeting on Friday, 13th November, 2020 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Knight, Lofthouse, Patrinos, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Resources, Community Protection Officer, Senior Solicitor/Monitoring Officer, Service Lead - Environmental Protection, Parks, Leisure and Culture Officer and Head of Environmental Health and Housing

Also Present:

Councillors Biederman, Gubb, D. Spear, Walker and York

**212. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE**

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officers confirmed the Members of the Committee, Members, Officers and external attendees who were present.

**213. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

The Senior Corporate and Community Services Officer advised that Councillor Biederman was now present at the meeting.

**214. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.**

(a) Order of agenda

RESOLVED that item 12 be considered before item 6 on the agenda.

**215. DECLARATIONS OF INTERESTS.**

There were no declarations of interest received.

## **216. PUBLIC SPACES PROTECTION ORDERS - DOG CONTROL**

The Chair read a statement to the Committee in response to a number of emails and letters that had been sent to Members of the Committee attacking Members personally.

The Committee considered a report by the Environmental Protection Service Lead (circulated previously) regarding the proposed implementation of public space protection orders (PSPO) designed to address anti-social behaviour associated with irresponsible dog ownership.

The Environmental Protection Service Lead highlighted the following:

- Over 3,000 responses had been received in response to the recent public consultation exercise designed to inform the evidence base for implementing any new PSPO.
- Considering the number of responses received and the need for absolute transparency and robustness of the data, an external consultant was commissioned to undertake an independent analysis of the responses received. There was majority support for the controls identified in the consultation exercise.
- Officers have further liaised with the landowners to clarify their views for those aspects of the consultation which presented a majority opposition (the six main amenity beaches and the Tarka Trail).
- On consideration of the data presented following the consultation, the reactive requests of service in relation into this area of work and following consultation with landowners, officers were satisfied that there was legal justification for implementing a suite of measures to enable the Council to better address anti-social behaviour associated with irresponsible dog ownership as detailed in paragraph 4.9 of the report.
- It was recommended that recommendation 2.1 be amended to also include “section 4.10”.

In response to questions, the Environmental Protection Service Lead advised the following:

- The proposed measures were for the whole North Devon Council area including the Tarka Trail and would enable officers to instruct people to place their dog on a lead.
- The anti-social behaviour of cyclists could not be included within the proposed PSPO and needed to be considered separately.
- Officers had worked with Parish Councils and land owners to include all areas of land that experienced problems with anti-social behaviour associated with irresponsible dog owners. If there were any other areas not included, officers could review the evidence for these areas and consider recommending measures for implementation by the Committee.
- In relation to buffer zones being put in place around High Tide Roosting, proposed measure 5 stated “issue FPNs’ of £100 to people who allow their dogs to be present within the vicinity (to be defined on a site specific basis) of

land used as a High Tide Roosting Site (as identified in Appendix 3, Figure 1) between 1st October and 31st March.” Detailed maps would be drawn up for each site to clearly identify the exact areas to which the controls refer and he would liaise with Ward Members regarding the location of signage.

- Officers had contacted all landowners where a consultation response had not been received. In relation to the Tarka Trail, in response to the question “Do you support the implementation of controls which would allow the issuing of FPN’s of £100 to people who do not place their dog on a lead of 2.0m length or less when directed by a suitable delegated person/Officer?”, Devon County Council (DCC) had responded “unsure – but not probably no”. The Council had contacted DCC on a number of occasions to clarify this response and this had been the final response received. Legal advice had been sought from the Solicitor, who had advised that the Council could still have powers in place to address issues caused by the presence of dogs off lead on the Tarka Trail.

In response to a question, the Solicitor confirmed that in relation to proposed measure 10 he would ascertain whether assistance dogs needed to be registered with a member organisation of Assistance Dogs UK prior to the decision being taken by Council.

RECOMMENDED that Council approve the measures identified in sections 4.9 and 4.10 of the report.

## **217. CONTRACT FOR ONLINE LEGAL RESOURCES**

The Committee considered a report by the Senior Solicitor (circulated previously) regarding the awarding of a contract for online legal resources.

The Senior Solicitor highlighted the following:

- The Council’s legal team (and certain other teams at the Council including Elections and Licensing) utilised online legal resources because these contain access to up to date and maintained legislation, case law, templates and precedents, practice notes and guidance.
- The Council had an allocated budget for subscriptions to online legal resources and had subscribed to a resource offered by Thomas Reuters for a number of years.
- The Council had a budget for legal resources of £16,000 for 2020/21.
- The Council had undertaken a free trial of a competing legal resource, Lexis Nexis and it had been agreed that this resource was comparative to the product offered by Thomson Reuters however there was a substantial price difference and it was over £14,000 cheaper over the three year period.
- There were only two providers on the market which were able to offer online legal resources for the Council. Therefore, there was nothing to be gained from running a tendering process to award a contract to either supplier. Following investigations there were also no appropriate framework agreements under which the Council can call-off a contract to comply with tendering requirements.

RESOLVED that the requirement to tender in the Contract Procedure

Rules (Part 4 of the Constitution) be set aside to allow the award of a contract for online legal resources to LexisNexis.

**218. PUBLIC SPACES PROTECTION ORDERS**

The Committee considered a report by the Community Protection Officer (circulated previously) regarding proposals for Public Space Protection Orders (PSPO).

The Community Protection Officer highlighted the following:

- The previous order expired on 20 October 2020.
- The proposed restrictions as detailed in paragraph 4.7 of the report.
- The Committee approved a consultation exercise at its meeting on 2 March 2020 and this was held for a period of 6 weeks, beginning 5 March 2020.
- The consultation period coincided with the start of the strict national Covid-19 lockdown restrictions. This may have led to less people responding as would do in normal circumstances. In total, there were 38 responses of which over 90% were supportive of the restrictions.
- In order to augment the findings of the consultation, selected interested parties were approached and asked to give their views on the restrictions. These were: Devon & Cornwall Police, Barnstaple Town Council, Ilfracombe Town Council, Barnstaple Town Centre Management and homeless charities Freedom Social Projects and Encompass South West. Both Town Councils approved the plans and Devon and Cornwall Police returned a detailed response fully in support of the Order. The Barnstaple Town Centre manager also expressed support for the restrictions. Both charities supported the prohibitions contained in the order. Encompass South West have offered to undertake outreach work to explain the restrictions to their service users. Outreach workers from North Devon Council and The Freedom Centre will also undertake this work.
- At the meeting of the Committee on 2 March 2020, the Committee raised concerns regarding some coastal areas. It was proposed that the Council could consider the imposition of new seasonal restrictions on public alcohol use in some areas and towns and a report would be brought to a future meeting of the Committee for consideration. Sound evidence base would need to be collated prior to consideration by the Committee and consideration of other areas.

In response to questions, the Community Protection Officer advised the following:

- The new order included both alcohol and drugs/intoxicating substances.
- It was important that non-aggressive begging was not criminalised and that they were provided with the appropriate support. The Council was exploring options for introducing contactless payment points within Barnstaple to enable donations to be made.
- The provisions within any future new orders would be tailored to address the issues within those areas.
- Maps in Appendix A detailed the areas that would be covered under the PSPO. The inclusion of any other areas would be subject to a new PSPO for that area.



RECOMMENDED that the findings of the consultation be approved regarding the proposals for Public Space Protection Orders and proceed to Full Council for adoption.

**219. APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - CHULMLEIGH**

The Committee considered a report by the Parks, Leisure and Culture Officer (circulated previously) regarding the allocation of Section 106 public open space funds towards projects in Chulmleigh.

RESOLVED:

- (a) That £4,949.00 be allocated to Chulmleigh Cricket Club towards improvements of the Pavilion at Chulmleigh Cricket Club;

RECOMMENDED:

- (b) That Council vary the capital programme by £4,949.00 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

**220. APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - NORTH MOLTON**

The Committee considered a report by the Parks, Leisure and Culture Officer (circulated previously) regarding the allocation of section 106 public open space funds towards projects in North Molton.

RESOLVED:

- (a) That £12,995.50 be allocated to North Molton Parish Council towards the enhancement of Laurels Play Area, North Molton;

RECOMMENDED:

- (b) That Council vary the capital programme by £12,995.50 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

**221.            APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - INSTOW**

The Committee considered a report by the Project, Procurement and Open Space Officer (circulated previously) regarding the allocation of section 106 public open space funds towards projects in Instow.

RESOLVED:

- (a) That section 106 public open space funds be allocated to the following:
  - (i) £2,000.00 to North Devon Cricket Club (Instow) towards improvements in the Pavilion.
  - (ii) £3,550 to North Devon Yacht Club (Instow) towards the provision of a new training room.
  - (iii) £5,225.33 to Instow Parish Hall towards improvements in Instow Parish Hall.

RECOMMENDED:

- (b) That Council vary the capital programme by £10,755.33 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

**222.            APPROVAL AND RELEASE OF S106 FUNDS - FREMINGTON**

The Committee considered a report by the Parks, Leisure and Culture Officer (circulated previously) regarding the allocation of section 106 public open space funds towards projects in Fremington.

In response to a question, the Parks, Leisure and Culture Officer advised that the enhancement of the footpath would replace the compacted gravel and make it more accessible to all users. He was unaware if the materials were already on the site and would need to seek confirmation from the Parish Council.

RESOLVED:

- (a) That £6,212.80 be allocated to Fremington Parish Council towards the enhancement of the footpath at Griggs Field, Fremington;

RECOMMENDED:

- (b) That Council vary the capital programme by £6,212.80 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior

Solicitor, for external projects.

Chair

The meeting ended at 11.05 am

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

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**NORTH DEVON COUNCIL**

**Open**

**REPORT TO: STRATEGY & RESOURCES**

Date: 7<sup>th</sup> December 2020

**TOPIC: GROUNDS MAINTENANCE SERVICE**

**REPORT BY: CONTRACTS DELIVERY MANAGER**

## 1 INTRODUCTION

- 1.1 North Devon Councils (NDC's) Grounds Maintenance Contract ends on March 31<sup>st</sup> 2021. The contract allows for an extension of two years at the end of the initial contract term and NDC had agreed to an extension with the incumbent contractor.
- 1.2 In July 2020, the incumbent Contractor (Tivoli Group LTD) informed NDC that it could no longer agree to a contract extension and would not be signing an extension agreement as previously agreed.
- 1.3 There is now insufficient time to prepare and tender the grounds maintenance contract before the current contract end date. This report therefore seeks approval to bring the service in house and ensure the service continues on 1<sup>st</sup> April 2021.

## 2 RECOMMENDATIONS

- 2.1 It is recommended that subject to Senior Management Team approval of an appropriate business case, the Grounds Maintenance Contract is brought in house ready for service delivery on 1<sup>st</sup> April 2021.

## 3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure continuity of the grounds maintenance service.

## 4 REPORT

- 4.1 NDC's Grounds Maintenance (GM) contract ends on 31<sup>st</sup> March 2021. The contract contains an extension clause allowing a two-year extension beyond the contract end date. An extension can be agreed mutually between the incumbent contractor (Tivoli Group Limited) and NDC.
- 4.2 Tivoli initially agreed to a contract extension with NDC and its other GM partners (Torridge District Council and North Devon Homes) with Barnstaple Town Council choosing not to extend. On 28<sup>th</sup> February 2020 NDC officers agreed

formally, using delegated powers, to extend the contract by two years until March 31<sup>st</sup> 2023. Tivoli had been keen to extend the contract but did not return a signed copy of the extension agreement (sent in March 2020). On 2<sup>nd</sup> July 2020, Tivoli contacted the council to say it was no longer intending to extend the contract.

- 4.3 There is now insufficient time to prepare and tender a revised contract specification, which would allow NDC to test the market and consider awarding a new GM contractor against in house delivery of the service.
- 4.4 NDC officers did initially look at options to run a new, in house operation in partnership with North Devon Homes and Torridge District Council, but the complexities of splitting the service three ways proved to be complicated and time consuming and instead officers decided to concentrate on their own respective areas.
- 4.5 Running the contract in house will bring certain benefits such as greater control of the service and increased flexibility. For example, officers can manage grass cutting more effectively, cutting when it's needed, rather than being tied rigidly to a certain number of annual cuts, as is the case with the existing contract. There is also scope to align grounds maintenance more closely to NDC's corporate objectives, particularly "cherishing and protecting the environment." The Parks team aim to increase biodiversity and reduce the council's carbon footprint through methods such as increasing meadow cut areas, increased tree planting, trialling alternative powered tools and vehicles.
- 4.6 In line with another corporate objective (achieving financial security,) there may be scope to deliver grounds maintenance services on behalf of other agencies in the future and generate an income. Officers are aware of opportunities, but must firstly concentrate on transferring the service in house and understand the associated costs of the transfer before exploring this further.

## 5 RESOURCE IMPLICATIONS

- 5.1 The intention is to deliver the service in house within the constraints of the existing Parks, base budget. There will however, need to be a reorganisation of the budget to reflect greater expenditure in certain areas and reduced expenditure in others. The workforce will increase, with 10 full time staff transferring to NDC from Tivoli under TUPE plus seasonal staff in the summer. There will be a need to purchase or lease grounds maintenance vehicles, and a need to purchase and or lease tools and equipment. There will also be some initial capital works required at Brynsworthy Environment Centre (BEC) to house the tools and equipment.
- 5.2 There is a saving on this year's contract payments of approx. £60-£80,000 due to Tivoli being unable to fulfil all of its contractual duties this year. This saving can be used to cover some initial set up costs, such as the capital works at BEC and purchase or lease of vehicles.
- 5.3 When the service transfers there will be additional staffing costs from the posts that transfer over to NDC. This figure will be confirmed when the new posts

have been through the NDC job evaluation process and it will assume that all TUPE'd staff will agree to NDC terms and conditions. Transferred staff will also have the option to initially stay on their existing terms & conditions. The financial implication of this will be included within the business case subject to approval.

- 5.4 The grounds maintenance service will require seven vehicles (various van models similar to transit tippers,) two trailers and two ride on mowers. The vans and mowers have been included in the schedules for the new Waste & Recycling Fleet Vehicles with the long-term ambition being for them to be supplied as part of the new Corporate Fleet when a contractor is appointed. The Corporate Fleet supplier will not be in place until October 2021, so there is a gap of 7 months to fill with leased vehicles between the start of in house grounds maintenance delivery on 1<sup>st</sup> April and appointment of fleet contractor in October. Estimated costs for the lease of grounds maintenance vehicles for 6 months (based on prices obtained through the TPPL procurement framework) is approx. £25,000. Short term leasing is probably the most expensive way of accessing vehicles, so alternative options are being considered to bridge the 7-month gap, including the potential purchase of a number of second hand fleet vehicles.
- 5.5 The cost of purchasing second hand equipment (including the ride on and pedestrian mowers) from Tivoli is estimated to be £25k, but this is subject to agreement with Tivoli. Alternative, purchasing and lease options are also, currently being pursued with quotes requested.
- 5.6 Parks officers are working with internal colleagues from Waste & Recycling and Property Services to convert one end of the sorting sheds at BEC to enable it to be used as a storage and maintenance area for tools and equipment. Costs for this shed conversion will be confirmed when quotes are received. The works will include installation of a mezzanine floor, partition wall, a new fire exit and additional power sockets.
- 5.7 At present, the total, annual Parks budget is just over £540,000. This covers all current contract payments to Tivoli and specialist sub-contractors (such as tree surgeons) as well as NDC parks officer salaries. Adjustments will now be made to this budget to reflect the fact we will no longer have main contractor costs, but will instead have our own costs against vehicles, equipment and increased salaries. A business case showing these budget movements and any adjustments to demonstrate that the new service will be within the existing approved base budget level will be prepared and presented to Senior Management Team prior to the contract end on March 31<sup>st</sup> 2021
- 5.8 Grounds Maintenance vehicles can be parked overnight at BEC in the existing car park with little anticipated impact on staff. The vehicles will leave site before 8.00 am each day and return to BEC at approximately 4pm.

## 6 EQUALITIES ASSESSMENT

- 6.1 No impact anticipated.

## 7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3 Annexe 1, Paragraph 1(d)	

## 8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 9 BACKGROUND PAPERS

9.1 The following background papers were used in the preparation of this report:

- None

## 10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

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Author: Mark Kentell  
Reference: Document5

Date: 17/11/20





**NORTH DEVON COUNCIL**

**Open**

**REPORT TO: STRATEGY & RESOURCES**

Date: 07 December 2020

**TOPIC: APPROVAL & RELEASE OF S106 PUBLIC OPEN SPACE FUNDS – TAWSTOCK**

**REPORT BY: PARKS, LEISURE & CULTURE OFFICER**

## 1 INTRODUCTION

1.1 This report seeks to allocate S106 public open space funds towards projects in Tawstock.

## 2 RECOMMENDATIONS

2.1 That Strategy & Resources allocates:

2.1.1 £7,586.52 to Tawstock Parish Council towards the enhancement of Tower View Playing Field.

2.2 Subject to approval of 2.1.1 above, that Strategy & Resources Committee recommends Council vary the capital programme by £7,586.52 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

## 3 REASONS FOR RECOMMENDATIONS

3.1 To allocate funds in line with the requirement of S106 agreements.

3.2 To protect and enhance public open space, including land and buildings.

## 4 REPORT

4.1 Tower View Playing Field – Tawstock Parish Council

4.1.1 Tawstock Parish Council want to enhance access and provide additional landscaping at Tower View Playing Field.

4.1.2 A retaining wall will be built to enable landscaping to take place.

4.1.3 The main entrance to the site will be made wider to allow all members of the community, including those with mobility issues, to be able to access and enjoy the site with ease.

4.1.4 One of the two entrance pathways will be resurfaced to ensure it is safe and stable for members of the community that have challenges with mobility such as; wheelchairs, pushchairs, scooters.

## 5 RESOURCE IMPLICATIONS

### 5.1 Tower View Playing Field – Tawstock Parish Council

Financial: The total project cost is £7,586.52.

That £7,586.52 be funded from the S106 capital budget from the following sources:

Development Description	Application Number	Amount
Land adj Clarendon Gardens, Off Old Torrington Road, Roundswell.	63210	£7,586.52
	Total	£7,586.52

Any overspend be met by Tawstock Parish Council.

## 6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3. Annexe 1. 1 (d)	Delegated

## 7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

8.1 The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

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Author: S.Hambleton Date: 09 November 2020  
Reference: I:\Projects\Open Space & S106\Reports\Strategy & Resources\2020\December 2020\S&R Report 07.12.20.docx



**NORTH DEVON COUNCIL**

**Open**

**REPORT TO: STRATEGY & RESOURCES**  
**Date: 7<sup>th</sup> December 2020**  
**TOPIC: LEISURE CONTRACT PAYMENTS**  
**REPORT BY: CONTRACTS DELIVERY MANAGER**

## 1 INTRODUCTION

- 1.1 Under the terms of the interim leisure contract between Parkwood Leisure and North Devon Council (NDC) in line with Government PPN Guidance, Parkwood can claim for financial support from NDC to help cover losses incurred due to Government imposed restrictions on the leisure industry.
- 1.2 To date, NDC has made payments to Parkwood Leisure totalling £158,000 to cover losses for the period April–July 2020.
- 1.3 Parkwood have now issued claims to the council for further payments for the months of August and September. This report recommends that NDC agrees to make payments to cover these latest claims.
- 1.4 No financial assistance is required for October and it is anticipated that any future losses can hopefully be covered using the recently announced funding provision for Local Authority owned leisure facilities from Sport England.

## 2 RECOMMENDATIONS

- 2.1 That North Devon Council makes a grant payment of £59,000 to Parkwood Leisure to cover losses experienced in the months of August & September due to Covid 19.

### 2.2 REASONS FOR RECOMMENDATIONS

- 2.3 To ensure continuation of service, prevent job losses and provide community leisure facilities for thousands of North Devon residents.

## 3 REPORT

- 3.1 The interim leisure contract between NDC and Parkwood Leisure contains clauses to address difficulties caused to both client and contractor by the COVID 19 pandemic. These clauses were added to the leisure contract through a deed of variation in accordance with central government Public Procurement Guidance Note PPN02/20.

- 3.2 The contract clauses mentioned at 3.1 provide a mechanism for Parkwood to submit monthly claims to NDC for losses experienced during the months of April – June 2020 (defined as the COVID Relief Period). The COVID Relief Period can be extended by mutual agreement between the two parties and this was done in October to allow further payments to be made by NDC to Parkwood to cover losses for June and July 2020.
- 3.3 Parkwood’s most recent claims show a loss £48,000 in August and £19,000 in September. NDC’s Head of Resources has scrutinised the claim and is agreeable to a payment of £59,000 to Parkwood for August and September losses incurred, representing £40,000 for August and £19,000 for September.
- 3.4 The implications of NDC not continuing with financial assistance to keep the leisure contract viable and Parkwood invoking the contract termination clause were outlined in a previous report to the strategy and resources committee in October 2020. Since that report was tabled, the leisure centre has been forced to close again, due to a second national, COVID lockdown. This is unfortunate as Parkwood were showing almost no losses for the month of October and appeared to be on the road to recovery, with no further financial assistance required from NDC.
- 3.5 Sport England has now announced a recovery fund for leisure, specifically for centres owned or operated by local authorities. Specific funding details are still to be released, but it has been confirmed that NDC will be eligible to apply for funding to cover the losses experienced since the first lockdown began this summer.

## 4 RESOURCE IMPLICATIONS

- 4.1 The financial support for August and September had been included in NDC financial projections and can be covered in part using some of the £1.57 million Covid-19 support grant from central government provided to NDC towards additional costs being incurred.
- 4.2 As noted in the October Strategy & Resources report entitled “Leisure Contract Payments”, Parkwood are currently, unable to claim government support for losses in revenue.

## 5 EQUALITIES ASSESSMENT

- 5.1 No equality issues anticipated.

## 6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3, Annexe 1.1(d)	“Delegated”

## 7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report:

- Urgent Decision Notice dated 30<sup>th</sup> April 2020
- Urgent Decision Notice dated August 2020
- Strategy and Resources report October 2020 entitled “Leisure Contract Payments”

The background papers are available for inspection and kept by the author of the report.

## 9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

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Author: Mark Kentell  
Reference: Document5

Date: 23/11/20

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Open

## NORTH DEVON COUNCIL

**REPORT TO:** STRATEGY AND RESOURCES COMMITTEE

Date: 7 December 2020

**TOPIC:** INTERIM DEVON CLIMATE CHANGE PLAN AND  
NORTH DEVON COUNCIL ENVIRONMENTAL  
POLICY

**REPORT BY:** HEAD OF PLACE

### 1 INTRODUCTION

1.1 This report updates the Committee on progress on the Interim Devon Climate Change Plan and implications for the North Devon Council Environmental Policy.

1.2 The Council's Corporate Plan was adopted at the full Council meeting on 24 September 2019. The four Corporate Priorities are:

1. Financial Security
2. Focus on delivering the best for the customer
3. Cherishing and protecting the environment
4. Planning for North Devon's future

The proposed policy will be key to delivering against the 3rd corporate priority but also contribute to 1 and 4.

1.3 The objective of the environmental policy is to support members and staff from across all services in the organisation in taking a consistent and standard approach when considering the environmental impact of their actions. It also recognises the importance of all stakeholders, both internally and externally, in working to a common set of principles and the policy sets out clearly to partners the Council's approach.

1.4 The environment priority is broad-based but inevitably includes one of the key foci of our current work: responding to the Climate Emergency as stated in the Council's Declaration of a Climate and Ecological Emergency.

### 2 RECOMMENDATIONS

2.1 That members agree that:

- 1) The Interim North Devon Council Environmental Policy (attached as Appendix A) be approved and recommended to Council for adoption to guide the organisation, its members and staff in taking a consistent and standard approach when considering the environmental impact of their actions.

- 2) It is noted that the Environmental Policy is interim, in recognition of the imminent consultation exercise on the Interim Devon Climate Change Plan and its subsequent adoption.

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To underpin the Council's corporate priority for the environment and meet the Council's responsibilities under the Climate and Biodiversity Declaration.

### **4 REPORT**

- 4.1 The Environmental Policy was agreed by the Strategy and Resources Committee for the purposes of consultation at its meeting on 3 August 2020. The policy is attached for ease of reference.
- 4.2 The Committee agreed the Policy subject to the date by which the Council would achieve net-zero carbon being 2030 at the latest, rather than the recommendation of 2025 from the Council's Climate Action Team.
- 4.3 For a variety of reasons the Policy has not yet been put out for public consultation. One of these reasons is that in the intervening period the early draft of the Interim Devon Climate Change Plan was received for checking by the Local Authority partners, before going out to consultation.
- 4.4 This Devon Climate Change Plan includes the advice from the Devon Net-Zero Task Force that the target dates for reaching net-zero carbon should be 2030 at the latest for organisations and 2050 for the whole of Devon, reflecting the government's current target.
- 4.5 The Net-Zero Task Force felt that with the current powers and levers available to local areas to achieve net-zero by 2050 would be challenging and that going for an earlier date would not be realistic or deliverable.
- 4.6 The Council's Climate Action Team considered the proposals within the draft Interim Devon Climate Change Plan but did not wish to amend their recommendation to Strategy and Resources Committee. However, to publish North Devon Council's Environmental Policy now would overlap with the consultation period for the Devon consultation, which commences on Monday 7 December, with the potential for confusion amongst the public in North Devon, with two different sets of target dates, and risking the challenge of a lack of joined up thinking across the climate change partners.
- 4.7 In consultation with the Lead Member for Climate Change, to avoid further delay in the Council adopting the policy, it is recommended that the Committee agree the Environmental Policy as it stands (as amended at Committee on 3 August) and recommends that Council adopts it as an interim policy. It is identified as interim in recognition of the review that will be carried out in light of the consultation response to the Interim Devon Climate Change Plan and the subsequent finalised Plan.



## 5 RESOURCE IMPLICATIONS

- 5.1 Internal resource will be required from all teams across the Council to contribute to the programme both in the formulation and delivery of the Plan.
- 5.2 Once adopted the targets in the Policy will require significant investment in the Council's assets, this would be subject to consideration of business cases being put forward, and changes in the way it operates. In addition it should be noted that whilst a lot of the work required to meet the target for reaching net-zero carbon as a district are outside the direct control of the Council progress will require significant input from it.

## 6 EQUALITIES ASSESSMENT

- 6.1 None from this report though it is known that climate change will further negatively impact those who are already disadvantaged and those with health problems.

## 7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Article 7.12	Appendix 4, para 17	Yes

## 8 STATEMENT OF CONFIDENTIALITY

- 8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 9 BACKGROUND PAPERS

- 9.1 The following background papers were used in the preparation of this report:
- NDC Corporate Plan
  - [Intergovernmental Panel on Climate Change](#)
  - [Climate Change Act 2008](#)
  - [Climate change explained](#), Gov.UK
  - [Devon Climate Emergency Project](#)
  - Report of Climate Action Team to Policy Development Committee 16 July 2020

Appendix A - Draft Environmental Policy 2020

Appendix B - Devon Climate Change Declaration

The background papers are available for inspection and kept by the author of the report.

## 10 STATEMENT OF INTERNAL ADVICE

10.1 The author confirms that advice has been taken from all appropriate Councillors and Officers.

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Lead Members: Councillor Caroline Leaver, Councillor Netti Pearson

Author: Michael Tichford

Date: 26 November 2020

Reference:

Draft

Appendix A



## North Devon Council Interim Environmental Policy

The purpose of this Policy is to establish North Devon District Council's environmental commitment for the next 10 years. It covers all of the Council's activities and estate. North Devon District Council is a large employer and a significant resource user and we therefore recognise that our operations and service delivery have a significant impact on the environment.

In addition to fulfilling our statutory environmental responsibilities and complying with all legal and other requirements, including a commitment to a Carbon Neutral District by 2030, we will use our powers and influence to further protect and improve the environment, while encouraging and supporting others to do the same.

We will invest in the carbon literacy of the members and staff of the Council and work in partnership with stakeholders to achieve the objectives of this policy. The policy will be reviewed every 2 years.

We will:

Aim to become carbon neutral as an organisation by 2030, (including those arising from our purchasing of goods and services)

- Reduce the consumption of energy and water across all of our activities
- Minimise the impact of our travel<sup>1</sup>
- Improve our performance to prevent all types of pollution and reduce CO<sup>2</sup> and other harmful emissions from our activities.

Minimise the production of waste from our own activities and adhere to the principles of the waste hierarchy.

- Require our suppliers and contractors to reduce the impact of their goods and services by considering whole life cycle impact.

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<sup>1</sup> The Council's Climate Action Team commit to only meeting in locations accessible by public transport or virtually using video conferencing) and by developing more sustainable travel solutions where it is unavoidable

- End our consumption of single use plastics.

Ensure environmental risks and opportunities are managed positively.

- Protect, conserve and enhance our District's built heritage by encouraging environmentally sensitive development through good planning policies and approaches to listed buildings and conservation areas and the effective application of building regulations.
- Protect, conserve and enhance our District's high quality natural environment and its biodiversity whilst improving our parks and open spaces, public rights of ways and green corridors.

Support a District wide programme with the aim of making North Devon carbon neutral by 2030, going on to be significantly carbon negative by 2045.

- Support the most disadvantaged in our community to respond to the challenges of climate change.
- Plan and adapt the District to build resilience to adverse weather and climate change risks.
- Support the community in the reduction of waste and adherence to the principles of the waste hierarchy:



In order to achieve the objectives of this policy, we will operate an environmental management system<sup>2</sup> that will be integrated into the corporate management framework to:

- Apply to all activities undertaken by North Devon District Council, including contracted out services as new contracts are negotiated.

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<sup>2</sup> Approach to an environmental management performance system to be agreed by the Working Party for recommendation to Strategy and Resources Committee.

- Set objectives and implement action programmes in order to minimise the negative environmental effects and increase the positive effects of our activities.
- Develop procedures for training, monitoring, summarising, and reporting of environmental performance information to ensure continued organisational improvement through review and revision.

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## Appendix B

North Devon District Council became a signatory to the Devon Climate Declaration on 24 July 2019:

### Devon Climate Declaration

1. This Declaration has been prepared by a consortium of public, private and voluntary organisations collaborating through a Devon Climate Emergency Response Group. It sets out an ambition to tackle climate change that covers all of Devon, including those people who live, work in and visit our county, and those businesses who are based or operate here.
2. We are aware of the significant implications of climate change for Devon's communities; it is already affecting our environment, infrastructure, economy and health & wellbeing. If not addressed, the impact on future generations will be profound and the ability to meet the United Nation's Sustainable Development Goals will be severely compromised.
3. We understand that the Intergovernmental Panel on Climate Change (IPCC) has advised that carbon emissions must reduce globally by at least 45% by 2030 from 2010 levels and reach net-zero by 2050 if we are to avoid the worst effects of climate change by keeping warming below 1.5 degrees.
4. We will lead in the global response to climate change through our collective action, innovation and influence.
5. Individually, we will review (within 6 months) our plans to reduce our organisation's carbon emissions to meet or exceed these targets, including ensuring the people we do business with are doing the same. We will publicly report our carbon emissions annually in accessible formats.
6. In collaboration, we will engage Devon's residents, businesses and visitors to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations at the latest. We will openly report progress on its delivery. We know this transformational change will be challenging and will include:
  - Deploying more renewable, decentralised and smart energy systems
  - Retrofitting energy-efficiency measures into our existing buildings
  - Constructing zero-carbon new buildings
  - Travelling less and using improved walking, cycling and public transport infrastructure more often, and using electric and hydrogen vehicles

- Changing our consumption to use less, re-use more and choose low-carbon options
  - Challenging all economic sectors to review their practices and the values of those they do business with
  - Divesting from fossil fuels
  - Changing our dietary patterns and reducing food waste
  - Changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon
  - Encouraging carbon storage such as through tree planting, the use of wood in construction and peatland restoration
  - Empowering the people of Devon with the knowledge and skills to act collectively.
7. Additionally, we will work to understand the near-term and future risks of climate change for Devon to plan for how our infrastructure, public services and communities will have to adapt for a 1.5-degree warmer world.
8. Local organisations and communities cannot do this alone as the national government plays a key role in many of the policy areas that are vital to reducing emissions and adapting to climate change. We call on the government to prioritise decarbonisation and adaptation within decision making and work with us by using its powers to provide the resources and funding necessary to accelerate the transition to a low-carbon and resilient economy and society.
9. We challenge every organisation, business, community and individual to do the same.



LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS TAKEN BY THE  
CHIEF EXECUTIVE**

**NORTH DEVON COUNCIL CONSTITUTION  
– Part 3 Annexe 2: Officer Delegations –  
Chief Executive**



Reference No:

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1) SUBJECT: Car Park Concession

2) REQUESTED DECISION: Delegate to the Chief Executive the power to take a decision to introduce up to 2 hours free parking to car parks or selected car parks in North Devon to be effective for the national lockdown period.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

In order to support local businesses during the second period of lockdown by allowing a set period of free parking at a designated time in order for customers to make use of click and collect and other services introduced by businesses. The item is urgent as the lockdown commences on the 5<sup>th</sup> November and there is no Committee available to take this decision.

The power to take a decision on this is given to the Chief Executive for the period of the national lockdown and allows the Chief Executive to take a decision affecting one, more than one or all of the car parks, depending on demand and circumstances.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

There will be a loss of income to the council but this is very difficult to quantify because at this stage we do not know what impact the lockdown would have on income levels anyway. It is likely that the measure would be introduced in late afternoon when normal income levels are reduced anyway.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

Introducing the measure across all car parks may give the wrong impression that the council is seeking to encourage lots of people to use the town centres etc. The purpose of this decision is not to do that but to support businesses and to try to give customers a valid option to shop locally rather than through national online retailers. A more targeted approach is therefore more relevant.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> )	Y	5.11.20
Chair of Committee (with the Authority to take the decision) <i>(or Vice-Chair)</i>		
Lead Member	Y	5.11.20
Ward Member(s)	N/A	
Head of Service (name)	Y	5.11.20
Finance		
Legal	Y	5.11.20

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Chief Executive

12) APPROVED BY CHIEF EXECUTIVE: YES

Supported by SMT

13) DATE OF DECISION:

4<sup>th</sup> November 2020

## 14) CHIEF EXECUTIVE'S COMMENTS:

Whilst a loss of income might be experienced, it is important to support local business and this measure fits with the Council's Live, Love Local campaign.

## 15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

## GUIDANCE NOTES

### NOTE:

#### PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

#### PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

#### **Officer Delegations: the Chief Executive:**

#### **Urgent Decision Making**

3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:

3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and

3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and

3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS TAKEN BY THE  
CHIEF EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION  
– Part 3 Annex 2: Officer Delegations –  
Chief Executive



Reference No:

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1) SUBJECT: Pannier Market Concession

2) REQUESTED DECISION: Delegate to the Chief Executive the power to take a decision to reduce or waive the pitch fees applicable to the Pannier Market, Barnstaple to be effective for a maximum period of 2 months

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

In order to support local market traders during the second period of lockdown by allowing officers to negotiate reductions in the standard pitch fees to encourage traders to use the Pannier Market for the sale of essential items. This will then provide the community with further options to purchase locally during lockdown. The item is urgent as the lockdown commences on the 5<sup>th</sup> November and there is no Committee available to take this decision.

The power to take a decision on this is given to the Chief Executive for a period of 2 months and allows the Chief Executive to take a decision to reduce or waive the pitch fee during that period, depending on demand and circumstances.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

There will be a loss of income to the council but indications are that without some incentive, traders will not use the Pannier Market anyway. It is therefore considered that the loss of income is likely to be minimal and certainly outweighed by the potential benefit to the traders and the community.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

The alternative is to close the Market which is not desirable in the circumstances. A functioning Market helps to give confidence in the town centre and helps support the council's Live, Love, Local campaign.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> )	Y	4.11.20
Chair of Committee (with the Authority to take the decision) <i>(or Vice-Chair)</i>		
Lead Member	Y	4.11.20
Ward Member(s)	N/A	
Head of Service (name)	Y	4.11.20
Finance		
Legal	N	

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Chief Executive

12) APPROVED BY CHIEF EXECUTIVE: YES

Supported by SMT

13) DATE OF DECISION:

4<sup>th</sup> November 2020

## 14) CHIEF EXECUTIVE'S COMMENTS:

Agreed for the reasons set out above..

## 15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

## GUIDANCE NOTES

### NOTE:

#### PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

#### PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

#### **Officer Delegations: the Chief Executive:**

#### **Urgent Decision Making**

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
  - 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
  - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and

3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.



LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS TAKEN BY THE  
CHIEF EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION  
– Part 3 Annex 2: Officer Delegations –  
Chief Executive



Reference No:

---

1) SUBJECT: Authorisations

2) REQUESTED DECISION: To delegate to the Chief Executive the power to authorise officers to carry out enforcement functions set out in:-

The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 No. 1005 (“the first set of regulations”)

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 No. 1045 (“the second set of regulations”), and

The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 No.1200 (“the third set of regulations”),

AND in any regulations amending, adding or replacing the above or any regulations of similar or wider effect.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

The Regulations listed are newly introduced and require officers to be authorised to be able to use the powers granted. The matter is not able to be reported to a Committee within the timescales required by impending enforcement action.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

There are no financial implications

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

The powers are necessary in order to enforce the provisions of the current lockdown and so there is no alternative if the Council is to act in its role.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

9) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> )	Y	17.11.20
Chair of Committee (with the Authority to take the decision) <i>(or Vice-Chair)</i>		
Lead Member	Y	17.11.20
Ward Member(s)		
Head of Service (name)		
Finance		
Legal		

10) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Head of EH&H

11) APPROVED BY CHIEF EXECUTIVE: YES

12) DATE OF DECISION:

17<sup>th</sup> November 2020 at 09.50

13) CHIEF EXECUTIVE'S COMMENTS:

The delegation above allows me to authorise specific officers for the purposes set out above. I am aware of impending enforcement action, hence the urgency.

14) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

## GUIDANCE NOTES

### NOTE:

#### PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

#### PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

#### **Officer Delegations: the Chief Executive:**

#### **Urgent Decision Making**

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
- 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
  - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
  - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.

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LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS TAKEN BY THE  
CHIEF EXECUTIVE**

**NORTH DEVON COUNCIL CONSTITUTION  
– Part 3 Annexe 2: Officer Delegations –  
Chief Executive**



Reference No:

---

1) SUBJECT: E-scooter pilot

2) REQUESTED DECISION: To agree to waive the contract procedure rules and to appoint Voi, for the purposes of running an e-scooter pilot in North Devon with NDC and Petroc, where no monetary incentive or grant forms part of this agreement with Voi. This agreement is for a pilot period only – lasting 12 months under the licence from Department for Transport (DfT).

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

The urgency is to meet the DfT deadline to acquire a licence to run an e-scooter pilot in North Devon with a partnership between Petroc and an e-scooter supplier ([Voi](#))

Petroc have been in discussion with local partners, including Devon County Council, NDC and TDC since early July around the potential for an e-scooter pilot for North Devon. All parties were broadly in agreement with the principle of a pilot – both addressing the ‘first/last mile’ issue faced by Petroc students, and the offer for visitors to North Devon who wish to find a more sustainable method of traveling around when on holiday in the area. Petroc made contact with a micro mobility provider, who had already successfully started pilots with other local authorities, mostly in city regions. The company, Voi, were keen to look at a pilot in a rural area. Through discussions with DfT, Petroc were made aware that this would be the first rural pilot in England, and the data collected from the pilot would be very welcomed by the DfT. Petroc therefore proceeded to submit an Expression of Interest, as per the process. The DfT welcomed the submission but at this point made it clear that they would only accept a full proposal from a local authority – as they were only granting licences through these bodies.

On September 9<sup>th</sup>, Petroc contacted NDC to seek our approval to submit a proposal on behalf of the emerging partnership they had formed with Voi. This was agreed by the Head of Place and at this point work was started on the proposal. It was clear after the first few meetings that the DfT required the proposal to have the micro mobility partner already procured, so their operating procedures could form part of the assessment process on submission to the DfT.

*Guidance from DfT on procurement for proposals being submitted states:*

*Dialogue with several areas suggests that light-touch contractual arrangements may be suitable for many authorities and better able to rapidly deliver e-scooter trials in response to COVID-19. In some cases, however, areas may choose to undertake a more traditional procurement exercise with a more detailed contractual arrangement. This is entirely a local decision.*

We did not have the appropriate time to carry out a contracting process, prior to submission, given the deadline of September 30<sup>th</sup> 2020.

Voi have provided a lot of detail around the safety and risk mitigation to run a successful e-scooter pilot, bringing with them a fair bit of experience from working within other local authority areas across England. There is no financial gain for them in the running of the pilot – they will not make a profit, but will build up experience of working in a rural setting, something they have not yet done. Voi will provide all of the capital equipment – scooters, spare parts, storage units, safety equipment so will invest a lot during the life of the pilot.

Once the 12 month pilot period concludes, Voi will remove all of the infrastructure they have in the area. If proof of concept is successful partners will discuss with DfT a longer term solution to e-scooter use in the area.

### **Alternative Options considered and rejected at the time of the decision:**

- Tendering Process under the Councils Contract Procedure Rules, given the turnover value to the supplier would exceed £40,000 for the 12 month pilot a tendering process would be required. The timescales for undertaking this would make a bid submission to the DfT invalid with the deadline for submission of September 30<sup>th</sup>. This option was therefore rejected.
- Working with Petroc under a joint working agreement where they take on the procurement of the supplier acting as our agent. However, this was not seen as a compliant method under the terms of the licence from the DfT, where the local authority is the preferred contractor with the e-scooter supplier. Therefore this option was also discounted.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

There are no financial implications for NDC taking the lead role in this E-scooter trial. All capital equipment needed will be provided by the supplier (Voi) at no cost to the public purse. The proposal to the DfT is for a licence to run e-scooters in the district – it doesn't cost the authority any money to obtain this

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

See above

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

DfT: [E-scooter trials: guidance for local areas and rental operators](#)

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> )	Y	30.9.20
Chair of Committee (with the Authority to take the decision) <i>(or Vice-Chair)</i>		
Lead Member	Y	30.9.20
Ward Member(s)	Y	30.9.20
Head of Service (name)	Y	30.9.20
Finance		30.9.20
Legal	Y	25.9.20

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Chief Executive

12) APPROVED BY CHIEF EXECUTIVE: YES

13) DATE OF DECISION:

30.9.20

14) CHIEF EXECUTIVE'S COMMENTS:

Approve the decision. There is still a lot of work to be done on the project but I'm happy to act as the applicant to the bid and to appoint Voi in order to move the project forward.

15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

## GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

**Officer Delegations: the Chief Executive:**

**Urgent Decision Making**

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:



- 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
- 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
- 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.

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LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT  
DECISIONS TAKEN BY THE  
CHIEF EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION  
– Part 3 Annex 2: Officer Delegations –  
Chief Executive



Reference No:

- 
- 1) SUBJECT: Additional Restrictions Grant - Discretionary Grants Policy
  - 2) REQUESTED DECISION: To approve the policy for administering ARG grants as set out in the attached Appendix, or such other amended form as may be agreed by the Chief Executive.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

The ARG scheme was recently introduced as part of the business support package for the second lockdown. Waiting until a scheduled committee would unreasonably delay administration of the grants to businesses in need.

- 4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

This is a funded scheme so there are no financial implications. The total fund allotted to the Council is £1,942,900.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

The suggested policy allows the fund to be spent over this financial year and the next. One option that some councils have chosen to adopt is to pass out the full allocation this year. The policy specifically holds back 50% of the fund until next year as it is felt that businesses will still be in need then. The intention is to bring a report to Committee for a decision as to how to administer this.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

9) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council ( <i>or Deputy Leader</i> )	Y	18/11/20
Chair of Committee (with the Authority to take the decision) ( <i>or Vice-Chair</i> )		
Lead Member	Y	18/11/20
Ward Member(s)		
Head of Service (name)	MT	18/11/20
Finance	Y	18/11/20
Legal	Y	18/11/20

10) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Chief Executive

11) APPROVED BY CHIEF EXECUTIVE: YES

12) DATE OF DECISION:

19<sup>th</sup> November 2020

13) CHIEF EXECUTIVE'S COMMENTS:

I agree with the policy intentions.

14) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

## GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

**Officer Delegations: the Chief Executive:**

**Urgent Decision Making**

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
  - 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
  - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
  - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.

# Agenda Item 12

When amending this document update Version control in footer and version control Appendix D. Ensure any changes area reflected in applicant guidance on web, application form, scoring matrix and scoring log

## Additional Restrictions Grant Policy

1. This support will take the form of a funding scheme in Financial Year 2020-2021 and can be used across Financial Years 20/21 and 21/22. The scheme is called the Additional Restrictions Grant (ARG)
2. The Local Authority can use this funding for business support activities. This will primarily take the form of discretionary grants, but will also be used for wider business support activities
3. Where the ARG is used for direct business support grants, the same conditions of grant apply as for the Local Restrictions Support Grant (Closed), however the Local Authority will have the discretion to alter the amount of funding offered to individual businesses and the frequency of payment.
4. National and local restrictions are legally binding restrictions imposed where the Secretary of State for Health and Social Care requires the closure of businesses under regulations made using powers in Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by coronavirus and commonly as part of a wider set of measures.
5. The Local Authority can determine how much funding to provide to businesses from the ARG funding provided, and exactly which businesses to target.
6. The Local Authority will develop a local discretionary scheme to help those businesses which – while not legally forced to close – are nonetheless severely impacted by the restrictions put in place to control the spread of Covid-19.
7. The Local Authority will develop a local discretionary scheme to help businesses outside the business rates system, which are effectively forced to close
8. The Local Authority will develop a local discretionary scheme to provide additional support to larger local businesses which are important to the local economy, on top of the funding provided to those businesses via the LRSR (Closed) scheme, with due reference to State Aid.
9. In taking decisions on the appropriate level of grant, the Local Authority will take into account the level of fixed costs faced by the business in question, whether they are unable to trade online and the consequent scale of coronavirus losses
10. The grant amounts given to individual businesses will be subject to state aid limits.
11. Businesses that have already received grant payments that equal the maximum levels of State aid permitted under the de minimis and the Covid-19 Temporary State Aid Framework will be excluded from the scheme
12. For the avoidance of doubt, businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme

Issue Status:	Issued/Updated - Issued	Issue Date:	18/11/2020
Issued By:	V Price	Authorised by (Signed):	
Policy ref number	ARG001	Next Review Date:	02/12/2020
Directory:	Support	Version	1

# Agenda Item 12

When amending this document update Version control in footer and version control Appendix D this document. Ensure any changes area reflected in applicant guidance on web, application form, scoring matrix and scoring log

13. Where a grant is issued, the business who, according to the billing authority's records, was the ratepayer in respect of the hereditament on the date LCAL 3 or national restrictions first came into force, is eligible for the grant. Where a Local Authority has reason to believe that the information that they hold about the ratepayer on the first full day of national or LCAL 3 restrictions is inaccurate they may withhold or recover the grant and take reasonable steps to identify the correct ratepayer. Local Authority should make clear to recipients that the grant is for the ratepayer and may be liable for recovery if the recipient was not the ratepayer on the eligible day. Some businesses outside the business rate system may also receive grants.
14. Businesses must have been trading on the day preceding the first full day of national or LCAL 3 restrictions to be eligible to receive a grant support
15. The business must confirm that by accepting the grant they are eligible for the terms of the scheme
16. Businesses will need to notify their Local Authority if they no longer meet the eligibility criteria for additional grants (for example, if they become insolvent)
17. Grant income received by a business is taxable. The Additional Restrictions Grant will need to be included as income in the tax return of the business. Only businesses which make an overall profit once grant income is included will be subject to tax
18. Any business caught falsifying their records to gain additional grant money will face prosecution and any funding issued will be recovered, as may any grants paid in error
19. The digital due diligence tool Spotlight will be used as part of the payment assurance process – to be confirmed by D Heyes
20. The National Fraud Initiative (NFI) tools will be used as part of the post payment assurance process completed by Exchequer
21. The Local Authority will follow BEIS guidance and conduct activity to provide assurance that the grants have been paid out in line with the eligibility and State aid conditions for these schemes
22. The general principle applies that Local Authority are responsible and accountable for the lawful use of funds under Section 151 of the Local Government Act 1972. The Section 151 Officer within the Local Authority is required to exercise their duties in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance, ensuring their oversight of the proper administration of financial affairs within the Local Authority, including these grants.

Issue Status:	Issued/Updated - Issued	Issue Date:	18/11/2020
Issued By:	V Price	Authorised by (Signed):	
Policy ref number	ARG001	Next Review Date:	02/12/2020
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23. The Local Authority must be satisfied that all State aid requirements have been fully complied with when making grant payments.
24. The Local Authority will develop pre and post-payment assurance plans for each grant scheme. There should be an eligibility check and a recipient check on all payments, whether pre- or post-payment. The plans should set out the actions and checks Local Authority will undertake to ascertain regularity of payments. They should cover the pre-payment checks for grants still to be paid, but also the post payment assurance checking regime that the Local Authority will introduce to identify irregular payments
25. The volume and depth of checks that the Local Authority undertakes as detailed in these plans should be proportionate to the grant value versus the cost of the check, and informed by a Fraud Risk Assessment of the likelihood of error and/or fraud in the payments they have made.
26. Fraud Risk Assessments should also be undertaken for each grant scheme and comprise part of the assurance plan using the risk assessment templates tailored to the relevant funds provided by BEIS
27. The Government Grants Management Function and Counter Fraud Function will be used to support the Local Authority to carry out post-event assurance work to identify high risk payments and to estimate and measure the likely incidence of fraud and error that has occurred in the scheme. This requires statistically significant sample testing of key residual risks to assess the level of fraud/error that has arisen from the residual aspect of identified fraud risks. Post-event assurance is therefore dependent upon a detailed fraud risk assessment being undertaken for the scheme. Guidance from BEIS will be used to support the development of Post Event Assurance Action Plans
28. Where checks discover that payments have been made in error or have been claimed as a result of fraud, any initial recovery action will be undertaken by the Local Authority
29. Monitoring and reporting information regarding the scheme will be provided to BEIS as required
30. If a Local Authority detects fraud (successful rather than attempted), or if they suspect fraud (attempted as well as actual) that is organised, large scale systematic, or which crosses Local Authority boundaries, they must report it in real time. We recommend a Local Authority report it simultaneously to the dedicated inboxes at the National Anti Fraud Network ([intel@nafn.gov.uk](mailto:intel@nafn.gov.uk)) and the National Investigation Service ([report@natis.pnn.police.uk](mailto:report@natis.pnn.police.uk)). Local Authority may be contacted for further information to assist with lines of enquiry being pursued
31. This monitoring and reporting is in addition to any relevant reporting requirements to the EU Commission under State aid rules
32. The scoring matrix takes the average monthly income prior to application period (based on previous three months bank statements), less the income during the application period, plus the average fixed property costs incurred during restrictions (taken from most recent bills), to calculate the total cost to the business of the restrictions period. The grant awarded will be the at the stage below the total loss during restrictions calculated by the scoring matrix
33. Budget codes will identify the payment tranche and restriction level

Issue Status:	Issued/Updated - Issued	Issue Date:	18/11/2020
Issued By:	V Price	Authorised by (Signed):	
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# Agenda Item 12

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34. BACS payment will be made weekly, on a Tuesday. Payments will reach the applicant's bank account on a Thursday. All paperwork to be with Exchequer by 2pm on Monday to enable them to go into the payment run on the Tuesday
35. Only evidence uploaded at the time of application will be considered. Incomplete or invalid evidence will not be included and may affect the amount of grant awarded. If the assessor cannot process the application because they do not have sufficient, valid evidence the application will be rejected and the applicant instructed to reapply with brief feedback on the reason for rejection
36. There is no appeals procedure and the Council's decision is final
37. 30% of costs for businesses who operate from a domestic premise rather than a business premise, will be used in the grant calculation. This reflects there is a domestic element in the costs provided
38. Applications for each grant tranche must be received within the application period. Applications received outside of the application period will not be processed and applicants will need to reapply in a subsequent tranche if there is one. – subject to confirmation by BEIS
39. The Local Authority has the discretion to pay grants to the same businesses or to different eligible businesses in subsequent qualifying periods.
40. In applying their discretion on the amounts of grant, types of support and the eligible businesses for each qualifying period the Local Authority will adapt their approach to local circumstances, such as providing support for micro-businesses with fixed costs or support for businesses that are crucial for their local economies. All businesses who receive support must have been affected by the pandemic. The wider business support will be subject to the Local Authorities procurement process
41. The eligibility criteria, application process, scheme paperwork, grant amount, type of support offered and application period for the scheme will be reviewed at the Local Authority's discretion, including when the area moves between different levels of restrictions. The Local Authority will decide which, if any criteria to change. Any changes will be documented within this policy.

## DISCRETION APPLIED AT NATIONAL LOCKDOWN LEVEL

42. If a business has a property with a rateable value of £51,000 or above, or received a £25,000 Discretionary Grant they can apply to this grant scheme every 28 days the national restrictions are in force. The same application process will be followed as for the 14-day applications but there will be an additional grant award level of £1500 per 14-day period. An eligible business can apply for this grant award, even if they have already received the LRSG (Closed) with Addendum
43. Second and subsequent applications will use a shorter application process. At the start of every three-month period (November – January, February – April etc) all applicants will need to complete the full application form and update the evidence provided. The full application form will also need to be done when there is a change to the restriction level

Issue Status:	Issued/Updated - Issued	Issue Date:	18/11/2020
Issued By:	V Price	Authorised by (Signed):	
Policy ref number	ARG001	Next Review Date:	02/12/2020
Directory:	Support	Version	1

# Agenda Item 12

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44. In order to apply a fair, transparent and quick process, applicants will not be asked to calculate any figures, instead they will be asked to upload copies of their most recent bank statements and fixed property costs bills. These will be input into the scoring matrix which uses formulae to convert the figures to a daily amount, thereby allowing a figure for both reduction in income and fixed property costs incurred for each application period to be calculated. The grant amount awarded will be the grant immediately below the figure calculated
45. The Local Authority has set the grant levels at £250, £450 and £667 each 14-day period of national lockdown
46. In addition to points 11 and 12, additional exclusions in force at the start of the scheme are businesses in the accommodation sector that advertise solely on Air BnB, businesses in the accommodation sector that are second homes that are also let to paying guests, Bed and Breakfast business with more than 6 letting rooms, businesses who were not open as usual and providing in-person services to customers up to 4th November 2020 and who did not intend to continue trading after 4th November 2020, businesses that have chosen to close but have not been required to as part of the national restrictions, businesses that are able to continue to trade as normal because they do not depend on providing direct in-person services from premises and can operate their services effectively remotely and businesses who were an undertaking in difficulty before 31<sup>st</sup> December 2019 and market traders where their home address or commercial premises address is not within the Local Authority's area. The location of the markets they attend will not be considered as part of this grant scheme
47. Once this policy has been approved, subsequent amendments can be done by way of delegated authority to Sean Kearney/Ken Miles?

DISCRETION APPLIED AT LCAL 3 - VERY HIGH - TIER 3

To be agreed

DISCRETION APPLIED AT LCAL2 – HIGH - TIER 2

To be agreed

DISCRETION APPLIED AT MEDIUM - TIER 1

To be agreed

DISCRETION APPLIED AT LOW

To be agreed

Issue Status:	Issued/Updated - Issued	Issue Date:	18/11/2020
Issued By:	V Price	Authorised by (Signed):	
Policy ref number	ARG001	Next Review Date:	02/12/2020
Directory:	Support	Version	1

When amending this document update Version control in footer and version control table within this document. Ensure any changes area reflected in applicant guidance on web, application form, scoring matrix and scoring log

### Policy Version Control

Scheme Code	Start date	Amended date	Changes made	Version
NATL101 - 02	05/11/2020	N/A	N/A	1

### Scheme Code and Dates

Scheme Code	Start date 00.01	end date midnight	Application period start	Application period end	Processing start	Processing end	Closed date - subject to BEIS confirmation
NATL101	05/11/2020	18/11/2020	19/11/2020	02/12/2020	19/11/2020	07/12/2020	31/01/2021
NATL102	19/11/2020	02/12/2020	03/12/2020	16/12/2020	03/12/2020	21/12/2020	31/01/2021
XXXXXXX	03/12/2020	16/12/2020	17/12/2020	30/12/2020	17/12/2020	04/01/2021	Combine into 1 period if ARG needed?
XXXXXXX	17/12/2020	30/12/2020	31/12/2020	13/01/2021	31/12/2020	18/01/2021	
XXXXXXX	31/12/2020	13/01/2021	14/01/2021	27/01/2021	14/01/2021	01/02/2021	

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