



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

K. Miles
Chief Executive.

To: All Members of the Council
and Chief Officers

NOTE: PLEASE NOTE THAT PRAYERS WILL BE SAID AT 6.20 P.M. PRIOR TO THE COUNCIL MEETING FOR ANY MEMBER WHO WISHES TO ATTEND

COUNCIL MEETING

YOU ARE HEREBY SUMMONED to attend a meeting of **NORTH DEVON COUNCIL** to be held in the Crematorium Meeting Room - North Devon Crematorium on **WEDNESDAY, 29TH SEPTEMBER, 2021 at 6.30 pm.**

(NOTE: The council is also ensuring that all venues used are Covid secure and that all appropriate measures are put in place. There are a limited number of spaces available for members of the public to attend. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting [Taking part in meetings \(northdevon.gov.uk\)](https://www.northdevon.gov.uk))

A handwritten signature in black ink, appearing to read 'K. Miles', written in a cursive style.

Chief Executive

AGENDA

1. Apologies for absence
2. To approve as correct records the minutes of the meetings held on 21 July and 26 July 2021 (attached) (Pages 13 - 22)
3. Chair's announcements
4. Business brought forward by or with the consent of the Chair
5. Replies to any questions submitted by the Public and/or to receive Petitions under Part 4, Council Procedures Rules, Paragraphs 8 and 9 of the Constitution

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

(a) To consider the following notice of motion from Councillor Walker

“This council will appoint suitable people to be able to enforce on the spot penalties for littering, including dog fouling. These people will be required to be trained to fulfil this role. They will be people who work in other roles in the North Devon Council or Parish and Town councils or other identified suitable organisations. This will support the incredible work currently done by our environment wardens.”

(b) To consider the following notice of motion from Councillor Patrinos

“The NDC planning department has recently been the subject of unjustified criticism and unsubstantiated allegations. Council wishes to express its support for the planning department as well as all the Council’s other officers in the way they carry out their duty in trying circumstances.”

(c) To consider the following notice of motion from Councillor Tucker

“I note that our M.P. and the Leader of the Council have praised in the press our housing team for doing a fantastic job under very demanding circumstances in helping local people get housed or remain in housing during the pandemic.

However, the current national planning policies are broken and the planning system is being dismantled step by step by a Government that instead relies on the economics of the market place and its distrust of public sector intervention.

This has resulted in the present inequitable and unbalanced housing market which relies on volume housebuilders' excessive and undeserved profit margins to drive housing supply which only benefit open market, second homes and airBnB and which leads to an increasingly unfair and unbalanced market. Affordable and social housing, however described, do not produce the inflated profit margins that underpin this broken system.

Furthermore, this private developers' market further benefits from the politically driven 5 Year Housing Supply contrivance that further skews the market to increase volume housebuilder assets with permission granted, more often than not on appeal, for housing on unplanned sites that are not plan-led, are unacceptable to local communities and do little to meet housing need.

This situation is causing great distress and action needs to be taken to rebalance the current state of affairs where many people are struggling to find suitable accommodation. The present situation is not because of a planning system which, contrary to the prevailing government view, works hard to allocate sufficient land for building but is due to landowners and developers' expectations of high profits whilst treating permissions as assets to be traded on the market rather than being built out and delivering housing, including affordable housing.

Even more ridiculous, developers are rewarded for their unwillingness to

implement their permissions as the Planning Inspectorate then penalise Council's (not the landowners or the developers) for not meeting their 'housing target' as the number of homes that have actually been built fall below the housing trajectory published in Councils' Local Plan. Witness the Torrington Appeal decision (Burwood Homes) which so soon after adoption of the North Devon and Torridge Local Plan determined that North Devon and Torridge Councils no longer had a 5 Year Housing Land Supply as insufficient permissions had actually been implemented. This is no surprise as it is in the interests of many developers not to build out too quickly and thereby restrict supply and enhance profits.

In this situation, developers, landowners, and interested parties are only building what financially benefits themselves. It is concerning that we hear of political donations from these organisations as there is a prejudicial interest involved.

This Council resolves to consider at the special October meeting on housing: -

- 1) Measures which can be put in place to ensure that new planning approvals include sufficient affordable and social housing to rebalance the market. These measures to include expediting a Supplementary Planning Document for North Devon and Torridge.
- 2) The idea that council tax should be levied on the plots that have been granted planning permission, whether built or not, to encourage implementation of permissions along with other measures that include shorter time limits for the submission of 'reserved matters' and agreed timetables for housing delivery to form a central part of any application and subsequent permission.
- 3) Lobbying government for grants for social housing which would greatly assist in our area.
- 4) Measures suggested by the Torridge and North Devon Crisis group in their manifesto for Local and Central Government.
- 5) After the housing meeting has taken place the Leader of the Council to write to the Government, Leaders of the Opposition Parties and the Local Government Association to inform them of what actions we would like to see take place.

Manifesto for Local Government

1. Introduce a licensing scheme for furnished holiday lets and allow regulation of the number of properties in any one area by the local authority.
2. Require change of use for any property being converted from a permanent residence to a holiday let.
3. Write to all holiday homeowners to inform them that if they use domestic rubbish collection, they will immediately be liable for Council Tax and that the local authority will inform HMRC that they are no longer a Furnished Holiday Let for tax purposes.
4. Increase Council Tax to 200% for second homes.
5. Implement a substantial percentage requirement for affordable rental housing for all new developments.
6. All new builds to be covenanted to make all future sales to be as primary residence in perpetuity.
7. Actively promote fund and encourage the setting up of Community Land Trusts to build local homes for local residents on long term tenancies at affordable social

- rent levels.
8. Build any social housing possible now using fastest construction methods possible including modular homes. Prioritise use of any council owned land to this purpose.
 9. Identify all empty properties and how long they have been empty. Requisition all those homes empty for longer than 12 months; offer requisitioned homes to homeless and those on priority waiting lists; empty properties are to be offered cheaper to tenants that can renovate homes themselves.
 10. Review all current housing regulations to look for powers the council have to maximise available homes for rent.

Manifesto for Central Government

1. Allow local authorities to borrow to build social housing without restriction and prioritise use of all local authority and Govt owned land for this purpose.
2. End "Right to buy", at least, until the housing crisis is solved and then ensure all receipts from any sales are spent on building social housing.
3. Remove the tax advantages currently given to Furnished Holiday Lets and treat all income on same basis as Assured Shorthold Tenancy Lets. Remove the 100% small business rates relief for holiday homes.
4. Properly regulate by law Furnished Holiday Lets to the same standards of safety and compliance as Assured Shorthold Tenancies.
5. Introduce a tax on properties left empty for longer than 18 months of 5% of property value per annum to make leaving properties empty economically unviable.
6. Introduce a tax on 2nd homes occupied for less than 90 days per annum of 3% of property value per annum to force owners to either rent out or sell.
7. Introduce a tax on property developer land banks, held without development, to encourage building not speculating.
8. Make "affordable housing" be calculated using local, not national salary levels. Double the required percentage level for these developments from 10% to 20% in housing shortage areas.
9. Reform tenancy laws to create a long-term rental model similar to that in Germany to allow tenants security of tenure and long-term landlords security of income.
10. Until the current housing crisis is solved, introduce a temporary ban on all new house sales to anyone who is not primarily resident or purchasing to let on assured shorthold tenancy in areas within x miles of coast or within National Park or AONB."

7. Declarations of Interest

(NB. Members only need to re-declare any interests previously declared at Committee and Sub-Committee meetings if the item is discussed at Council).

8. Chair's replies to any questions to Council by Members submitted under Part 4, Council Procedures Rules, Paragraph 10 of the Constitution
9. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART A

10. **North West Devon Police Commander Update**
Superintendent Toby Davies, LPA Commander North and West Devon to report.
11. **Report of the Leader of the Council** (Pages 23 - 26)
Report by Leader of the Council (attached).
12. **Questions by Members**
Questions to the Leader or the Chair of a Committee submitted under Part 4, Council Procedure Rules, paragraph 10.4 of the Constitution.
13. **Ilfracombe Harbour Cove Fendering and Fisherman's Stores Enhancements**
(Pages 27 - 32)
Report by Ilfracombe Harbour Master (attached).
14. **Statement of Accounts 2020/21**
 - (a) Report by Chief Financial Officer (attached) (Pages 33 - 132)
Chair of the Governance Committee to report the recommendations of the Governance Committee held on 27 September 2021 (to follow).
 - (b) Annual Governance Statement 2020/21 (attached) (Pages 133 - 174)
To consider the recommendations of the Governance Committee held on 27 September 2021 (to follow).
 - (c) Letter of Representation on behalf of the Council (attached) (Pages 175 - 178)
It is RECOMMENDED "that the letter of representation on behalf of the Council be approved and signed by the Chief Financial Officer". To consider the recommendation of the Governance Committee held on 27 September 2021 (to follow).
15. **Performance and Financial Management Quarter 1 2021/22** (Pages 179 - 206)
(NOTE: A copy of the report that was considered by the Strategy and Resources Committee on 6 September 2021 is attached).
 - (a) Report of the Policy Development Committee (Pages 207 - 208)
To receive the report of the Policy Development Committee held on 9 September 2021 (attached).
 - (b) Report of meeting of the Strategy and Resources Committee (Pages 209 - 210)

To receive the report of the meeting of the Strategy and Resources Committee held on 6 September 2021 (attached).

16. **Update to Constitution** (Pages 211 - 370)
Report by Solicitor and Data Protection Officer (attached)
17. **Report of Lead Member for Climate Change** (Pages 371 - 372)
Report by Lead Member for Climate Change (attached)
18. **Appointment to the Independent Remuneration Panel** (Pages 373 - 374)
Joint report by Senior Solicitor/Monitoring Officer and Senior Corporate and Community Services Officer (attached).
19. **Report of Chair of Governance Committee** (Pages 375 - 382)
Report by Chair of Governance Committee (attached).
20. **Minutes of Committees**
Council is recommended to note the schedule of Committee minutes and approve recommendations as listed below:
 - (a) **Building Control Joint Committee** (Pages 383 - 388)
 - (i) 8 July 2021
 - (b) **Governance Committee**
 - (i) 27 September 2021 (to follow)
 - (c) **Harbour Board** (Pages 389 - 394)
 - (i) 10 August 2021
 - (d) **Licensing and Community Safety Committee** (Pages 395 - 400)
 - (i) 10 August 2021
 - (e) **Planning Committee** (Pages 401 - 414)
 - (i) 11 August 2021
 - (ii) 1 September 2021
 - (iii) 8 September 2021
 - (f) **Policy Development Committee** (Pages 415 - 424)
 - (i) 9 September 2021
 - (g) **Strategy and Resources Committee** (Pages 425 - 440)

- (i) 2 August 2021
- (ii) 6 September 2021

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

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

21.09.21

GUIDANCE NOTES FOR RULES OF DEBATE AT MEETINGS OF COUNCIL

Part 4, Council Procedure Rules of the Constitution

The basics

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

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

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

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

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

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

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

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

The rules of Question Time

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



North Devon Council protocol on recording/filming at Council meetings

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

The rules that the Council will apply are:

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

Notes for guidance:

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

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