

NORTH DEVON COUNCIL

Minutes of a meeting of NORTH DEVON COUNCIL held at Crematorium Meeting Room - North Devon Crematorium on Wednesday, 12th January, 2022 at 6.30 pm

PRESENT: Members:

Councillor Hunt (Chair)

Councillors Biederman, Bushell, Cann, Chesters, Crabb, Davis, Davies, Fowler, Gubb, Henderson, Jenkins, Knight, Lane, Leaver, Ley, Lofthouse, Lovering, Luggar, Mack, Mackie, Orange, Patrinos, Pearson, Prowse, Roome, Saxby, D. Spear, L. Spear, Topham, Tucker, Walker, Wilkinson, Worden, Yabsley and York

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Senior Solicitor and Monitoring Officer, Service Manager (Development Management), CCTV, Town Centre and Pannier Market Manager and Sustainability and Climate Officer

80. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barker, Bulled, Campbell, Phillips and Topps.

81. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 24 NOVEMBER 2021 (ATTACHED)

RESOLVED that the minutes of the meeting held on 24 November 2021 (circulated previously) be approved as a correct record and signed by the Chair.

82. CHAIR'S ANNOUNCEMENTS

(a) Chairs Civic Service – 27 February 2022

The Chair advised Council that, Covid permitting, the Chairs Civic Service would be held on Sunday 27 February 2022 and that further details regarding the arrangements would be circulated in due course.

(b) South Molton Pannier Market

The Chair congratulated South Molton Pannier Market on being voted as one of the top 10 markets in Britain in the Great British Markets Awards.

83. BUSINESS BROUGHT FORWARD BY OR WITH THE CONSENT

OF THE CHAIR

There were no items of business brought forward by or with the consent of the Chair.

84. 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

There were no questions submitted by the Public, or Petitions received under Part 4, Council Procedure Rules, Paragraphs 8 and 9 of the Constitution.

85. TO CONSIDER MOTIONS OF WHICH NOTICE HAS BEEN SUBMITTED BY MEMBERS IN ACCORDANCE WITH PART 4, COUNCIL PROCEDURE RULES, PARAGRAPH 11 OF THE CONSTITUTION

There were no motions of which noticed had been submitted by Members in accordance with Part 4, Council Procedure Rules, paragraph 11 of the Constitution.

86. DECLARATIONS OF INTEREST

The following declarations of interest were announced:

Councillor Davis – Item 12: personal interest as the Devon County Council Cabinet Member for Climate Change, Environment and Transport

Councillor Cann – Item 14: personal interest as a user of the Pannier Market

Councillor Hunt – item 14: personal interest as a member of Barnstaple Town Council

Councillor Lovering - item 14: personal interest as a member of Barnstaple Town Council

Councillor Mack - item 14: personal interest as a member of Barnstaple Town Council

Councillor Orange - item 14: personal interest as a member of Barnstaple Town Council

Councillor Roome - item 14: personal interest as a member of Barnstaple Town Council

Councillor York - item 14: personal interest as a member of Barnstaple Town Council

87. CHAIR'S REPLIES TO ANY QUESTIONS TO COUNCIL BY MEMBERS SUBMITTED UNDER PART 4, COUNCIL

PROCEDURES RULES, PARAGRAPH 10 OF THE CONSTITUTION

There were no questions received by Members submitted under Part 4, Council Procedure Rules, Paragraph 10 of the Constitution.

88. REPORT OF THE LEADER OF THE COUNCIL

Council considered and noted a report by the Leader of the Council (circulated previously) regarding work that had been undertaken since the last Council meeting.

The Leader reported that he was disappointed that over half of Members of the Council did not attend the strategic prioritisation workshop prior to Christmas and a copy of the recording had now been circulated to all Members.

89. QUESTIONS BY MEMBERS

The following questions were submitted in advance of the meeting and responses provided by the Leader were circulated separately:

- (a) Question for the Leader from Councillor Walker “With the growing concern about the rising costs of fuel for households, as a council can we highlight energy savings advice and where grants may be available for the improvement of energy efficiency to homes. Along with this could councillors highlight any such schemes they find to our comms team to be able to be shared on our media platforms.” Councillor Worden, Leader’s response “I am pleased to advise you that your Council will be taking immediate action to reduce the number of households who are living in fuel poverty. We know many people have already faced steep rises in their energy bills following the surge in the global energy market. We know also there is a looming energy price hike in April, when the regulator Ofgem declares the new price setting formula. This month the Council will launch a new web page for homeowners, tenants and landlords. The web page will be dedicated to supporting an increase in energy efficiency, reducing fuel poverty and increasing the take-up of renewables. We will use the ‘hook’ of the recent LAD3 funding award and approval of service plan actions related to energy efficiency to promote this new online service through a press release, social media and direct media bulletins. In the medium term, our web page will show short video clips, with local residents talking about the benefits of the services they have reviewed. This will promote customer confidence and encourage take-up. The scope and potential for positive impact of our ‘community offer’ is significant but the local landscape is complex:

ECO.

ECO Flex.

BCF Warm Up Grants.

Green Homes’ Grants (LAD 2).

Sustainable Warmth Grants (LAD 3).

Energy Redress Scheme.
Bespoke home energy advice service for DFG and Homeless Applicants.
Regulation of MEES.

We will take every opportunity to encourage grant take-up by providing comprehensive, clear and straightforward advice and by commissioning trusted assessors. We will also improve standards in the PRS by regulating in a way that is sensitive to the current market conditions. Where we can, we will further build our ‘community offer’, e.g. in the implementation of ECO 4 from March 2022. This programme of work is a priority for action for the Council.”

90. DEVON CARBON PLAN

Council considered a report by the Sustainability and Climate Officer (circulated previously) regarding the Devon Carbon Plan.

It was moved by Councillor York and seconded by Councillor Lofthouse that the recommendations in the report be adopted.

RESOLVED:

- (a) That the results of the Citizens’ Assembly be noted.
- (b) That Councillor Lofthouse’s comments be noted as detailed in Appendix A of the report;
- (c) That the proposed actions in Appendix A of the report be agreed.

91. MAKING OF THE GEORGEHAM NEIGHBOURHOOD PLAN

Council considered a report by the Senior Planning Policy Officer (circulated previously) regarding the making of the Georgeham Neighbourhood Plan.

In response to a question, the Service Manager advised that the Georgeham Neighbourhood Plan would be monitored as part of the Joint Local Plan annual monitoring report.

It was moved by Councillor Prowse and seconded by Councillor D. Spear that the recommendations in the report be adopted.

RESOLVED:

- (a) that the referendum results of 24th November 2021, where 90.36% of those who voted were in favour of the Georgeham Neighbourhood Plan be noted;
- (b) that the Council formally “make” the Georgeham Neighbourhood Plan that was subject to referendum on 24th November 2021 as part of the statutory development plan for North Devon District Council;

- (c) that the publication and circulation of the Decision Statement (draft attached at appendix 2 of the report) be delegated to the Head of Place, Property and Regeneration.

92. BARNSTAPLE PANNIER MARKET PUBLIC SPACE PROTECTION ORDER

Council considered a report by the Town Centre, CCTV and Pannier Market Manager (circulated previously) regarding the Pannier Market Public Spaces Protection Order.

In response to a question in reference to a recent circular that indicated that the closing of a public highway was unlawful, the Chief Executive and Senior Solicitor advised that the Public Spaces Protection Order gave the Council legal authority to close the road to make the market secure. Prior to a Public Spaces Protection Order being put in place, challenges had been made to the Council on the closure of the highway.

In response to a question, the Town Centre, CCTV and Pannier Market Manager advised that alternative options were being explored to subdivide the pannier market as part of the Future High Street Fund project as detailed in paragraph 4.17 of the report.

It was moved by Councillor Biederman and seconded by Councillor Roome that the recommendations in the report be adopted.

RESOLVED that North Devon Council makes a further Public Spaces Protection Order for a period of 3 years in relation to the Pannier Market, Barnstaple, as per the Order attached at Appendix A of the report.

93. COUNCIL TAX BASE 2022/23

Council considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the determination of the Council Tax Base for 2022/23.

In response to questions, the Director of Resources and Deputy Chief Executive advised that the Council Tax base set the number of properties to enable the required level of Council Tax to be calculated for that year and that the formal setting of the Council Tax would be determined as part of the budget setting at the meeting of Council in February 2022. Owners of holiday lets that paid business rates had to let their properties for a specific number of days per year and apply to the Valuation Office in relation to their business rates. There had not been a significant increase in the number of properties that had moved from paying Council Tax to Business Rates, however he would confirm the number and make this information available to Members.

It was moved by Councillor Roome and seconded by Councillor Worden that the recommendations in the report be adopted.

RESOLVED:

- (a) That the calculation of the Council Tax Base for 2022/23 be approved;
- (b) That pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by North Devon District Council as its schedule for 2022/23 shall be as shown on the schedule attached to the report.

94. VIRTUAL MEETINGS

Council considered a joint report by the Chief Executive and Leader (circulated previously) regarding Virtual meetings.

Councillor Worden, Leader introduced the report to Council.

The Chief Executive gave a presentation to Council and outlined the following (circulated separately):

- The history and current position
- Experience of virtual meetings
- Possible solution for holding meetings virtually
- Advantages of holding meetings virtually
- Potential risks and issues associated with holding meetings virtually
- Additional recommendation to Council in relation to granting a dispensation to all Councillors under Section 85 of the Local Government Act 1972.

Council then debated the proposal and asked questions to the Chief Executive.

It was moved by Councillor Bushell and seconded by Councillor Luggar “that the proposal put forward for virtual meetings be refused and that the Governance Committee be requested to look at different models”.

In response to questions raised by Members about the suggested model and about other models, the Chief Executive advised the following:

- Councillors attending formal meetings virtually would not be able to cast a vote and that only Councillors meeting in person would be able to vote.
- An option could be for a quorum of Councillors to meet in person with others joining the meeting virtually.
- This report had been presented to Council in response to requests from Councillors to hold meetings virtually and that other Councils were currently operating virtual meetings on this basis. The suggestion by one councillor that this was a “power grab” by officers was totally refuted.
- Officers were used to the committee system and it was part of their role to present reports to Committees for decisions to be taken.

- The suggestion by one councillor that the proposal being put forward was intended to make it easier for officers was totally incorrect. The suggested process would in fact involve additional administration.
- Virtual meetings allowed for a greater involvement and attendance of the press and Councillors.
- The decision making powers would be given to officers to take decisions. There was a potential risk that officer decisions taken could be different to the recommendation of the consultative committee however this could be mitigated by officers taking the decisions immediately following a consultative committee meeting taking place. If the officer was proposing to take a different decision, this could be resolved in a number of ways with one suggestion being that a meeting would be held with the Group Leaders prior to the decision being taken. In practice this would be a rare occurrence.
- If the officer decision had to be presented back to a committee prior to the decision being implemented it would defeat the object of not holding meetings in person.
- Adoption of the recommendations would not prevent Committee meetings being held in person.
- The vast majority of decisions were already delegated to officers to take. The same rules applied to officers taking decisions in that if they had a declaration of interest they would not take the decision.

An amendment was proposed by Councillor Worden and seconded by Councillor Prowse “that the whole issue be referred to the Governance Committee so that all options could be considered”.

The amendment was put to the vote and carried, which then became the substantive motion.

RESOLVED that the whole issue be referred to the Governance Committee so that all options could be considered.

95. PROPOSED COMMITTEE TIMETABLE FOR 2022/23

Council considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding the proposed committee timetable for 2022/2023.

It was requested that Councillors be consulted prior to the timetable for 2023/24 being set regarding the timings of future Planning Committee meetings and that meeting dates be sent to Councillors via appointments for inclusion in their Outlook calendars.

It was moved by Councillor Roome and seconded by Councillor Patrinos that the recommendation in the report be adopted.

RESOLVED that the timetable of Council and Committee meetings for 2022/2023 as detailed in Appendix A of the report be adopted.

96. INDEPENDENT REMUNERATION PANEL APPOINTMENTS

Council considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding appointments to the Independent Remuneration Panel.

It was moved by Councillor Worden and seconded by Councillor Lane that the recommendation in the report be adopted.

RESOLVED that Jeremy Filmer-Bennett and Bryony Houlden, Chief Executive of South West Employers be appointed to the Independent Remuneration Panel for a further four year period.

97. CORPORATE PEER CHALLENGE

Council considered a report by the Chief Executive (circulated previously) regarding the Corporate Peer Challenge.

It was moved by Councillor Prowse and seconded by Councillor Roome that the recommendation in the report be adopted.

In response to questions, the Chief Executive reported that the outcomes of the Peer Challenge was positive for the Council and would assist the Council in promoting the work of the Council both locally and nationally. This would also assist with the recruitment of officers. The Council had also started putting officers forward for national awards.

RESOLVED that the two Corporate Peer Challenge reports be noted and that officers be instructed to publish the same.

98. MINUTES OF COMMITTEES

(a) **Harbour Board**

RESOLVED that the following minutes of the Harbour Board (circulated previously) be noted and adopted as follows:

(i) 16 November 2021

(b) **Licensing and Community Safety Committee**

RESOLVED that the following minutes of the Licensing and Community Safety Committee (circulated previously) be noted and adopted as follows:

(i) 14 December 2021

(c) **Planning Committee**

RESOLVED that the following minutes of the Planning Committee (circulated previously) be noted and adopted as

follows:

(i) 10 November 2021

(ii) 8 December 2021

(d) **Policy Development Committee**

RESOLVED that the following minutes of the Policy Development Committee (circulated previously) be noted and adopted as follows:

(i) 9 December 2021

(e) **Strategy and Resources Committee**

RESOLVED that the following minutes of the Strategy and Resources Committee (circulated previously) be noted and adopted as follows:

(i) 6 December 2021

(A) Minute 87 (e): Approval and Release of Section 106 Open Space Funds – Filleigh, Newton Tracey and Witheridge

Chair

The meeting ended at 8.38 pm

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