

**NORTH DEVON COUNCIL**

Minutes of a meeting of Council held at Crematorium Meeting Room - North Devon Crematorium on Wednesday, 23rd November, 2022 at 6.30 pm

PRESENT: Members:

Councillor Tucker (Chair)

Councillors Barker, Biederman, Bulled, Bushell, Campbell, Cann, Crabb, Davies, Fowler, Henderson, Jenkins, Knight, Lane, Leaver, Ley, Lovering, Mack, Mackie, Patrinos, Pearson, Phillips, Prowse, Roome, D. Spear, L. Spear, Turton, Walker, Wilkinson, Worden, Yabsley and York

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Senior Solicitor and Monitoring Officer, Community Protection Officer, Service Manager (Refuse and Recycling), Senior Economic Development Officer, Head of Environmental Enhancement and Head of Place, Property and Regeneration

**48. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chesters, Davis, Gubb, Hunt, Lofthouse, Orange, Saxby, Topham and Topps.

The Senior Corporate and Community Services Officer advised that Councillors Phillips and Yabsley would be arriving late.

**49. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 28 SEPTEMBER 2022 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 28 September 2022 (circulated previously) be approved as a correct record and signed by the Chair.

**50. CHAIR'S ANNOUNCEMENTS**

The Chair advised that the informal Planning Committee site inspections which were due to take place on Friday 25 November 2022 had been cancelled due to the lack of confirmation of attendance from Members of the Planning Committee.

**51. BUSINESS BROUGHT FORWARD BY OR WITH THE CONSENT OF THE CHAIR**

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

**52. 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 and/or petitions under Part 4, Council Procedure Rules, Paragraphs 8 and 9 of the Constitution.

**53. 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 receive the following notice of motion from Councillor Patrinos**

Councillor Patrinos presented his notice of motion to Council.

It was moved by Councillor Patrinos and seconded by Councillor Biederman “that the notice of motion be adopted subject to the inclusion of “National Leaders for the Labour, Liberal Democrat and Green Parties””.

RESOLVED that the Council write to HM Government, Leaders for the Labour, Liberal Democrat and Green Parties calling for a change in our outdated electoral laws to enable Proportional Representation to be used for general elections.

**(b) To receive the following notice of motion from Councillor Lofthouse**

It was moved by Councillor Walker and seconded by Councillor Wilkinson “that the notice of motion be adopted.”

RESOLVED that Council:

- (a) Ask our M.P. to support the passage into law of this Bill;
- (b) Write to the Minister of State for Business Energy and Industrial Strategy, supporting the aims of the Bill and asking for these aims to be taken into account in the forthcoming Energy White Paper.”

**54. DECLARATIONS OF INTEREST**

The following declarations of interest were announced:

Councillor Crabb – Item 16: Disclosable pecuniary interest as his company Crabb Contractors Ltd operated the land train and was a sub-contractor to North Devon Council.

Councillor Fowler – Item 16: Other registerable interest as an Ilfracombe Town Councillor.

Councillor Pearson – Item 16: Other registerable interest as an Ilfracombe Town Councillor.

Councillor Turton – Item 16: Other registerable interest as an Ilfracombe Town Councillor.

**55. 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.

**56. POLICING UPDATE**

Council received an update from Superintendent Toby Davies, Local Policing Commander for North and West Devon. He provided an update on the policing response further to the two sexual assaults which had taken place in the Gorwell/Bear Street areas of Barnstaple on 25 September and 2 October 2022. There had been a slight increase in the levels of crime over the past 12 months. In Barnstaple there had been an increase in 30% over the past 2-3 months. In Braunton and South Molton areas, there had been a 20% decrease over the past 2-3 months. However, the force remained one of the highest in the region in terms of outcomes and solving more crimes. The level of hate crime had increased significantly over the past 6-7 months due to the good level of reporting. The force was working with partners in relation to zero tolerance to hate crime and there was currently more police present mainly in the Barnstaple town centre area. Funding had been secured through the Office of the Police and Crime Commissioner over the next 18 months in relation to safer streets and the first meeting of the Safer Streets Partnership was due to take place on 24 November 2022. Tim Birtwisle was the lead officer. The partnership would be considering improvements being made to lighting, designing out, provision of CCTV and extension of the street marshall scheme. It would also include ringfencing and prioritising policing, provision of support case works, youth intervention work with schools and the provision of a community hub space in the town centre where partners and the police could meet. He urged people to have a positive image of the Barnstaple town centre as the crime increase was relative to North Devon and it still remained one of the safest places. He also provided an update on the force engaging with the His Majesty's Inspectorate in relation to being placed in special measures in relation to call handling and on the staffing levels.

There then followed a question and answer session.

Councillor Bushell requested that his contact details be passed to Superintendent Davies.

**57. 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.

Councillor Worden provided updates on:

- The multi-agency work that was being carried out to support asylum seekers and thanked everyone involved in putting support in place.
- That a bid had been submitted to the Cultural Development Fund at the end of last week in relation to Bridge Buildings.
- The planting of 20,000 trees at the Yeo Valley Community woodlands would commence on 4 December 2022 from 11.00 am onwards and everyone was welcome to attend.

**58. 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 Ley “Out of common courtesy, I request to be informed of the outcome of an issue which arose in April 2020 when I received a complaint, made by a Council employee, alleging a serious breach of the members code of conduct. This was referred to a firm of external specialist solicitors, who conducted their investigation in October 2020, subsequently issuing a draft report in early May 2021, which concluded that there had been no breach of the members code of conduct. Thinking this was the end of the matter, the complainant then came back with a further 20 questions which I was requested to respond to. Since doing so on 31-5-21, I have been kept completely in the dark, why?” Councillor Worden, Leader’s response “This Code of Conduct investigation was carried out by an independent third party firm of solicitors and co-ordinated by the previous Monitoring Officer. On review of the file associated with this investigation it has been discovered that Councillor Ley is indeed correct that the report concluding the investigation was not sent to him, or notification of the outcome provided, as it ought to have been. From a review of the file it is apparent that this was an omission and one which the current Monitoring Officer is happy to rectify and, indeed, has done and Cllr Ley is now in receipt of the final report. The Monitoring Officer is content to discuss the conclusions of the report with Councillor Ley and address any questions he may have although, since this is a confidential report, it is better that this is done outside of a public meeting.” In response to a supplementary question from Councillor Ley in relation to the cost and who had paid, the Director of Resources advised Councillor Ley to speak with the Monitoring Officer.
- (b) Question for the Leader from Councillor Pearson “We live in a beautiful environment but it is blighted in places by fly-tipping and littering. I and others have asked that we deploy a mobile camera in known hot-spots in order to support and improve enforcement. There have also been requests for in-vehicle cameras to provide evidence to support enforcement actions. I would like to know why these requests have not been fulfilled and whether it is in fact policy not to support enforcement with the available technology.” Councillor Worden, Leader’s response “Councillor Pearson is correct that we do live in a beautiful environment that needs to be protected. As Councillor Pearson knows, the Council does take fly-tipping very seriously and is active in investigating and prosecuting those people that commit those offences. The last successful prosecution was only a few weeks ago resulting in a total

liability on the offender of just short of £1000. In investigating those crimes, the Council uses a range of investigative techniques and has considered the use of CCTV and mobile cameras. The use of surveillance techniques is heavily regulated especially if the surveillance through a mobile camera is covert in nature. There are also data protection issues to consider before employing such devices. The council is currently evaluating particular cameras and ascertaining how they may be deployed within the strict legislative framework that exists. The council has also received grant funding as part of the Safer Streets project for a mobile camera which will be available to be used within the scope of the project. That may cover flytipping offences within the geographical area of the project as long as the use comes within the scope of the project and the current authorisations issued for the CCTV system. The procurement of that camera is underway at present.” In response to a supplementary question from Councillor Pearson regarding whether the mobile camera would be deployable to other areas outside of Barnstaple at the end of the Safer Street Initiative, the Chief Executive advised that he would check if this was possible and inform Councillor Pearson. He advised that the target location for the camera was predominately Barnstaple.

**59. BUDGET 2023-24 AND MEDIUM TERM FINANCIAL STRATEGY REFRESH**

Council considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Budget 2023-24 and Medium Term Financial Strategy Refresh.

The Director of Resources and Deputy Chief Executive outlined the report to Council.

Councillor Lovering left the meeting.

The Director of Resources and Deputy Chief Executive advised that recommendation 2.4 should be amended to read “That the delegated power be given to the Chief Executive, in consultation with the Leader, to agree the terms of the transfers of public conveniences to the relevant parish/town councils **and other organisations**, and where agreement cannot be reached prior to April 2023, the closure of the facility will be explored but with a further report to come back to Strategy and Resources.”

It was moved by Councillor Worden and seconded by Councillor Leaver “that the recommendations in the report (as amended) be adopted.”

In response to questions, the Director of Resources and Deputy Chief Executive advised the following:

- The Member Working Group had reviewed car parking charges set by neighbouring Councils, a number of which set different level of charges for town and coastal areas. Some other Councils had set its fees a lot higher than was proposed in this report. The all day fee of £15 was reflective of the

number of hours i.e. 10 hours when the car park was open. The reflective time was in line with fees set by other neighbouring Councils. The fees set for private car parks were unknown.

- A number of other Councils had introduced charges for motorhome parking in some of their car parks. If Council approved the fee for motorhomes, then a policy would be presented to a future meeting of the Strategy and Resources Committee which would also include that motorhomes must be self-contained and have their own toilet facilities. The proposed new charge would also be included within the off street parking charges consultation and local businesses would be consulted as part of this process.
- Council had previously approved capital allocation for the procurement of houses for temporary accommodation a few years ago. These properties were being utilised, however, the demand had increased and a number of households were still being placed in bed and breakfast accommodation. Therefore, there was now a need to consider procuring additional properties for temporary accommodation which was a more cost effective model.
- The Performance and Financial Management Quarter 2 report 2022/23 included a project within the capital programme for the harbour infrastructure at Ilfracombe. This project also included the resurfacing of Marine Drive.
- The comments made regarding the non collection of green waste for a period of time was accepted, however side waste was collected at the next collection.
- The proposed changes to car park charges had been recommended by the Member Working Group.
- £140,000 had been included within the budget figures for public conveniences representing a potential part-year saving, however the annual costs were around £300,000 of this income stream within the budget. The Council's net budget was £13m. Business rates on public conveniences were no longer payable. In terms of business rates, the Council billed approximately £40m and received approximately £3m. Business rates were paid on car parks and associated premises.
- The car parks located in Lynton and Lynmouth were run by the Lynton and Lynmouth Agency under a separate agreement. The charges for these car parks would be included as part of the Off Street Parking Order which would be presented to the Strategy and Resources Committee on 5 December 2022.
- Updated assumptions on potential future levels of Government funding as detailed in paragraph 5.4 of the report including growth in sale of recycling materials income and £528,000 retained Government funding based on the assumptions that the Fair Funding Review had been postponed and a cash freeze in funding level.
- Although borrowing costs for the procurement of additional properties for temporary accommodation would increase, the revenue costs would decrease and achieve overall net savings.
- In relation to green waste, the number of customers currently was approximately 18,500. The budget for 2022/23 had assumed an increase to 19,000 however the number had stayed at 18,500. Some customers had been lost, however the number of properties had increased. The assumption had been made that the number of customers would remain around 18,500. The

service had been cross subsidised over a number of years and Council Tax payers had been paying for this service.

- Council was being requested to take some decisions in relation to the budget at an earlier stage as it was good financial planning. It was important that Council took decisions earlier to manage the budget gap. Other Local Authorities had already taken decisions in relation to its budget setting. As Section 151 officer, by taking some decisions earlier it would provide reassurance that a balanced and robust budget would be presented to Council as part of its budget setting.
- The Council had protected local businesses and the High Street by not increasing car park fees in the last 7 years. By not increasing the fees, the Council had absorbed the additional costs of around £1.2m in this period. The proposed long stay car park charges were significantly lower than neighbouring Local Authorities. The introduction of car park fees in the evenings could be explored, however there would be additional associated costs such as enforcement.
- The procurement of properties to provide temporary accommodation was a better outcome in terms of housing and the wellbeing of clients requiring temporary accommodation.
- The resurfacing of all car parks including Bickington car park were assessed by the Property Team and if works were required to a car park it would be put forward as a capital bid on planned maintenance.
- The Council received approximately £700,000 income for garden waste collections. The team was currently exploring options for the Process Hall and the processing of recycling material in the future.

In response to a question from Councillor Bushell regarding the submission of a notice of motion to a future Council meeting requesting Government to remove business rates from Local Authorities, the Chief Executive advised that if a motion was considered and approved by a future Council that it was unlikely that the Government would take a decision in time for the Council to bridge its budget gap.

Councillors Roome and York declared other registerable interests in public conveniences as Members of Barnstaple Town Council.

An amendment was proposed by Councillor Biederman, which was not seconded “that consideration of the report be deferred for one cycle and considered at the next meeting of Council in January 2023 to enable further consideration to be given to the concerns that had been raised by Councillors.”

A further amendment was proposed by Councillor Crabb and seconded by Councillor Barker “that the recommendations be adopted subject to recommendation 2.2 being amended and that the level of charges for short stay off street car parks be set at £1.40 per hour and the all day charges be set at £14 and that there be no change to other car park charges and long stay car parks”.

Councillor Crabb and Councillor Barker amended the amendment to “also include the implementation of 50p charges for ½ hour stays across all car parks”. Following further consideration and advice provided by the Chief Executive and Director of

Resources that the implementation of the 50p charge across all car parks had not been costed and the financial impact to the Council was unknown, this amendment was removed from the amendment.

The amendment was put to the vote and was lost.

The motion was put to the vote and was carried. Councillor Biederman requested it be recorded in the minutes that he voted against the motion.

RESOLVED that:

- (a) The report outlining the budgetary pressures being faced by the Council for the 2023-24 Revenue Budget and the impact this has on the future year ongoing Revenue Budget be noted;
- (b) An increase in the level of charges across off-street car parks with effect from 15 March 2023 as detailed in sections 4.17 to 4.24 and Appendices A and B be approved;
- (c) An increase in the level of charges for Garden Waste services with effect from 1 April 2023 as detailed in sections 4.25 to 4.28 be approved;
- (d) Delegated power be given to the Chief Executive, in consultation with the Leader, to agree the terms of the transfers of public conveniences to the relevant parish/town councils and other organisations, and where agreement cannot be reached prior to April 2023, the closure of the facility will be explored but with a further report to come back to Strategy and Resources.
- (e) The options put forwards following the Cross Party Budget Workshop be approved and the refreshed Medium Term Financial Strategy 2022-2028 as set out in the report and within Appendix D as part of the Budget Policy Framework be adopted.

## **60. MATERIAL RECOVERY FACILITY IMPROVEMENTS**

Council considered a report by the Head of Environmental Enhancement (circulated previously) regarding Material Recovery Facility Improvements.

Councillor Walker left the meeting.

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

In response to questions, the Head of Environmental Enhancement advised the following:

- The proposed baler system was adaptable and would enable other materials to be collected and recycled such as tetra packs. It would also provide future proofing for the recycling service. The baler also separated and sorted different materials into different bales. This would reduce the future level of staffing required in the yard.
- Kerbside sorting of recyclable materials would continue to take place. Defra's advice was that kerbside sorting of recyclable materials was still the most effective way of sorting and to obtain greater recycling rates.

- The Council collected materials that were a statutory requirement. Discussions were still taking place regarding future collection streams.
- Opportunities for external funding would continue to be explored.

In response to questions, the Director of Resources and Deputy Chief Executive advised the following:

- The Council only borrowed at the time the amount was required externally from PWLB. It was forecast that the borrowing rates would come down over the medium term which is when it was anticipated that the majority of the borrowing would be required for this project.
- The external borrowing would be over a 40 year period.
- There was a separate annual revenue maintenance budget.

In response to a question, the Chief Executive advised the following:

- In relation to paragraph 4.6 of the report, no formal response had been received from Torridge District Council. If Torridge District Council responded to advise that they would be in agreement to share material recycling facility then this would be explored as it was a good way forward and a separate report would be presented to Council. The Council would continue to seek a response from Torridge District Council.

RESOLVED that:

- (a) The proposed programme of works outlined in this report be approved;
- (b) The Capital Programme be varied by £2,659,000 for the remedial and improvement works at Brynsworthy Environment Centre;
- (c) Subject to (b); that funds of £2,659,000 be released for the remedial and improvement works will come back to Members for decision through the quarterly Performance and Financial Management reports once costings around the baler and a project plan outlining overall delivery timeline have been confirmed.

**61. RURAL ENGLAND PROSPERITY FUND**

Council considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Rural England Prosperity Fund.

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

RESOLVED that the two proposed schemes for the Rural England Prosperity Fund and the interventions proposed be approved.

**62. OPTIONS FOR THE ILFRACOMBE DOTTO LAND TRAIN**

Councillor Crabb declared a disclosable pecuniary interest and left the meeting.

Council considered a report by the Head of Place Property and Regeneration (circulated previously) regarding options for the Ilfracombe Dotto Land Train.

Councillor Pearson declared an other registerable interest and left the meeting.

It was moved by Councillor Worden and seconded by Councillor Bushell “that the recommendations in the report be adopted subject to the option in recommendation 2.1 being to offer to gift the Dotto Land Train asset to Ilfracombe Town Council”.

RESOLVED that:

- (a) The Council offer to gift the Dotto Land Train asset to Ilfracombe Town Council;
- (b) The agreement to rent the existing storage facility and agreement to the current route be confirmed with Ilfracombe Town Council.

**63. CONTINUATION OF MEETING**

RESOLVED that it being 9.30 pm the meeting continue in order for the remaining business to be transacted.

**64. MID YEAR TREASURY MANAGEMENT REPORT 2022-23**

Council considered the Mid Year Treasury Management report 2022-23 to the Strategy and Resources Committee on 7 November 2022 (circulated previously).

(a) **Report of the Policy Development Committee**

Councillor D. Spear, Chair of the Policy Development Committee presented the Committee’s report on the Mid Year Treasury Management report 2022-23 to the Policy Development Committee on 17 November 2022 (circulated previously).

(b) **Report of meeting of the Strategy and Resources Committee**

Councillor Worden, Chair of the Strategy and Resources Committee reported the recommendations of the Strategy and Resources Committee held on 7 November 2022 on the Mid Year Treasury Management report 2022-23 (circulated previously).

It was moved by Councillor Worden and seconded by Councillor Roome “that minute 62 of the report of the Strategy and Resources Committee held on 7 November 2022 regarding the Mid Year Treasury Management report 2022-23 be adopted”.

RESOLVED that minute 62 of the report of the Strategy and Resources Committee held on 7 November 2022 regarding the Mid Year Treasury Management report 2022-23 be adopted.

**65. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 2**

**REPORT 2022-23**

Council considered the Performance and Financial Management Quarter 2 report 2022-23 to the Strategy and Resources Committee on 7 November 2022 (circulated previously).

(a) **Report of the Policy Development Committee**

Councillor D. Spear, Chair of the Policy Development Committee presented the Committee's report on the Performance and Financial Management Quarter 2 report of 2022/23 (circulated previously).

(b) **Report of meeting of the Strategy and Resources Committee**

Councillor Worden, Chair of the Strategy and Resources Committee reported the recommendations of the Strategy and Resources Committee held on 7 November 2022 on the Performance and Financial Management Quarter 2 report of 2022-23 (circulated previously).

It was moved by Councillor Worden and seconded by Councillor Roome "that minute 63 (f) of the report of the Strategy and Resources Committee held on 7 November 2022 regarding the Performance and Financial Management Quarter 2 of 2022-23 be adopted".

RESOLVED that minute 63 (f) of the report of the Strategy and Resources Committee held on 7 November 2022 regarding the Performance and Financial Management Quarter 2 of 2022-23 be adopted.

**66. APPOINTMENT OF DEPUTY ELECTORAL REGISTRATION OFFICER**

The Chief Executive advised Council that he held the statutory position of the Electoral Registration Officer. There was a requirement to appoint a Deputy Electoral Registration Officer as the previous Deputy Electoral Registration Officer had recently left the Council. He recommended that Adam Tape, Head of Governance be appointed as the Deputy Electoral Registration Officer.

It was moved by Councillor Biederman and seconded by Councillor Roome "that Adam Tape, Head of Governance be appointed as the Deputy Electoral Registration Officer."

RESOLVED that Adam Tape, Head of Governance be appointed as the Deputy Electoral Registration Officer.

**67. MINUTES OF COMMITTEES**

(a) **Joint Planning Policy Committee**

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

(i) 4 November 2022

(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) 22 September 2022

(ii) 11 October 2022

(c) **Planning Committee**

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

(i) 28 September 2022

(ii) 13 October 2022

(iii) 19 October 2022

(iv) 9 November 2022

(d) **Policy Development Committee**

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

(i) 17 November 2022

(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) 7 November 2022

a. Minute 70: Council Tax Reduction Scheme

Chair

The meeting ended at 9.33 pm

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