

**NORTH DEVON COUNCIL**

Minutes of a meeting of Council held at Barum Room - Brynsworthy on Wednesday, 11th January, 2023 at 6.30 pm

PRESENT: Members:

Councillor Hunt (Chair)

Councillors Biederman, Bushell, Cann, Davis, Henderson, Jenkins, Lane, Leaver, Ley, Lofthouse, Lovering, Mackie, Nel, Orange, Pearson, Prowse, Roome, Topham, Topps, Tucker, Turton, Walker, Wilkinson, Worden, Yabsley and York

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive and Senior Solicitor and Monitoring Officer

**68. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bulled, Chesters, Crabb, Davies, Gubb, Knight, Mack, Patrinos, Saxby, D. Spear and L. Spear.

**69. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2022 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 23 November 2022 (circulated previously) be approved as a correct record and signed by the Chair.

**70. CHAIR'S ANNOUNCEMENTS**

(a) Councillor Victoria Nel

The Chair welcomed Councillor Victoria Nel to her first meeting of Council.

(b) Chair's Civic Service – date

The Chair advised Council that her Chair's Civic Service would take place on the morning of Sunday 26 February 2023 which would be a church service followed by a luncheon.

**71. 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.

**72. 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 received under Part 4, Council Procedure Rules, Paragraphs 8 and 9 of the Constitution.

**73. 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 notice had been submitted by Members in accordance with Part 4, Council Procedure Rules, Paragraph 11 of the Constitution.

**74. DECLARATIONS OF INTEREST**

The following declarations of interest were announced:

Councillor Davis – item 19, other registerable interest as proposed to be a temporary Parish Councillor.

Councillor Roome - item 19, other registerable interest as proposed to be a temporary Parish Councillor.

**75. 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 to Council submitted by Members under Part 4, Council Procedure Rules, Paragraph 10 of the Constitution.

**76. ANTI-FRAUD AND CORRUPTION**

Council received a presentation by Ken Johnson, Counter Fraud Service Manager, Devon Audit Partnership regarding Anti-Fraud and Corruption. He outlined the following:

- Who is Devon Audit Partnership and their role in working with Local Authorities regarding counter fraud.
- The Fraud Triangle
- How much does fraud cost?
- What is fraud?
- Types of fraud which occur within Councils
- Risks and indicators which the Devon Audit Partnership were reviewing with the Council
- Risk management and fraud risk identification

- Actions that were being carried out by the Council
- Grenfell statistics
- Useful tools and information that were available

In response to a question, the Director of Resources and Deputy Chief Executive advised that he could not recall any examples of fraud. Housing benefits was the most popular in terms of counter fraud, however this was against the Department for Works and Pensions.

It was agreed that a copy of the presentation slides be circulated to Members of the Council.

## **77. OPERATION OF LANDMARK AND QUEENS THEATRES**

Council received a presentation by Paul Jepson, currently the Creative Director of Selladoor (soon to become the Chief Executive of the Landmark Theatre Ltd) and David Hutchinson, currently Chair of Selladoor (soon to become the Chair of the Landmark Theatre Ltd) regarding the operation of the Landmark and Queens Theatres.

They outlined the following:

- North Devon Theatres Limited has been renamed as Landmark Theatres Ltd, which will have charitable status.
- Vision, mission and values of the Landmark Theatres Ltd.
- Organisation structure.
- The status of the conscious uncoupling, management buy out, Charity Commission application and partnerships.
- North Devon financials including key performance indicators. The forecast financial position was positive.
- Audience opportunity and the need to widen the programme that was offered.
- Partnerships in place. The Landmark Theatres Ltd would join the Arts Council England portfolio. The head office would be located at the Queens Theatre, Barnstaple.
- The current and future organisational structure. The structure was relatively lean.
- The outputs programme which would be based on the current programme and include a higher quality programme.
- The outputs participation which included Speak Up, NT Schools, BRB Education, Landmark Participation Strategy, Ilfracombe as young people's learning centre, cross art form, learning and apprenticeship.
- The outputs talent which included supporting companies into the midscale, workplace training, learning company, Landmark Theatre Strategy and Landmark Festival.
- The economic benefits. These would be tracked and statistics provided to the Council.
- Deepening partnership which included the maintenance of plant, capital and linking outputs to the Council priorities.

In response to questions, Paul Jepson and David Hutchinson advised the following:

- Becoming a charitable trust would increase the quality of governance and allow the submission of funding bids which could not currently be applied for.
- A company was limited by liability and the protections in relation to the operation and governance. A charitable trust would separate the mission and would not limit the theatres applying for external funding.
- The assets currently in the venues would be taken over in their entirety by the new charitable trust.
- The theatre at Ilfracombe would be used as a venue for young people, however there would be opportunities by working with schools.
- In terms of hiring venues, there would be a distinction between community and commercial hire and would be dependent upon the basis with which they were working with the trust.
- The proposed structure would give the opportunity for voices and talents to be seen in other areas. Consideration was being given to how to breakdown barriers in providing opportunities.
- In terms of demographics, the theatres were attracting individuals from lower demographics.
- Initial conversations had commenced with Ilfracombe Academy.
- There was a need to attract summer visitors into the theatres and consideration was being given to how to advertise the programme of events to holiday makers.

In response to a question, the Director of Resources and Deputy Chief Executive advised that the Council currently paid a revenue subsidy of around £150,000 per annum to Selladoor. In addition, £315,000 was allocated in the capital programme for the replacement of the Queens Theatre flat roof and the re-decoration of the elevations and a further £150,000 for the Fire Alarm system at the Landmark Theatre. The responsibilities the Council had as landlord and tenant would remain unchanged. The Council provided significant investment in both revenue and capital for both theatres.

**78. 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:

- He had attended a Joint Committee meeting of the House of Lords and House of Commons today in reference to Human Rights and Asylum Seekers. He had provided an update on the work that was being undertaken by the Pickwell Foundation.
- The toilets in the Cattle Market car park were currently temporarily closed and it had been agreed that the toilets would be closed until 7 February 2023 due to the incidents of drug taking and dealing. It was hoped that the situation would improve and the decision would be reconsidered at this time.

In response to comments made by Members regarding the non-collection of waste and recycling in some areas, the Chief Executive advised that the Waste and Recycling team worked very hard and that he would follow up on the comments made relating to non-collection in particular areas. He advised that there were problems with collecting waste and recycling on particular days due to staff sickness.

**79. QUESTIONS BY MEMBERS**

Council noted that no questions had been submitted to the Leader or the Chair of a Committee under Part 4, Council Procedure Rules, paragraph 10.4 of the Constitution.

**80. NMD BUILDING CONTROL**

Council considered a report by the Head of Planning, Housing and Health to the Strategy and Resources Committee on 9 January 2023 and recommendation of the Strategy and Resources Committee on 9 January 2023 (circulated previously).

Councillor Lane declared a non-registerable interest as he used the NMD Building Control service as part of his work.

It was moved by Councillor Davis and seconded by Councillor Leaver “that recommendation 86 of the Strategy and Resources Committee in relation to NMD Building Control on 9 January 2023 be adopted”.

RESOLVED that recommendation 86 of the Strategy and Resources Committee in relation to NMD Building Control on 9 January 2023 be adopted.

**81. COUNCIL TAX BASE 2023/24**

Council considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Council Tax base for 2023/24.

Council noted a typographical error in recommendation 2.2, which should state “as its schedule for **2023/24** shall be ....”.

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

- The number of properties in the Council Tax base increased each year and had increased by 150 properties. Some of which were new builds and empty properties coming back into use.
- The Council Tax Support scheme supported the most vulnerable customers.
- Single occupancy discounts were provided across all age groups.
- It was important that regular reviews were carried out on households with single occupancy to ensure that that the data was accurate.
- For the current financial year, owners of properties that were empty and substantially unfurnished were required to pay:
  - Over 2 years – 100% Council Tax premium

- Over 5 years – 200 % Council Tax premium
- Over 10 years – 300% Council Tax premium
- It would be proposed that remains the same for 2023/24. The Council was not experiencing difficulties in collecting these payments.
- There were proposed legislative changes coming forwards for 2024/25 in relation to Council Tax and charging owners of empty properties over 1 year and second homes further premiums. A report would be coming to February Strategy and Resources Committee setting these out.
- A break down of non-collection for each Council Tax band could be provided. The Council set a target collection of 97%, however there was always an element of bad debt

It was moved by Councillor Roome and seconded by Councillor Tucker that the recommendation in the report (as amended) be adopted.

RESOLVED:

- (a) That the report for the calculation of the Council Tax Base for 2023/24 by the Director of Resources 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 2023/24 shall be as shown on the schedule attached to the report.

**82. MEMBERS ALLOWANCES SCHEME 2022/23 - CONSIDERATION OF UPLIFT OF ALLOWANCES**

Council considered a report by the Chief Executive (circulated previously) regarding the consideration of an uplift of allowances under the Members Allowances scheme 2022/23.

It was moved by Councillor Tucker and seconded by Councillor Walker that the recommendation in the report be adopted.

RESOLVED that an inflationary uplift of 4.04% for 2022/23 in line with the allowances increase for NJC Local Government Staff be applied to Members Allowances as detailed in Appendix B of the report and backdated to 1 April 2022.

Councillors Bushell, Henderson and Turton voted against the decision.

**83. PROPOSED COMMITTEE TIMETABLE 2023/24**

Council considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding the proposed committee timetable for 2023/24.

In response to questions, the Senior Corporate and Community Services Officer advised:

- That in terms of changing meetings to daytime, this only related to the Licensing and Community Safety Committee as holding meetings in the evenings had not increased attendance.
- That if the committee timetable was considered at the Annual Council meeting in May, there would be a delay in holding the regulatory meetings that were required to meet.

It was moved by Councillor Biederman and seconded by Councillor Roome that the recommendation be adopted.

RESOLVED that the timetable of Council and Committee meetings for 2023/2024 as detailed in Appendix A be adopted.

**84. MEMBER TRAINING AND INDUCTION PROGRAMME 2023**

Council considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding the Member Training and Induction Programme for 2023.

It was moved by Councillor Tucker and seconded by Councillor Yabsley that the recommendation in the report be adopted.

RESOLVED that the Member Training and Induction Programme for 2023 as detailed in Appendices A to C be adopted which incorporates the mandatory training sessions.

**85. ASHFORD PARISH COUNCIL - APPOINTMENT OF TEMPORARY PARISH COUNCILLORS**

Council considered a report by the Senior Solicitor and Monitoring Officer (circulated previously) regarding the appointment of temporary Parish Councillors to Ashford Parish Council.

Councillors Davis and Roome declared Other Registerable Interests and left the room prior to the vote being taken.

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

RESOLVED that an Order be made under section 91 of the Local Government Act 1972 in the form annexed to the report to appoint the identified temporary councillors to Ashford Parish Council to make it quorate pending the election of sufficient numbers of parish councillors.

**86. REPORT OF LEAD MEMBER FOR CLIMATE CHANGE**

Council considered and noted the report by the Lead Member for Climate Change (circulated previously).

The Lead Member for Climate Change reported the following:

- That since publication of the agenda, it had been agreed to delay the climate action week until later in the year as there was insufficient time to organise for the events to take place in March 2023. It was requested that all Councillors and Parish and Town Councils become involved and play a role in the event and ensure that its published widely.
- The Corporate Plan highlighted that progress was being made on the environmental programme and that the environment policies would be kept under review.
- Work had been carried out in relation to promoting and inclusion of sustainability as part of the review of the Local Plan.

**87. MINUTES OF COMMITTEES**

(a) **Building Control Joint Committee**

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

(i) 10 November 2022

(b) **Governance Committee**

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

(i) 15 November 2022

(c) **Harbour Board**

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

(i) 15 November 2022

(d) **Planning Committee**

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

(i) 30 November 2022

(ii) 14 December 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) 5 December 2022

Chair

The meeting ended at 8.38 pm

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