



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 6.25 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 Barum Room - Brynsworthy on **WEDNESDAY, 22ND FEBRUARY, 2023** at **6.30 pm.**

A handwritten signature in black ink, appearing to read 'K. Miles', is written over a light blue horizontal line.

Chief Executive

AGENDA

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting held on 11 January 2023 (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

“Council notes that the introduction of Voter Identification for the Local Elections on 4th May 2023.

The Elections Act 2022 will require voters to present an approved form of Photo ID at a polling station in order to vote. Acceptable ID includes passports, driving licenses, older persons bus passes and Voter Authority Certificates for those without an existing valid ID.

Council notes there is little evidence that voter fraud is a systematic issue in UK elections:

- In the 2019 General, Local, European and Mayoral Elections only 4 convictions resulting from allegations of in-person voter fraud – out of 58 million votes cast.
- In the 2021 Local Elections just one caution for election fraud was issued by the police.

Council fully agrees with the comments made by the Electoral Commission to the Government in September 2022 advising that the new rules could not “be delivered in a way which is fully secure, accessible and workable”, pointing out that 7.5% of voters do not currently hold an acceptable form of ID and over 1000 voters were denied the opportunity to vote during Voter ID trials in the 2018 and 2019 Local Elections.

Council is deeply concerned that the requirement to provide Photo ID will present a significant barrier for thousands of residents in North Devon to exercise their right to vote – and these barriers will disproportionately affect ethnic minority, low income, disabled, LGBT+, elderly and young voters.

Council notes the acceptable forms of ID listed by the Government are weighted towards more affluent and older voters who are more likely to possess passports, driving licenses, older persons bus passes and senior PASS cards. Forms of photo ID most likely to be held by younger people (such as young person's railcards) have been excluded.

Council believes the rushed and last-minute timeframe in which this legislation has been enacted will put an enormous strain on staff and resources at North Devon Council to communicate the new rules to voters, provide Voter Authority Certificates to thousands of local residents and training polling station staff in less than 4 months in the lead up to the 2023 Local Elections.

Council instructs the Chief Executive, the Leader of the Council and other group leaders to write to the Cabinet Office to express the Council's complete opposition about the damaging effect on democracy that mandatory Voter ID will have in UK elections and to demand that this section of the new legislation is repealed immediately.”

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

“2023/2024 Provisional Local Government Rural Settlement

Under the Provisional Settlement proposals, the gap in funding between rural and urban areas will, in fact increase. There is therefore a continuation of historic underfunding and unfairness for rural communities.

Once again, through the proposals, rural residents, communities, and businesses will, through their principal local authorities, find themselves in comparison to their urban counterparts both:

- Overcharged – through higher Council Tax in rural areas (20.3% higher in rural areas);
- Short-changed – through the flawed – urban biased – funding formula/distributional methodology

HEADLINE ANALYSIS OF THE PROPOSALS

The Rural Services Networks (RSN's) analysis of the Provisional Settlement proposals shows in 2022/23 rural residents in comparison to residents in urban areas will, on average:

- Pay £109.73 (20.6%) per head more in Council Tax
- Get some £111 (59.4%) per head less from Settlement Funding Assessment (SFA) (general grant)
- (Despite all of the above) still have over less overall Spending Power per head.

LOOKING TO THE FUTURE

More fundamental changes in local government funding have been delayed yet again. There will be no action in “this Spending Review period” – effectively in the life of this Parliament.

The impact of the delays to the review are:

1. London is getting some £236M a year more in Government Grant than the formula says it should (of which £166M is received by only 5 boroughs) – this at the expense of rural and non-London local authorities.
2. Rural Services Delivery Grant (RSDG) was at £85M in 2020/21 (and still is at that level). £85M should, as presently assessed, be £96.27M in 2023/24 to reflect inflation.
3. Due to their underfunding, Rural Councils in 2022/23 were only able to budget to spend £67.00 per head on so-called discretionary services whilst urban areas budgeted to spend almost twice that (£131.31 per head).
4. Cost of Living is higher in rural areas, but wages earned in the rural economy are lower.
5. If in 2021/22 rural residents had paid the average urban band D council tax, those council taxpayers collectively would have been better off to the tune of £419.3m. Much of this would have been spent by them locally meaning a loss to the rural economy generally. This impact is greater still when the difference between average London and average rural Band D council tax is applied, and sees the rural council taxpayers collectively, and rural economy, suffering to the tune of £1.520bn. THIS IS FOR A SINGLE YEAR – the cumulative impact over a period would have been enormous.
6. As an example, an average Band D charge for Herefordshire Council this

year is £2114 but for Southwark is £1595. That is over £519 (or 32.5%) more a year for rural residents to be paying in Herefordshire compared to Southwark residents.

This Council:

1. Agrees with the RSN that ACTION is needed NOW
2. The existing formula should be applied from 2023/24 - in full without damping. This does not require any new monies to be found.
3. There can be no justification for penalising rural authorities by continuing to deny them their full formula allocations. They have already been denied that benefit for 9 years.
4. If the formula is not going to be applied, then the amount necessary to do so for rural councils should be distributed via the Rural Services Delivery Grant (RSDG) mechanism and all authorities exemplified in benefiting from the 2013 formula changes should receive the relevant amount through RSDG.
5. Furthermore, RSDG should be uplifted in line with inflation, in the same way as the Settlement Funding Assessment (SFA).
6. Agrees to ask our M.P. to lobby government for fair funding for rural councils and to write to the Chancellor supporting the RSN campaign.”

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

“Motion on Potholes

The potholes this winter have increased significantly in number in North Devon and are becoming dangerous and causing a lot of damage to vehicles. It was reported on BBC Spotlight that up until 20 January, 4,156 potholes were recorded in the Devon County Council area, compared with 3,494 in January 2022. That’s just the ones that the public have reported and our roads are getting into a real state in many areas. The Department of Transport claims that on average about £1bn is being spent nationally each year on road maintenance. This is nowhere near enough to meet the challenges faced in our area. Devon alone could spend the annual amount this year.

Council requests:

1. That our M.P. raises the lack of funds for road maintenance with Government ministers.
2. That Team Devon be asked to speak to the M.P’s for their areas about this problem.
3. That this Council supports Devon County Council in any campaign they might undertake to persuade the Government to provide more funds so that the potholes can be repaired and roads resurfaced on a more regular basis.”

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. **Report of the Leader of the Council** (Pages 23 - 26)
Report by Leader of the Council (attached).
11. **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.
12. **Performance and Financial Management Quarter 3 of 2022/23** (Pages 27 - 66)
Report by the Director of Resources and Deputy Chief Executive to the Strategy and Resources Committee on 6 February 2023 (attached).
 - (a) Report of the Policy Development Committee
To receive the report of the Policy Development Committee held on 9 February 2023 (to follow).
 - (b) Report of meeting of the Strategy and Resources Committee (Pages 67 - 68)
To receive the report of the Strategy and Resources Committee held on 6 February 2023 (attached).
13. **Review of Fees and Charges for Services 2023/24** (Pages 69 - 128)
Report by Director of Resources and Deputy Chief Executive to the Strategy and Resources Committee on 6 February 2023 (attached).
 - (a) Ilfracombe Harbour Charges Review 2023-24 (Pages 129 - 132)
Report by Ilfracombe Harbour Master (attached).
 - (b) North Devon CCTV Hub Charges (Pages 133 - 134)
To consider the recommendation of the Strategy and Resources Committee on 6 February 2023 (attached).

- (c) Report of the Policy Development Committee
To receive the report of the Policy Development Committee held on 9 February 2023 (to follow).
- (d) Report of meeting of the Strategy and Resources Committee (Pages 135 - 136)
To receive the report of the Strategy and Resources Committee held on 6 February 2023 (attached).

14. **Revenue Budget 2023-24, Capital Programme and Medium Term Financial Strategy 2023-24 to 2028-29** (Pages 137 - 172)

Report by the Director of Resources and Deputy Chief Executive to the Strategy and Resources Committee on 6 February 2023 (attached).

- (a) Temporary Accommodation and Homelessness Update (Pages 173 - 174)
To consider the recommendation of the Strategy and Resources Committee held on 6 February 2023 (attached).
- (b) Report of the Policy Development Committee
To receive the report of the Policy Development Committee held on 9 February 2023 (to follow).
- (c) Report of meeting of the Strategy and Resources Committee (Pages 175 - 176)
To receive the report of the Strategy and Resources Committee held on 6 February 2023 (attached).

15. **Treasury Management Strategy Statement 2023/24** (Pages 177 - 212)

Report by the Director of Resources and Deputy Chief Executive to the Strategy and Resources Committee on 6 February 2023 (attached).

- (a) Report of the Policy Development Committee
To receive the report of the Policy Development Committee held on 9 February 2023 (to follow).
- (b) Report of meeting of the Strategy and Resources Committee (Pages 213 - 214)
To receive the report of the Strategy and Resources Committee held on 6 February 2023 (attached).

16. **10 Year Capital Strategy 2023-2033** (Pages 215 - 224)

Report by the Director of Resources and Deputy Chief Executive to the Strategy and Resources Committee on 6 February 2023 (attached).

- (a) Report of the Policy Development Committee
To receive the report of the Policy Development Committee held on 9 February 2023 (to follow).
 - (b) Report of meeting of the Strategy and Resources Committee (Pages 225 - 226)
To receive the report of the Strategy and Resources Committee held on 6 February 2023 (attached).
17. **Council Tax Resolutions 2023/24** (Pages 227 - 236)
Report by Director of Resources and Deputy Chief Executive (attached).
18. **Local Plan Review** (Pages 237 - 482)
Report by Senior Planning Policy Officer (attached).
19. **Constitution Update to Part 3 Annexe 2 and Part 4 Contract Procedure Rules** (Pages 483 - 540)
Report by Senior Solicitor and Monitoring Officer (attached).
20. **Report of Lead Member for Climate Change** (Pages 541 - 542)
Report (attached)
21. **Minutes of Committees**
Council is recommended to note the schedule of Committee minutes and approve recommendations as listed below:
- (a) Governance Committee (Pages 543 - 550)
 - (i) 10 January 2023 (attached).
 - (b) Planning Committee (Pages 551 - 556)
 - (i) 11 January 2023
 - (c) Policy Development Committee (Pages 557 - 572)
 - (i) 8 December 2022
 - (ii) 5 January 2023
 - (iii) 9 February 2023 (to follow)
 - (d) Strategy and Resources Committee (Pages 573 - 604)
 - (i) 9 January 2023
 - (ii) 6 February 2023
 - a. Minute 94: Council Tax Discounts and Premiums

- b. Minute 103 (b): Approval and Use of S106 Public Open Space Funds - Berrynarbor

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

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

14.02.23

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**.

North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.

