

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held in the Barum Room - Brynsworthy on Monday, 5th June 2023 at 10.00 am

PRESENT: Members:

Councillor Roome (Chair)

Councillors Bell, Biederman, Clayton, Crabb, Knight, Knight, Lane, Leaver, Maskell, Prowse and Worden

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Senior Solicitor and Monitoring Officer and Paralegal, Head of Planning, Housing and Health, Service Lead – Housing Advice and Homelessness Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wilkinson.

2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 6 MARCH 2023 (ATTACHED).

RESOLVED that the minutes of the meeting held on 6 March 2023 (circulated previously) be approved as a correct record and signed by the Chair.

3. DECLARATIONS OF INTERESTS.

The following declaration of interests were announced:

- Councillor Maskell declared a non-registerable interest in Item 8, Consultations on Regulating Short Term Lets, as she part let her own property to visitors.
- Councillor Lane declared a non-registrable interest in item 8, Consultations on Regulating Short Term Lets, as he owned rental properties
- Councillors Roome and Bell declared a non-registrable interest in item 13 as they both work for the NHS

4. ILFRACOMBE HARBOUR SEA WATER POOL

The Committee considered a report by the Harbour Master (circulated previously) regarding Ilfracombe Harbour Sea Water Pool.

The Director of Resources and Deputy Chief Executive highlighted the following:

- In 1999 a new Pier was built in Ilfracombe Harbour which replaced the old dilapidated wooden pier. An area was left enclosed but derelict between the end of the Pier Car Park and the new East Face Quay.
- Two drain holes were built into the East Face Quay to enable the area to be drained on the tide.
- The Sea Water Pool project planned to convert this derelict area into a retained Sea Water pool with the installation of penstock valves over the two drain holes, the clearing of the floor of the old left over pier construction debris and to excavate an area to a deeper depth.
- The creation of this facility would be of benefit to cold water swimming clubs, local diving clubs and commercial dive training providers, the local and wider community within North Devon and our valued visitors to the area.
- Ilfracombe and the Council had identified this opportunity as a key skills and employment opportunity to create year round and high quality jobs. To achieve this development of training opportunities that would fulfil the needs of the Blue Marine sector was needed and utilisation of the Sea Water Pool to conduct sea survival training would provide this.
- The management of the facility would be fully risk assessed, regularly inspected and managed.
- The Sea Water Pool would be open to all Harbour users as a safer area to swim when visiting the Harbour which would enhance the green tourism on offer within the locality and enable the Harbour Authority to better manage the whole harbour area as this would give an alternative to swimming in the actual Harbour which is not only against the Harbour bye-laws but also dangerous when swimming amongst moored vessels or swimming out into the path of moving vessels.
- Advice had been sought from the Council's insurance underwriters who had confirmed the liability cover would operate as long as the area had been fully risk assessed, regularly inspected and managed. The Sea Water Pool, if approved, would be incorporated within the Harbour's Marine Safety Management System and show that the Pool's infrastructure was included on the daily safety rounds, the area was covered by CCTV, which could be accessed from all the Harbour Teams mobile phones when not in the office, emergency lifesaving equipment would be provided within close proximity to the Sea Water Pool.
- Appendix A of the report detailed the risk assessment carried out by the Harbour Master.
- Due to the tidal range the Sea Water Pool would be unusable once the sea water over topped the wall and signage would be in place advising of the closure of the Pool. The access ladders would be chained across and signage to state the Sea Water Pool was closed.
- Appendix D of the report showed visuals of how the tide overtops the pool.

- Jumping from height (known as tombstoning) was not condoned within the Harbours jurisdiction, which included the proposed Sea Water Pool. Clear signage would be in place at the Sea Water Pool to convey this.
- The external legal team, Ashfords LLP had confirmed that no Harbour Revision Order was required for this project, however a works licence for the installation of the access ladders was required and this had been granted by the Marine Management Organisation.
- If approved Teignmouth Maritime Services, a specialist contractor with considerable experience of installations of this nature, would be the approved supplier and installer of the required infrastructure.
- Funding was in place for this project and had been set aside in the Ilfracombe Harbour Repairs Fund.
- The estimated cost of the works to create the Sea Water Pool was £24,130. The majority of this being funded by a grant from the Urban Renewal Quick win project from Devon County Council and a small amount of budget match funding from additional revenue generated in 2022/23 within the Harbour budget.

The Director of Resources and Deputy Chief Executive gave the following responses to questions:

- The Insurers had been fully appraised by the Harbourmaster of the risk assessment and were comfortable with the risk. The Harbour team would be responsible for the management of the facility.
- Ashford LLP were a firm of external solicitors.
- Before going live with the new facility we would ensure all our legal obligations in terms of safety had been mitigated.
- The Council's internal Senior Engineer as well as an external engineer had assessed the integrity of the structure.
- The Harbour was already a high use area but this facility would help to reduce risk.
- The tide and use of penstock valves would ensure the water was regularly changed.
- This facility would not have an impact on the annual Birdman event.

RESOLVED to approve the project as outlined in the report to convert the identified area as into a retained Sea Water Pool to be funded as outlined in section 5.2 of the report.

5. SITE AT SOUTH VIEW, BRATTON FLEMING

The Committee considered a report by the Property Manager and the Acting Property Project Manager (circulated previously) regarding the Site at South View, Bratton Fleming.

The Director of Resources and Deputy Chief Executive highlighted the following:

- The subject site was sold off as a surplus asset in October 2014 at public auction for the sum of £12,250 with overage provision.

- In 2017, the original purchaser sold the site to another party for £64,000 and the Council received an overage payment of £12,774.
- Leaving the overage in place would likely depress the value of the property for the remaining term. This was not the intention of the provision put in place, which would provide a benefit from an uplift in value once the site had been developed.
- Construction of a property had begun and the property was on the open market at a value of or in excess of £600,000. An external valuation advises that the value without parking access was £525,000.
- The matter of access had been considered as a separate issue. The proposed payment to the council of £50,000 for the right to this access represented a fair proportion of the uplift in value by having the access in place.
- The consultation responses were available on request.

In response to a request for clarification, the Director of Resources and Deputy Chief Executive confirmed the year should read as 2044 in paragraph 4.5 of the report this being the end of the 30 year term starting in 2014.

In response to a question about ring fencing the capital receipt for future housing in Bratton Fleming, the Director of Resources and Deputy Chief Executive explained that all capital receipts received were placed into a Capital receipts reserve and then required a separate report coming back to Committee for consideration on projects and how it was to be spent.

RESOLVED that the current owner pay £5,000 to release the overage and a sum of £50,000 for the right to create a vehicular access and parking to the property, this being by granting a right of way, the route of which was at the discretion of Council Officers.

6. CONSULTATIONS ON REGULATING SHORT TERM LETS

The Committee considered a report by the Chief Executive (circulated previously) regarding Consultations on Regulating Short Term Lets.

The Chair moved to suspend the Standing Orders to allow a member of the public to address the committee.

RESOLVED that the Council Rules of Procedure, Part 4 of the Constitution be waived to enable a member of the public to address the Committee.

The Chair introduced Mr Rick Wild who spoke to the Committee in relation to holiday lettings.

RESOLVED that the Council Rules, Part 4 of the Constitution be re-installed.

The Chief Executive highlighted the following from his report:

- The Council were not anti-holiday lets. The issue lay with Short Term lets.

- The data was not available to gain a true picture of how many properties were let out on a short term or holiday-let basis.
- Research on property letting sites and Air BnB was one means of finding these properties.
- On the question around who should run the scheme it was felt the Local Authority was experienced in this type of operation as a Licensing authority and could monitor lets were being run properly at a standard that ensured public health and safety.
- It was felt that the registration of a property should last 1-3 years with the emphasis on the property owner to notify of any changes.
- The registration should be for individual properties as opposed to an operator. The owner of the property would be responsible for the registration of their property.
- Information such as the annual gas safety checks should be collated.
- To assist with enforcement the registration of any property should be included in any advertising material when being marketed.
- Fees collected would be to cover the costs of issuing the licence and not to accrue a profit.
- The suggested changes would require the introduction of an Article 4 direction if the Council wanted to exert control.
- Properties that had already moved over to being a short-term let would not need to apply retrospectively for planning permission.

In response to questions, the Chief Executive gave the following replies:

- The letter to the Secretary was included by way of example of some of the correspondence that had been sent to Government to provide a summary of the situation this was not the full extent of the correspondence.
- In terms of resources, the Council currently would not have enough officers to carry out the enforcement duties but the cost of fees would provide funding to allow for the increase in enforcement activity.
- The fees would meet any additional cost to the Council.

RESOLVED that the draft responses as shown in Appendices C and D of the report be approved with the addition of the wording “to allow for all enforcement activities” under question 2 of the consultation on a registration scheme for short term holiday lets in England.

7. AFGHANISTAN RESETTLEMENT SCHEMES

The Committee considered a report by the Head of Planning, Housing and Health (circulated previously), regarding the Afghanistan Resettlement Schemes.

The Service Lead – Housing Advice and Homelessness Officer highlighted the following:

- This report provided an update on two Afghanistan resettlement schemes:
 - The Afghan Relocations and Assistance Policy (ARAP); and
 - The Afghan Citizens Resettlement Scheme (ACRS).

- In July 2022 the Ministry of Defence offered 12 units of family accommodation at RMB Chivenor.
- This offer came as part of a national scheme, providing up to 550 houses across the country, to assist families who had an association with the UK armed forces.
- The Home Secretary had recently announced that all bridging hotels accommodating Afghan citizens would be closed. Residents would be issued with three months notice to vacate.
- Those residents who were unable to secure alternative accommodation were advised to approach a local authority to present as homeless.
- Taking advantage of the offer of 12 units at RMB Chivenor would help reduce the risk of lack of supply and or increased costs associated with the Council's statutory homeless duties.
- There were currently two bridging hotels in Devon, in Exeter and Exmouth housing around 140 people.
- The Home Office had announced a new programme of additional local authority funding to help accommodate these people in settle accommodation when they left the Hotels.
- Government funding for the Afghan Relocations and Assistance Policy would be passported to the Council from Devon County Council.

In response to a question on whether we were actively encouraging people to resettle in the area, the Lead Service – Housing Advice and Homelessness Officer confirmed a brochure was being compiled to promote the area.

RESOLVED:

- (a) That the potential impact of the Afghan Relocations and Assistance Policy and Afghan Citizens Resettlement Schemes on local housing need be noted:
and
- (b) That the MoD's offer of 12 units of family accommodation at RMB Chivenor be accepted.

8. GOVERNMENT'S IMPLEMENTATION OF A FULL DISPERSAL MODEL FOR ASYLUM SEEKERS

The Committee considered a report by the Head of Planning, Housing and Health (circulated previously), regarding the Government's Implementation of a Full Dispersal Model for Asylum Seekers.

The Head of Planning, Housing and Health highlighted the following:

- The Government was expecting there to be 66 bed spaces made available in North Devon for individuals seeking asylum in the UK.
- The Council had proactively co-operated with Clearsprings Ready Homes (the accommodation providers procured by Government).
- Officers had co-ordinated the response to the commissioning of the contingency hotel in Ilfracombe, and had offered a Council owned asset in Bear Street, Barnstaple for use as Dispersed Accommodation (DA).

- A short-term incentive scheme had been introduced to help implement the Southwest Regional plan.

In response to questions the Head of Planning, Housing and Health, advised the following:

- The property in Bear street could accommodate 10 beds.
- The property would be leased to Clearsprings at a market rent value of £6,500. The residents would not be entitled to claim Housing Benefit.
- There was a need to provide accommodation to asylum seekers while they awaited determination of their application for permanent status to remain in the UK. The Government wanted to move away from costly hotel accommodation.
- There would be a low impact on housing demand for people in the local community.
- The Local Authority was not responsible for the commissioning of Clearsprings Ready Homes but if the Council were to become aware of any improper activity on their behalf it would be escalated to Government.

RESOLVED that Officers are to pro-actively engage with Clearsprings Ready Homes to facilitate the commissioning of the necessary dispersed accommodation bed spaces in North Devon, which will include the Council making available an asset in Bear Street.

9. URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

The Committee noted the urgent decision that had been made by the Chief Executive in accordance with paragraph 3.45, Annex 2, part 3 of the Constitution (circulated previously) regarding the North Devon Policy Household Support Fund 4.

10. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involved the likely disclosure of exempt information as defined by Paragraph 7 Part 1 of Schedule 12A of the Act (as amended from time to time), namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings; and
- (b) That all documents and reports relating to the item be confirmed as “Not for Publication”.

11. A HOUSING MANAGEMENT COMPANY

The Committee considered a report by the Head of Planning, Housing and Health (circulated previously) regarding a Housing Management Company.

The Head of Planning, Housing and Health highlighted the following:

- The Council was in the process of building 11 units of accommodation as part of its wider Barnstaple regeneration programme, which would help meet local housing need.
- The Council were not looking to become competition with other social Landlords but were hoping to provide additional housing as an ancillary to help local employers struggling to house employees.

RESOLVED that the Chief Executive be given delegated authority to progress the setting up of a wholly owned housing company, including the preparation of articles of association in consultation with the Leader and Lead Member for Housing with a further report to come back to a future Committee.

RECOMMENDED that Council approve the delegation of authority to the Chief Executive to appoint a Board of Directors, which is to include the Lead Member for Housing and Leader.

Chair

The meeting ended at 12.53 pm

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