

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 3rd July, 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, Head of Customer Focus, Solicitor, Head of Programme Management and Performance, Place Manager (Town Centres), Head of Place, Property and Regeneration, Head of Governance and Finance Manager

Also Present in person:

Councillor Walker

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wilkinson.

13. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 5 JUNE 2023

RESOLVED that the minutes of the meeting held on 5 June 2023 (circulated previously) be approved as a correct record and signed by the Chair.

14. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.

The Chair advised that there would be an informal meeting with Members following the conclusion of the formal Committee.

15. DECLARATIONS OF INTERESTS.

The following declarations of interest were announced:

Councillor Biederman – item 8, other registerable interest as a Member of Devon County Council.

Councillor Clayton – item 10, other registerable interest as a member of Barnstaple Town Council.

Councillor R. Knight – item 9, other registerable interest as a trustee of the Bridge Trust

Councillor P. Leaver – item 8, other registerable interest as a named officer of the North Devon Liberal Democrats

Councillor P. Leaver – item 9, non registerable interest as one of his company's clients Bridge Trust would be a beneficiary of the grant and his company may also benefit as a result of the grant.

Councillor P. Leaver – item 10, other registerable interest as a member of Barnstaple Town Council.

Councillor Prowse – item 9, other registerable interest as a Council appointed to the Bridge Trust and trustee.

Councillor Roome – item 8, other registerable interest as a Member of Devon County Council.

Councillor Roome – item 10, other registerable interest as knew James Brent the developer of the site in his former role as Chair of the NHS Trust

Councillor Roome – item 12, other registerable interest as knew James Brent the developer of the site in his former role as Chair of the NHS Trust

**16. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 4
2022-2023**

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding Performance and Financial Management Quarter 4 of 2022/23.

The Finance Manager highlighted the following:

- The revenue budget for 2022/23 was approved at Council on 23rd February 2022 at £13,721,640.
- As at 31 March 2023, it was pleasing to report that the final out turn position was a budget surplus of £693,000, which was an overall movement of £674,000 from the last forecast at Quarter 3. The breakdown showing these movements were shown Appendix A – “Variations in the Revenue Budget”.
- The movement from Quarter 3 of £674,000 can be mainly attributed to adverse and favourable variances as outlined in paragraph 4.1.4 of the report.
- The cost of living pressures with double digit inflation continuing for the whole of 2022/23, peaking at 14.2% in October 2022 and still near that peak at the end of the March 2023 at 13.5%, resulted in the Council utilising fully the £936,000 budget management reserve in 2022/23. Due to the favourable variances and a transfer in year from the Collection fund reserve the reserve had been replenished to a balance of £815,000 to provide resilience to similar inflationary pressures during 2023/24.

- Members approved in June 2021 to proceed with the acquisition of Green Lanes Shopping Centre; which the Council completed the purchase in November 2021. The purchase of Green Lanes Shopping Centre was a once in a lifetime opportunity to acquire this strategic asset and complement other significant regeneration improvements being delivered within the Barnstaple town centre through the Future High Streets project. The financial modelling demonstrated that revenue income generated from the centre would cover both the repayment of the loan and asset management costs and would return a contribution to the Council which could be used towards mitigating future risks on income volatility, investment back into the centre and the overarching council budget.
- From the revenue budget surplus of £693,000, it was proposed to set aside the amount into the following earmarked reserves:
 - Office Technology £120,000 – to fund capital business case
 - Repairs Fund £214,000 – to fund capital business cases
 - Budget Management £279,000 – mitigate 2023/24 inflationary pressures
 - Insurance Reserve £80,000 – mitigate 2023/24 higher insurance costs
- At the 31 March 2023 total external borrowing was £3,000,000. The timing of any future borrowing was dependent on how the authority managed its treasury activity and due to previously unprecedented low interest rates and reduced returns on investments it was prudent for the Council to ‘internally borrow’ and use these monies to fund the Capital Programme. This had resulted in a £275,000 reduction in loan interest payments and an increase in interest receivable of £266,000 in 2022/23. £275,000 has been placed into a new Treasury Management reserve to mitigate against higher interest rates as we move into the 2023/24 financial year.
- Appendix B detailed the “Movement in reserves and Balances” to and from earmarked reserves in 2022/23.
- Appendix C detailed the “Strategic Contingency Reserve movements and commitments”.
- Appendix D detailed the “Capital Programme for 2022/23”.
- Actual spend on the Capital Programme for 2022/23 financial year was £7,577,736. The variance against the budget of £9,505,513 was (£1,927,777); the carry forward to 2023/24 is £1,930,171 (the difference being £2,394, relating to a £3,260 over spend on Vehicles and £866 not required on DVI licences), to fund on-going projects.
- Further variations of £4,990,983 were proposed to the 2023/24 and £399,000 to the 2025/26 Capital Programme as detailed in paragraph 4.4.8 of the report.
- The overall revised Capital Programme for 2023/24 to 2025/26 taking into account the budget variations above was £33,986,596 and was broken down as follows:
 - 2023/24 £28,168,252
 - 2024/25 £5,723,344
 - 2025/26 £95,000
- The 2023/24 to 2025/26 Capital Programme was detailed in “Appendix E – Capital Programme 2023/24 to 2025/26”.
- The Capital Programme release of funds were detailed in paragraph 4.4.13.
- Debt management as detailed in paragraph 4.5 of the report.

- General Debtors as detailed in paragraph 4.6 of the report.

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

- £151,000 in relation to the Yelland Appeal costs award and a provision had been made based on the claim that had been received. The Council was still challenging the value of claim for costs and was also in informal discussions with Devon County Council regarding seeking a contribution in relation to the highways element. Provision had been made within the 2022/23 revenue outturn and included within last year's financial statements. This was based upon the worst case scenario and if the final agreed costs award was more favourable, there would be a credit against the revenue provision made.

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

- The contribution from Devon County Council in relation to the Yelland Appeal was not definite and North Devon Council were in informal discussions regarding the highway element of the appeal. North Devon Council had been ordered to pay costs.

The Head of Programme Management and Performance outlined Appendix F "Corporate Plan Delivery Highlight report with key results and performance indicators" to the Committee and highlighted the following:

- A Corporate Plan Delivery highlight report was presented to Strategy and resources Committee in January 2023 to provide an overview of the five programmes and associated projects put in place to support the delivery of the corporate plan priorities.
- Those five programmes emerged with their assigned Senior Responsible Officer as outlined within Appendix F.
- Members requested that a similar report be amalgamated with the Financial Performance reporting to give a wider picture of organisational health and delivery.
- Appendix F aims to provide Members with a high level overview of all projects sitting under those five programme umbrellas; an assurance that progress was being made across all areas and in turn, delivering against the corporate plan priorities.
- The pyramid sets out how the activities were driven from the vision and corporate plan, followed by developed strategies and then programmes and projects to deliver against Member priorities and decisions taken during the lifecycle of those programmes.
- The Performance Management Framework had been included with the Members information pack following the Elections.
- The suite of performance indicators were flexible and challenge was welcomed.
- The performance indicators were put in place in April 2023 and progress made against the performance indicators would be included within the next quarterly performance and financial management report. The next report would also include capital and external funding set out under those projects.

- Risks were where appropriate escalated back to the Senior Management and onto the Governance Committee if incorporated into the Corporate Risk Register. If greater detail or further decisions were required on individual projects, separate reports would be presented to the Committee as they have been today.

In response to a question, the Head of Programme Management and Performance advised the following:

- The bailer located in waste and recycling was currently on lease. The procurement of a new bailer was part of a wider infrastructure project, which also included the provision of a new office building and other infrastructure works.

RESOLVED:

- (a) That the actions being taken to ensure that performance was at the desired level be noted;
- (b) That the contributions to/from earmarked reserves be approved as detailed in section 4.2 of the report;
- (c) That the movement on the Strategic Contingency Reserve (section 4.3 of the report) be noted;
- (d) That funds be released for the capital schemes listed in section 4.4.13 of the report;
- (e) That the sections dealing with Debt Management and General Debtors (sections 4.5 and 4.6 of the report) be noted.

RECOMMENDED:

- (f) That the Council approve the variations to the Capital Programme 2023/24 to 2025/26 as detailed in section 4.4.8 of the report.

17. ANNUAL TREASURY MANAGEMENT REPORT 2022/23

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Annual Treasury Management report 2022/23.

The Head of Governance highlighted the following:

- This report outlined the actual prudential and treasury indicators for 2022/23.
- The Council's Capital Financial Requirement (CFR) for the year was detailed in the table on page 83 of the report and was circa £24m which included the finance leasing of vehicles.
- A large capital programme during 2021/22 including the new Leisure Centre and purchase of Green Lanes Shopping Centre resulted in an increased CFR of circa £17m for that financial year. For 2022/23 a further £2.2m was added to our CFR which included the completion of the Leisure Centre build.
- In relation to borrowing outturn, the 2022/23 original budget prudently assumed a level of new external borrowing would be required to fund approved capital expenditure. As a result of lower spend and less external borrowing taken on, interest paid was much lower at £60,363 for the year,

with the remaining budget of £275,000 now placed into a new Treasury Management reserve to help mitigate against higher borrowing costs as we move into the 2023/24 financial year.

- The average borrowing rate for year on borrowing loans was 2.01%.
- In terms of investments the increase in bank rate had assisted to improve investment returns for the year with total interest of £290,000 received compared to the original budget £35,000.
- The average rate of return on investment was 1.5% compared to the benchmark of 2.2% which closely tracked to the bank rate.

In response to a question, the Head of Governance advised the following:

- In terms of borrowing from internal reserves. There would have been a cost to carry as borrowing was much higher than the Council would receive in terms of interest. This decision had been made following advice received from its treasury advisors.
- Internal and external borrowing would be kept under review.

RECOMMENDED:

- (a) That the annual treasury management report for 2022/23 be noted;
- (b) That the actual 2022/23 prudential and treasury indicators be approved.

18. FUTURE HIGH STREETS FUND: BUTCHERS ROW/CROSS STREET

The Committee considered a report by the Head of Place, Property and Regeneration (circulated previously) regarding the Future High Streets Fund: Butchers Row/Cross Street.

The Head of Place, Property and Regeneration highlighted the following:

- The Future High Street Fund (FHSF) was a central government fund, administered by the Ministry of Housing Communities and Local Government (MHCLG) (now DHLUC) that seeks to support, renew and reshape high streets in a way that drives growth, improves experience and ensures future sustainability.
- The approved project for FHSF was focusing on 4 interventions: The Pannier Market/Guildhall and Former abattoir, The acquisition and rejuvenation of 36/37a Boutport Street, The access and reconfiguration of Queen Street/Bear Street car park and - Pedestrianisation (10am – 4pm) and public realm improvements to Butchers Row and Cross Street.
- This report focussed on the intervention at Butchers Row/Cross Street. This was a scheme to pedestrianise Butchers Row and Cross Street between 10am and 4pm and provide an improved public realm through those streets, linking the investment at 36/37 Boutport Street with the riverfront.
- As one of the four interventions being progressed as part of the Future High Street Fund project, the pedestrianisation of Butchers Row and Cross Street from 10am to 4pm and the public realm improvements were seen as a key enhancement of the town; both to improve the visual amenities of the locality,

allow for businesses to spill out onto the street and to connect Boutport Street via the High Street to the river.

- It was anticipated that the pedestrianisation of Butchers Row and Cross Street would enable people to move freely from Queen Street car park, into the 'Market Quarter' and an improved direct pedestrianised route to the river frontage, an underused and neglected part of the town running parallel to the High Street. This would prompt the regeneration of this part of the town by increasing footfall and giving confidence to private sector investors and partners to bring forward the delivery of complementary projects set out in the Vision for Barnstaple. The Council had since been successful with the Cultural Development Fund, which will further enhance this, seeing the refurbishment of Bridge Chambers, an anchor building on the river frontage.
- A permanent traffic order has been secured for the pedestrianisation of Butchers Row and Cross Street between 10am and 4pm already and this part of the project has been implemented.
- The design team have produced a design to RIBA Stage 3 for public realm improvements to Butchers Row and Cross Street, which show a level surface across both streets and the interconnecting element of the high street. The current scheme was included as Appendix A to the report.
- The scheme has had many challenges, not least providing an affordable scheme that minimises maintenance going forward.
- Iterations of the scheme have been presented to the Barnstaple Regeneration Board, Butchers Row and Cross Street tenants/owners and Devon County Council as Highways Authority and more recently to the local U3A accessibility group and the South West branch of the Royal National Institute for the Blind (RNIB).
- Feedback from the U3A group was generally positive about the proposals and their feedback was summarised in paragraph 4.8 of the report.
- The RNIB have, however, raised some significant concerns with this project as detailed in paragraph 4.10 of the report.
- Since receiving this advice, officer's invited representation from the RNIB to Barnstaple to consider the scheme and offer any advice as to how it could be improved. This included reviewing the level, shared space on the Strand. They were very helpful and offered feedback but remained fundamentally concerned with the loss of the kerb as a detectable feature separating the footway from the highway particularly outside of the pedestrianised times.
- The Department for Transport placed a moratorium on shared, level spaces (a shared space is a street or area where people and traffic are not clearly separated) in 2018 whilst they reviewed the safety of this type of scheme but no clear strategy has emerged since. Officers have been working with Devon County Council officers on the principle of level surfaces and their advice was detailed in paragraph 4.12 of the report.
- Officers have also spoken to colleagues elsewhere who have progressed public realm improvements in similar environments and have delivered 25mm kerb to provide sufficient demarcation, whilst giving the effect of a level surface.
- The design team working on the Future High Street project have drawn our attention to a judicial review on this matter (from February 2023), challenging minimal kerbs and seeking more substantial kerbs to separate space for

different users. Legal advice has been sought as to the implications of the judicial review on any scheme that we bring forward in Butchers Row and Cross Street, and the advice received was detailed in paragraph 4.14 of the report.

- A shared, level surface offers the opportunity for public realm improvements and for businesses to spill out onto the public realm but whilst the streets are only pedestrianised for part of the day, a level surface presented a number of risks as detailed in paragraph 4.16 of the report.
- There were a number of options for the Council going forward as detailed in paragraph 4.17 of the report.

In response to questions, the Head of Place, Property and Regeneration advised the following:

- The current scheme included a detectable kerb, however it was level. There was no distinction between the pavement and the highway. This could be amended.
- Views of the RNIB had been sought regarding tactile paving. Their view was that ordinarily tactile paving was used for crossing points and this would be confusing.
- There were other level street schemes coming forward elsewhere such as Magdalen Road, Exeter which involved different types of materials to distinguish between pavement and highways.
- There were a number of options available, however the Council needed to be mindful of the Judicial Review.
- There had been a number of iterations of the scheme. The heritage led scheme had included a significant number of granite sets. However, following consultation with the Barnstaple Regeneration Board and the access group, the inclusion of granite sets had been reduced. The revised scheme now included coloured surfaces. As Butchers Row and Cross Street would not be fully pedestrianised, granite sets had been included at key points as traffic calming measures and to tie in with Paiges Lane and Market Street.
- Discussions would continue to take place with Devon County Council and the RNIB to get the best solution. RNIB had provided advice to the Council and ultimately had requested the provision of a kerb which was a safe surface. Devon County Council had requested details of the scheme and would then work with the Council in relation to adoption.
- No date had been confirmed for consideration of the guidance but the Judicial Review referenced the end of the year.

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

- £1.3m had been included within the budget and had been costed to include increase in price inflation and contingency. The Council would work within this budget.
- There were no timelines in terms of the receipt of Government funding as this element of the scheme used North Devon Council funds.

- It was anticipated that when the Council was at the stage of taking on external borrowing for the scheme that interest rates would potentially be lower.

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

Mr Burridge (trader) addressed the Committee.

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

RESOLVED:

- (a) That the complexities of the design of the public realm improvements for Butchers Row/Cross Street and the benefits and risks associated with it be noted;
- (b) That the risks set out in the report be noted;
- (c) That option (d) as detailed in paragraph 4.17 of the report be progressed but alongside (a) noting the preference to design a scheme that doesn't impose the maintenance liability on the Council but takes into account representations from access groups, while any delay be kept to a minimum.

19. CULTURAL DEVELOPMENT FUND

Councillor P Leaver declared a non registerable interest and left the room during the consideration of this item.

The Head of Place, Property and Regeneration highlighted the following:

- The Northern Devon Cultural Strategy: Flourishing Culture was adopted in 2022.
- To help support the delivery of the Cultural Strategy, external funding was identified through the Cultural Development Fund. An Expression of Interest was submitted in July 2022 and following shortlisting the Council were successful in proceeding to the full application stage. A full bid was prepared and submitted with supporting evidence in November 2022. At the end of March 2023, the Council were informed of their successful funding bid and awarded £3,000,000, alongside its secured match funding of £650,000 to deliver a range of capital and revenue projects across Barnstaple.
- Following a successful two stage funding bid, led by the Culture Manager; Alison Mills, North Devon Council were awarded £3 million to deliver a range of capital and revenue projects to aid implementation of the Culture Strategy.
- This "Flourishing Barnstaple" project combined capital investment with activity to re-establish our historic town as the beating cultural heart of northern Devon. The fund will invest in two historic buildings, our townscape, people and organisations to support our creative industries, strengthen our partnerships and make the town a great place in which to live, work, visit and invest.
- The award funded the interventions as detailed in paragraph 4.3 of the report.

- The fund was supplemented by £150,000 match funding from the Bridge Trust and £500,000 from North Devon Council (the latter was money that North Devon Council have already agreed as part of the Future High Street Fund programme at Boutport Street).
- The fund must be spent by March 2026.
- The internal project team had now been set up and would be managed by Alison Mills; Culture manager. An inception meeting with the Arts Council had now taken place on 23 June 2023 and this included our partners for this project; The Barnstaple Bridge Trust, Barnstaple Town Council, Beaford Arts and Petroc, who will all be instrumental in its delivery. A Partnership Agreement would be entered into with all partners, committing to working together and the outcomes of this project.

In response to questions, the Head of Place, Property and Regeneration advised the following:

- Beaford Arts would be a conduit for the delivery of Bridge Chambers element of the project as a key tenant and ensure that the Barnstaple Bridge buildings would be used for broader purposes and available to the public to utilise.
- Tenants had not yet been secured for the 36/37a Boutport Street scheme.

RESOLVED:

- (a) That the award of the Fund and the projects that would be delivered be noted;
- (b) That authority be delegated to the Head of Place, Property and Regeneration and the Director of Resources and Deputy Chief Executive to enter into such agreements with the Arts Council and partnership agreements with the Bridge Trust in relation to this project;
- (c) That the Cultural Manager be thanked for her hard work in producing a successful bid for funding.

Councillor P. Leaver returned to the room.

20. SEVEN BRETHERN PROJECT – LAND RELEASE FUND: AN UPDATE

The Committee considered a report by the Head of Place, Property and Regeneration (circulated previously) regarding an update on the Seven Brethren project, land release fund.

The Head of Place, Property and Regeneration highlighted the following:

- In November 2017 North Devon Council (NDC) were awarded £2.2 million of Land Release Fund to help bring forward residential development at Seven Brethren. This fund was a government initiative to assist in unlocking public sector sites and accelerating the delivery of housing.
- Hybrid planning permission for the provision of a replacement long stay car park and temporary toleration site (detailed) and for 180 dwellings together with all associated infrastructure (outline) was granted on the 15 November 2022.

- On the 7 December 2022, NDC entered into a Development Agreement with Tarka Living Ltd to deliver both the enabling works and the delivery of between 175 and 180 homes.
- The site for the residential development comprises the old leisure centre site, events area, existing toleration site and the Tarka overflow car park.
- The new long stay car park would be sited adjacent the Artificial Grass pitches to the rear of the Tarka Leisure Centre.
- The enabling works constitute the demolition of the old leisure centre, provision of the new long stay car park and temporary toleration site and the erection of flood defences along the river Taw. The flood defences take the form of a wall tying in to the existing long bridge and then a bund to the new leisure centre. The majority of these defences were those required as a result of the Anchorwood development but were also needed to bring this site forward for housing. There was a contribution from the Anchorwood development that would be used towards the delivery of these defences.
- The Development Agreement that was entered into in December was conditional and there were 3 conditions attached, as detailed in paragraph 4.5 of the report.
- On the 28 February 2023 a reserved matters application was submitted to the Local Planning Authority in the joint names of Tarka Living Ltd and North Devon Council.
- A plan has been received identifying the location of the 30% affordable housing and the tenure split.
- Evidence of agreed Heads of Terms with Live West (the identified social provider) had been provided.
- Following compliance with these conditions, the Agreement went unconditional on the 28 February 2023. For the terms of the funding agreement with Central Government this met the definition of 'land released' and within their agreed programme.
- The first lease was then granted 20 working days after the unconditional agreement. The first lease constituted the old leisure centre and short stay car park. The first payment to the Council was also received.
- Prior to the commencement of the enabling works the Development Agreement required a Compliance Inspector to be appointed for the enabling works and evidence of funding to be provided. This was provided and agreed in advance of the enabling works start date of the 28 March 2023.
- The enabling works have commenced in the form of site clearance works on the proposed car park site. These have been done under the watching brief of TLL's ecologist.
- A Joint Delivery Board had been established for the project (comprising 3 officers from the Council and 3 from the Development Partner), which currently meets bi-weekly to map the progress of the project.
- It had been hoped that the new car park site would be ready for this September but this will no longer be the case. The design of the car park was reaching RIBA Stage 4 and the contractor was about to be appointed but there was insufficient time for this site to be ready for this year's fair. As such, the Fair will remain on the existing site for 2023 and both Barnstaple Town Council and the Showmen's Guild had been notified; a meeting has been set up on site on 10 July 2023 to discuss this with them further.

- The JCT Design and Build contract for the car park had yet to be entered into as details are being finalised, together with the Contractor's proposals.
- A contract has been entered into for the demolition works to the old leisure centre.
- The works to the flood defences were in design and we await a programme for those.
- Notwithstanding the Fair remaining on site for this year, we need to enter into a new licence with Barnstaple Town Council for the future and in advance of Lease 2 being entered into (the remainder of the site).
- On 29 March 2021, at its meeting, Barnstaple Town Council declared that subject to detailed specification that the new proposed site was a suitable alternative for the Barnstaple Ancient Fair in line with the plan at Appendix B. This allowed for the procurement for a development partner to commence.
- Negotiations have been taking place with Barnstaple Town Council for the new licence. The agreed term was for a period of 25 years with a review clause. The period of occupation within the licence is from 00:01 hours on the Sunday preceding the Barnstaple Fair to 23:59 on the Sunday following the Barnstaple Fair.
- The licence fee was based against the loss of income from the car parks occupied by the Fair.
- At Barnstaple Town Council's (BTC) request, the termination clause remained the same as the existing licence as detailed in paragraph 4.23 of the report.
- Officers were seeking delegated powers to negotiate and finalise the terms and enter into the licence with Barnstaple Town Council on the basis set out in this report.
- Within the Development Agreement there was an obligation on the Development Partner to take out an environmental insurance policy. A draft policy has been received and this is currently being considered. A separate report later in this agenda considers further insurance cover the Council may want to take out to enhance that already being provided by the developer.
- Following the submission of the reserved matters application, a number of queries have arisen as part of the consultation process, as was common for a major planning application. In May 2023, TLL and your officer's met with NDC Planners and amended drawings were being designed to address the concerns raised. This reserved matters application will be determined by Planning Committee and it was anticipated that the application would be received shortly.
- The current programme shows a residential start date in the Development Agreement of November 2023. It was anticipated that this will be delayed given the status of the enabling works but we await a revised programme.
- The residential development will be delivered in 4 phases and the freehold transfer of each phase will occur when the last dwelling in that phase and all associated works have reached golden brick stage.

In response to questions, the Head of Place, Property and Regeneration advised the following:

- The provision of affordable housing would be pepper potted throughout the scheme and would be identified in the phasing plan which would be shared with Members.
- Officers had been working with the Environment Agency throughout the project and they were happy with the proposed defence scheme and had requested that the site levels also needed to be raised.

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

- The Joint Delivery Board meet bi-weekly with the developer and no concerns had been raised regarding the deliverability of the scheme. The developer's financial appraisal included contingency plans.

RESOLVED that:

- (a) The update for this project be noted;
- (b) That the Head of Place, Property and Regeneration be delegated powers, in conjunction with the Leader and Lead Member for Strategic Planning and Economic Development to:
 - a. enter into a licence with Barnstaple Town Council based on the principles set out in this report;
 - b. in consultation with the Senior Solicitor and Monitoring Officer, enter into a contract for the delivery of a new long stay car park to allow for the development of the existing site; and
 - c. in consultation with the Senior Solicitor and Monitoring Officer, enter into a lease for the second lease land at the Seven Brethren Bank site as shown on the plan in Appendix A to this report.

21. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) That under section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item as it involved the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

22. SEVEN BRETHREN DEVELOPMENT – ENVIRONMENTAL INSURANCE

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding environmental insurance in relation to the Seven Brethren development.

The Director of Resources and Deputy Chief Executive outlined the report and answered questions raised by the Committee.

RESOLVED that:

- (a) That the Council take out an additional 10 year wider site environmental insurance policy that covers the authority over and above a contractor pollution liability policy that the developer was already responsible for providing.
- (b) The additional environmental insurance policy be funded as set out in section 5.6 of the report.

Chair

The meeting ended at 11.51 am

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