

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held in the Barum Room - Brynsworthy on Monday, 6th November 2023 at 10.00 am

PRESENT: Members:

Councillor Roome (Chair)

Councillors Bell, Clayton, Crabb, D Knight, R Knight, Lane, P Leaver, Maskell, Prowse, Wilkinson and Worden

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Head of Customer Focus, Senior Solicitor and Monitoring Officer, Head of Programme Management and Performance, Culture Manager, Public Protection Manager, Finance Manager, Parks, Leisure and Public Open Space Officer and Head of Governance

Also Present in person:

Councillors

C Leaver and Walker

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Biederman.

49. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 2ND OCTOBER 2023 (ATTACHED).

RESOLVED that the in minutes of the meeting held on 2nd October 2023 (circulated previously) be approved as a correct record and signed by the Chair.

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

There were no items brought forward, which in the opinion of the Chair, should be considered as a matter of urgency.

51. DECLARATIONS OF INTERESTS.

The following declarations of interests were announced:

Councillor P Leaver, Disclosable pecuniary interest in item 13 of the agenda as his company helped write the funding bid for the Cultural Development Fund and will be continuing to help the Museum with its application. A non-registerable interest in item 9, Licensing Act Policy Review, as he had helped the ANOB write their consultation response.

Councillor M Prowse, an Other Registerable interest in item 12, Climate and Environment Grants Scheme for Parish Councils 2024-2025, as he was a Parish Councillor on Bratton Fleming Parish Council, one of the Parish Councils named as a potential beneficiary of the scheme.

52. PERFORMANCE AND FINANCIAL MANAGEMENT Q2 2023-24

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Performance and Financial Management Q2 2023-24.

The Finance Manager highlighted the following:

- The revenue budget for 2023/24 was approved at Council on 22nd February 2023 at £14.766 million.
- As at 30th September 2023, the latest forecast net budget was £14,698,450 which produced a budget surplus of £68,000, this was an improvement of £51,000 on quarter one. Details of the Variations of the Revenue Budget could be seen at Appendix A of the report.
- The original budget for 2023/24 included a forecast to achieve £250,000 salary vacancy savings. The current position forecasted that £142,000 based on known vacancies to date, but it was anticipated that the £250,000 saving would be met by the end of the financial year.
- The national pay award had been agreed by the Unions and the additional costs of this would be funded with the sum of £436,000 from the Budget Management Reserve.
- The Collection Fund reserve balance was, approximately £1.3 million. This earmarked reserve was created to deal with the timing impacts of the Collection Fund (Business Rates), which ensured the revenue budget was not unduly affected in the year the taxes were collected. This reserve included a £912,000 balance that would be utilised in 2023/24 and 2024/25 to mitigate timing differences of business rate reliefs awarded in 2022/23, this left a reserve balance of just over £427,000 protection against future volatility.
- The Valuation Office Agency had notified the Council that the Rateable Value of the Museum of Barnstaple and North Devon was to be reduced to £1, backdated to 2019.
- The refund received from this backdate had a positive net impact to the Council £228,000, it was recommended that this be placed into the Regeneration Reserve for future projects.
- As at 30th September 2023 external borrowing was £3 million. The timing of any future borrowing was dependent on how the Council managed its treasury activity.
- Due to slippages in the Capital programme, and using the cash flow balances for internal borrowing had reduced borrowing costs on the expenditure budget

and a net forecast of £164,000 underspend on interest payable was being made.

- There was no anticipated use of the Treasury Management reserve during 2023/24 and so the full reserve balance of £275,000 could be carried forwards to help protect and mitigate against higher borrowing costs in the future financial years.
- Due to on-going higher interest rates the Council was also reporting a £250,000 net increase in interest receivable.
- The costs of Temporary Accommodation had increased. The volume of cases presenting as homeless was also increasing but this partly mitigated by the on-going programme of purchasing Temporary Accommodation properties. The increase in costs of £194,000 had been offset by additional homelessness grant.
- Appendix B of the report – “Movement in Reserves and Balances” detailed the movements to and from earmarked reserves.
- Appendix C of the report – “Strategic Contingency Reserve” detailed in full movements and commitments of the Strategic Contingency Reserve movements.
- The Capital programme could be seen at Appendix D of the report.
- The current 2023/24 Capital Programme stood at just under £23 million. An overall variation of just over £5.4 million was being proposed. This variation consisted of three additional capital bids, reductions in projects costs, changes in scheme funding and just over £5.2 million project slippage to future years.
- Full details of these movements were detailed at section 4.4.3 of the report.
- These changes take the revised Capital programme for 2023/24 to 2025/26 to just under £35 million.
- The Capital programme was funded by Capital Receipts/Borrowing of £13.3 million, External Grants and Contributions of £18.7 million and Reserves of £2.9 million.
- The actual spend as at the end of that quarter 2 was just over £5.3 million.
- The release of funds for the Capital Programme was detailed at section 4.4.8 of the report.
- The Treasury Management and Debt Management figures were detailed at sections 4.5 and 4.6 respectively.
- Appendix E of the report detailed the Corporate Plan Delivery highlights along with Key results and Performance indicators.

The Head of Programme Management and Performance highlighted the following:

- Members would have seen this report at the Member workshop held on 6 October 2023.
- Three members of staff had now been recruited in the Environmental Health team which would start to alleviate a backlog of work.
- Continuing to work with partners such as Homes England to unlock funding opportunities.
- The ECO Grant and Disabled Facilities Grant were both working well helping households in Devon.

- The Housing team were working hard to keep the homelessness numbers down, and the latest update was that there were 59 people placed in temporary accommodation.
- The Library square project had been completed. The new Council website had gone live as well as a new telephony system.
- The Water Sports Centre was in its closing stage.

The Head of Programme Performance and Management confirmed that number of Appeals dismissed could be added to the Corporate Plan Delivery Highlight report going forward.

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, as detailed in section 4.2 of the report, be approved;
- (c) That the movement on the Strategic Contingency Reserve, as detailed in section 4.3 of the report, be noted;
- (d) That funds be released for the capital schemes as detailed in section 4.4.8; and
- (e) That the sections dealing with Treasury Management, as detailed at 4.5 to 4.7 of the report, be noted.

RECOMMENDED:

- (f) That Council approve the variations of the Capital Programme 2023/24 to 2025/26, as detailed at section 4.4.3 of the report.

53. MID YEAR TREASURY MANAGEMENT REPORT 2023/24

The Committee considered a report by the Head of Governance (circulated previously) regarding the Mid-Year Treasury Management 2023/24.

The Head of Governance highlighted the following:

- The Treasury Management Strategy Statement for 2023/24 was approved at Council on 22nd February 2023.
- The underlying Treasury Management Strategy Statement approved previously required revision in light of economic and operational movements during the year. The proposed changes could be seen in section 4.1 of the report.
- The Council's forecast capital financing requirement for 2023/24 was just under £30 million.
- The capital financing requirement denoted the Council's underlying need to borrow for capital purposes. At present the Council had a projected external borrowing amount of £9 million with £3 million long term liabilities (finance leases) and £18 million from internal borrowing of cash flow funds.
- In the current economic climate internal borrowing remained the most prudent and cost effective approach by the Council.
- The forecast Capital Financing Requirement had decreased by about £3.4 million from the original budget. This was due to re-profiling of the Capital Programme with expenditure being slipped to future financial years for the projects such as Future High Streets project.

- The external Public Works Loan Board (PWLB) borrowing remained at £3 million with the current forecasted figure of £6 million additional borrowing. The exact amount would depend on any capital spend slippages and cash flow balances towards the end of the financial year end.
- Section 4.5 of the report shows the borrowing strategy in more detail.
- The use of cash flow balances for internal borrowing had reduced the borrowing costs on the interest payable budget forecast at £164,000.
- A total in excess of £400,000 interest return on the portfolio held by the Council was being forecast.

In response to a question on whether the Council was included in the 1% of authorities who had not had their accounts signed off, the Director of Resources and Deputy Chief Executive confirmed that due to resource constraints on the Auditors our accounts were due to be signed off by December 2023. This was three months after the September deadline but compared to the wider sector North Devon Council were in a positive position as their audit work had actually commenced.

RECOMMENDED:

- (a) That the changes to the prudential indicators be approved; and
- (b) That the report and the treasury activity be noted.

54. APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - CHITTLEHAMHOLT

The Committee considered a report by the Parks, Leisure and Public Open Space Officer (circulated previously) regarding the Approval and Release of S10 Public Open Space Funds – Chittlehamholt.

The Parks, Leisure and Public Open Space Officer highlighted the following:

- The allocation of these funds would allow Chittlehamholt Village Hall to install solar panels with battery storage, air source heat pump and installation of toilets including new disabled toilet suite.

In response to a question on the use of the funds for a toilet suite, the Parks, Leisure and Public Open Space Officer explained that the creation of this new facility would mean disabled visitors to the Hall could now be accommodated whereas they were not currently. This creation of a new facility as opposed to the refurbishment of a pre-existing facility was allowable under the scheme.

RESOLVED that £34,000 be allocated to Chittlehamholt, Warkleigh and Satterleigh Village Hall towards the cost of installing solar panels with battery storage, air source heat pump and toilets including new disabled toilet suite.

RECOMMENDED that Council vary the capital programme by £34,000 and the funds be released subject to a funding agreement upon such terms and conditions as may be agreed by the Senior Solicitor for external projects.

55. LICENSING ACT POLICY REVIEW

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the Licensing Act Policy review.

The Public Protection Manager highlighted the following:

- In order to discharge its statutory duties under the Licensing Act 2003, the Council was required to produce a Licensing Act 2003 Statement of Licensing Policy and review it at least every five years.
- The current Licensing Act 2003 Statement of Licensing Policy was adopted by the Council on 21 November 2018 and became effective on 7 January 2019. In order to keep within the statutory time-scale and adhere to the Council's Constitution, and committee time-tables, any recommended final draft had to be approved by Full Council on 22 November 2023; be published and become effective prior to 7 January 2024.
- The revised draft Licensing Act 2003 Statement of Licensing Policy, as seen in Appendix A of the report, had been written pursuant to the provisions of the Licensing Act 2003, and the Guidance issued under Section 182 of the Act
- A consultation of the Council's draft revised Statement of Licensing Policy ran for a six week period, closing on 22nd August 2023.
- The main proposed amendments could be seen in section 4.6 of the report.
- Since undertaking consultation on the proposed draft, it should be noted that the Section 182 guidance was updated with an August 2023 edition. The Home Office has amended the Guidance in line with recommendations made in relation to the Manchester Arena Inquiry, largely to support licensing authorities and applicants when considering the provision of health care and counter terrorism measures at venues.
- As a result of this revision a new section 4.5 has been inserted into North Devon Council's draft Licensing Act Policy.
- There were 22 responses received in respect of the consultation, 17 of which were received via the web-form and 5 by way of direct communication. Of the 17 using the web-form 5 were made by individuals representing an organisation, including shops and hotels. One was received from Croyde Area Residents Association. Of those 5 by way of direct communication, one was received from Georgeham Parish Council and another from Witheridge Parish Council. Additionally one further response was submitted by the manager of North Devon Coast Areas of Outstanding Natural Beauty, whilst this was received after the consultation period had closed, it was received in time for the publication of this report. The results received can be seen at Appendix B of the report.
- It should be noted that some of those matters raised by respondents, whilst relevant may not be able to be actioned in the manner desired for various reasons including the fact that the legislation may not support the desired outcome.
- Further to the comments received, amendments had been made to the draft policy. Amendments included the addition of a new comments box in the Licensing Act 2003 representation form and the addition of the following paragraphs:
 - Public nuisance was given a statutory meaning in many pieces of legislation. It was however not narrowly defined in the 2003 Act and retained its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the

licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect was prejudicial to health.

- Measures to control light pollution would also require careful thought. Bright lighting outside premises which was considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities would need to balance these issues.

In response to questions the Public Protection Manager gave the following replies:

- The inclusion of paramedics being allowed a banned substance on a premises during the carrying out of their job, could be added to paragraph 11.3 of the revised policy.
- Co-opted Parish Councillors, as a person of standing in the community, could be called on to be a counter- signatory.

RECOMMENDED that full Council approve the revised Licensing Act 2003 Statement of Licensing Policy, as detailed at Appendix A of the report, at their meeting of 22 November 2023.

56. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY PROPOSED AMENDMENTS

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the Hackney Carriage and Private Hire Licensing Policy proposed amendments.

The Public Protection Manger highlighted the following:

- A lot of work had been undertaken to make amendments to the policy to bring it in line with the recommendations from the Department of Transport.
- The Licensing and Community Safety Committee previously approved minor amendments to the Hackney Carriage and Private Hire Licensing Policy, during their meeting of 7 March 2023. The further minor amendments proposed to the policy can be seen at section 4.1 of the report.
- Wheelchair accessible vehicle approval: The current policy sought to incentivise the take-up of licences for wheelchair accessible vehicles, and this had in-turn led to an increase in enquiries from prospective proprietors. Officers were very pleased to see this increase in interest in plating wheelchair accessible vehicles, but had noted that these enquiries had generally required officers to give additional information. The additional Appendix T, therefore gave further information on the certification requirements where vehicles had been converted to become wheelchair accessible.
- Vehicle Inspections: The vehicle inspection form was fully revised as part of the previous policy changes, but upon reflection Officers believed it was useful to add some further information to the form, specifically minimum acceptable tyre tread depth requirements, and minimum brake pad thickness. A copy of the amended inspection form could be seen at Appendix B of the report.

- Fire extinguisher requirement: The requirement for licenced vehicles to carry a fire extinguisher and maintain this extinguisher on an annual basis had been a policy requirement for many years. However, upon discussion with Devon and Somerset Fire and Rescue representatives, they indicated a preference for drivers to exit the vehicle and call them in the event of a vehicle fire. Their comments were that “we would rather see drivers and passengers exit vehicles and get to a place of safety. Extinguishers were only any good if people were trained and know how to use them correctly”. It is therefore proposed that the fire extinguisher requirement be removed as it was not favoured by the fire service; was seen as a financial and administrative burden by many vehicle proprietors; and the administration of this requirement placed an administrative burden on the Licensing Team.
- Additional medical requirement information: Officers re-appraised the medical form used by prospective and licenced drivers in North Devon, and as part of this identified that some Local Authorities provide further information in their policies on medical conditions which may be a bar to obtaining or holding a hackney carriage or private hire driver’s licence. All of the conditions identified fell within the current DVLA Group 2 standard of medical fitness for professional drivers’ requirement, and as such no change was being made to the medical standard itself, rather officers felt that setting this information out in the policy itself would aid clarity on this for applicants.
- Door Signs: At Appendix M of the Hackney Carriage and Private Hire Licensing Policy it cited a requirement for Private Hire Vehicles to display door signs saying ‘advance booking only’. This requirement was approved at the September 2022 Strategy and Resources Committee following a public consultation. This consultation did not produce any significant negative comments on the proposal. The door sign requirement was intended to replace the previous requirement to display a sun visor saying ‘private hire’, however proprietors and operators raised the issue of door signs potentially damaging vehicle paintwork. Due to concerns raised, officers did not actively enforce this aspect of the policy and reverted to the previous sun strip requirement. Members of the Licensing and Community Safety Committee during their meeting of 7 March 2023, also concluded that sun strips could be used, thus clarity surrounding this point was now required.

RESOLVED that the amended Hackney Carriage and Private Hire Licensing Policy, as detailed at Appendix A of the report, be approved.

57. EQUALITY STRATEGY 2023-2027

The Committee considered a report by the Head of Governance (circulated previously) regarding the Equality Strategy 2023-2027.

The Head of Governance highlighted the following:

- The updated Equality Strategy for 2023 to 2027 was set out in Appendix A of the report setting out the Council’s equality duty.
- The Equality Act states that decision makers had a responsibility to give regard to equality impacts as part of their decision making process.

- An example of a completed Equality Impact Assessment can be seen at Appendix B of the report.
- Public consultation had been undertaken on the draft strategy for six weeks between 1 June 2023 and 31 July 2023. Nineteen consultation responses have been received and were detailed at Appendix C of the report.

RESOLVED that the Equality Strategy 2023-2027 be adopted.

58. CLIMATE AND ENVIRONMENT GRANTS SCHEME FOR PARISH COUNCILS 2024-2025

Councillor Prowse re-declared his interest in this item and left the room.

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Climate and Environment Grants Scheme for Parish Councils 2024-2025.

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

- A Climate and Environment Grants Scheme for Parish Councils was adopted in January 2020 for a three year period effective from 1 April 2020 to 2023.
- The pandemic hit at the start of this scheme which effected the uptake of the grant.
- A residual balance of £40,000 was left in the fund reserve at the end of the financial year 2022/23. This balance was retained for the purpose of re-instating the scheme at some point.
- The scheme encourages and supports projects undertaken by small Parish councils which were sustainable and looked to improve the environment and/or tackle climate changes issues such as reducing carbon and improving biodiversity.
- The scheme was set out at Appendix A of the report, and Parish Councils with populations of less than 1000 (as per the October 2023 Register of Electors) could be eligible to apply.
- The list of eligible Parish Councils with populations lower than 1000 could be seen in Appendix A of the report.
- There will be two funding rounds. The first round will run for 5 months until 31 August 2024 and the second round will run until 31 January 2025.
- The decision making process was carried out by a panel consisting of Group Lead members, the Lead Member for Climate and Biodiversity and the Director of Resources and Deputy Chief Executive.
- The panel worked effectively previously and the scheme proposed for the panel to continue as was previously made up.

The Senior Solicitor and Monitoring Officer advised that if a panel member was faced with making a decision on an application that related to a Parish Council they were a member of that they step back from the decision process.

The Director of Resources and Deputy Chief Executive confirmed that section eight of the policy could be amended to incorporate that panel members must be excluded from the decision making process if an application for funding relevant to a Parish Council they were a member of was being processed.

RESOLVED that the Climate and Environment Grants Scheme for Parish Councils for 2024/25 be adopted to be implemented with effect from 1 April 2024.

59. FLOURISHING BARNSTAPLE CULTURAL DEVELOPMENT FUND (CDF) PROJECT UPDATE

Councillor P Leaver re-declared his interest in this item and left the room.
Councillor Prowse declared he was a trustee of the Bridge trust.

The Committee considered a report by the Culture Manager (circulated previously) regarding the Flourishing Barnstaple Cultural Development Fund project update.

The Culture Manager highlighted the following:

- The project known as Flourishing Barnstaple was a project that aimed to re-establish Barnstaple as the cultural centre of Northern Devon, delivering many of the aspirations of the Barnstaple Cultural Plan that was adopted last year (2022).
- The project received funding in April 2023 and was due to be completed by the end of March 2026.
- The project included three capital elements:
 - Completion of a visual arts/ creative industries hub at 36 Boutport Street,
 - Creation of a performing arts/learning hub at Bridge Chambers; and
 - Wayfinding and public art.
- There was revenue funding for three years of activity including cultural sector business development, community engagement, festivals and marketing.
- The project had been funded through the Government's Cultural Development Fund, administered by Arts Council England. External funding of £3,000,000 was matched by £500,000 Market Quarter (funding from the Future High Streets programme) and £150,000 from the Bridge Trust. The overall project funding totalling £3,650,000 was split as £2,950,000 Capital spend and £700,000 Revenue spend.
- Work to date had been around setting up governance, and partnership arrangements (there were five partners), with an internal project team as well as a project board made up of collaborators. The Council had a dedicated Arts Council officer, tasked with monitoring progress and advising.
- Section 4 of the report detailed the project scope.
- The development of 36 Boutport Street and the Bridge Chamber would help the cultural economy of Barnstaple. Having spaces for people to interact and work with young people.
- Three posts had been successfully recruited:
 - The Cultural Producer, who took up the role at the start of October,
 - The Community Engagement Officer, who took up the role at the end of October; and
 - The Cultural Engagement Officer, who would take up the role at the start of December.
- Progress on the Boutport Street building would be reported within the Economic Growth Programme. Currently the team were awaiting the return of construction tenders.

- The Bridge Chamber building, which was owned by the Bridge Trust, had reached the point of tendering for an external design team.
- The public art trail and wayfinding was moving ahead with the appointment of consultants, who would be completing an underpinning strategy for this work – which would set out their recommendations for where signage should be.
- Funding received for the development of the activity programme, had a spend deadline of April 2024.
- Events and Activities had begun at the Pannier Market starting with an exhibition showcasing the work of the internationally renowned photographer Gideon Mendell in partnership with Beaford Arts called “When I am 40”.
- Beaford Arts had commissioned him to work with local school children visiting locations that had been identified by Coastal Climate Change documents that would be affected by changes in climate.
- Another big exhibition was due to begin in December and further details of this would be announced shortly.
- In the New Year work would be undertaken to revive the Barnstaple carnival.

The Chair and Committee members thanked the Culture Manager for all the hard work applying for the funding to put this programme together.

The Culture Manager advised that work was underway with local partners on a Culture Plan for Ilfracombe and it was hoped to be completed before Christmas.

RESOLVED that the progress of the project to date be noted.

Chair

The meeting ended at 11.10 am

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