



## Public Document Pack

North Devon Council  
Brynsworthy Environment Centre  
Barnstaple  
North Devon EX31 3NP

K. Miles  
Chief Executive.

To: All Members of the Council  
and Chief Officers

### COUNCIL MEETING

**YOU ARE HEREBY SUMMONED** to attend a meeting of **NORTH DEVON COUNCIL** to be held in the G107, 1st Floor, South West Institute Development Building, Petroc, Barnstaple - Petroc College on **WEDNESDAY, 4TH OCTOBER, 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 19 July 2023 (attached)
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 received from Councillor Patrinos

“The Mobile Library Service

This council recognises the huge importance of the mobile library service across the whole of North Devon. To help lift our communities out of poverty, deprivation, isolation and loneliness we should be increasing access to books, not removing them.

We request that Devon County Council rethinks their decision to close the service across Devon and seeks a way to replace the mobile library vans. We ask that DCC explores future possibilities of the mobile service which will further enhance lives for our rural communities.”

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

“Call For An Independent Review Of Water Authorities

At the recent meeting of the LGA Coastal Issues Bathing Water Quality group concern was expressed about reports of the continued practice of discharging raw sewage into our waterways and coastline. Incidents such as the stomach upsets experienced by 45 of the competitors in the Sunderland Triathlon following their swim to the raw sewage discharge at Harlyn Bay in Cornwall indicate that this is a nationwide problem and involves all of the water authorities. In North Devon there have been several occasions this Summer when poor water quality has triggered the Pollution Risk Forecast.

This motion seeks North Devon Council’s support to there being an immediate independent review of all Water Authorities.”

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 11 - 12)

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. **Making of the Braunton Neighbourhood Plan** (Pages 13 - 22)

Report by Head of Place, Property and Regeneration (attached).

13. **Performance and Financial Management Quarter 1 2023/24** (Pages 23 - 54)

Report by Director of Resources and Deputy Chief Executive to the Strategy and Resources Committee on 4 September 2023 (attached).

- (a) Report of the Policy Development Committee  
To receive the report of the Policy Development Committee held on 14 September 2023 (to follow).
- (b) Report of meeting of the Strategy and Resources Committee (Pages 55 - 56)  
To receive the report of the Strategy and Resources Committee held on 4 September 2023 (attached).

**14. Change of date of future Council meeting - February 2024**

To consider whether to change the date of the meeting of Council that was scheduled to be held on Wednesday 28 February 2024 at 6.30 pm to be held on Wednesday 21 February 2024 at 6.30 pm instead as the original date will have an impact on issuing the Council Tax bills.

**15. Half Yearly Report from the Chair of the Governance Committee (Pages 57 - 60)**

Report by the Chair of Governance Committee (attached).

**16. Minutes of Committees**

Council is recommended to note the schedule of Committee minutes and approve recommendations as listed below:

- (a) Building Control Joint Committee (Pages 61 - 64)
  - (i) 10 August 2023
- (b) Harbour Board (Pages 65 - 78)
  - (i) 8 August 2023
    - a. Minute 6: Appointment of two Independent Representatives to the Harbour Board
    - b. Minute 8: Ilfracombe Harbour Consultative Forum
    - c. Minute 12: Future Projects
- (c) Planning Committee (Pages 79 - 94)
  - (i) 27 July 2023
  - (ii) 9 August 2023
  - (iii) 6 September 2023
- (d) Policy Development Committee
  - (i) 14 September 2023 (to follow)

- (e) Strategy and Resources Committee (Pages 95 - 114)
  - (i) 4 September 2023
    - a. Minute 34 (c): Section 106 report
  - (ii) 2 October 2023 (to follow)
    - a. Approval and Release of Section 106 Public Open Space Funds - Ilfracombe

**PART B (CONFIDENTIAL RESTRICTED INFORMATION)**

Nil.

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

26.09.23

## **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. Members of the public that attend meetings must be aware that these meetings are open to the public and so therefore both individuals and the Council itself have the right to record the meeting. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chair of the meeting will make sure any request not to be filmed 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 Chair 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 recording should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be filmed. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be filmed must advise the Chair at the earliest opportunity to allow them to be directed to an area in the room where they will not be caught on camera. Subject to paragraphs 1, 2 and 3 above, audio recordings shall be permitted at all times during public meetings.
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](mailto:memberservices@northdevon.gov.uk) or the Communications Team on **01271 388278**, email [communications@northdevon.gov.uk](mailto:communications@northdevon.gov.uk).

Room G107 is located on the first floor of the South West Institute Development building at Petroc, Old Sticklepath Hill, Barnstaple, Devon EX31 2BQ. A lift is available to the first floor.

The following page shows a location plan of Petroc.

G Block on the plan indicates the South West Institute Development building.

### **Parking**

Point 5 on the plan indicates the short stay car park which is located adjacent to the South West Institute Development building which is free to park after 5.00 p.m.

### **Cycle Racks**

Covered cycle racks are located on the grassed area opposite Petroc's main reception, before the Lifestyle building.

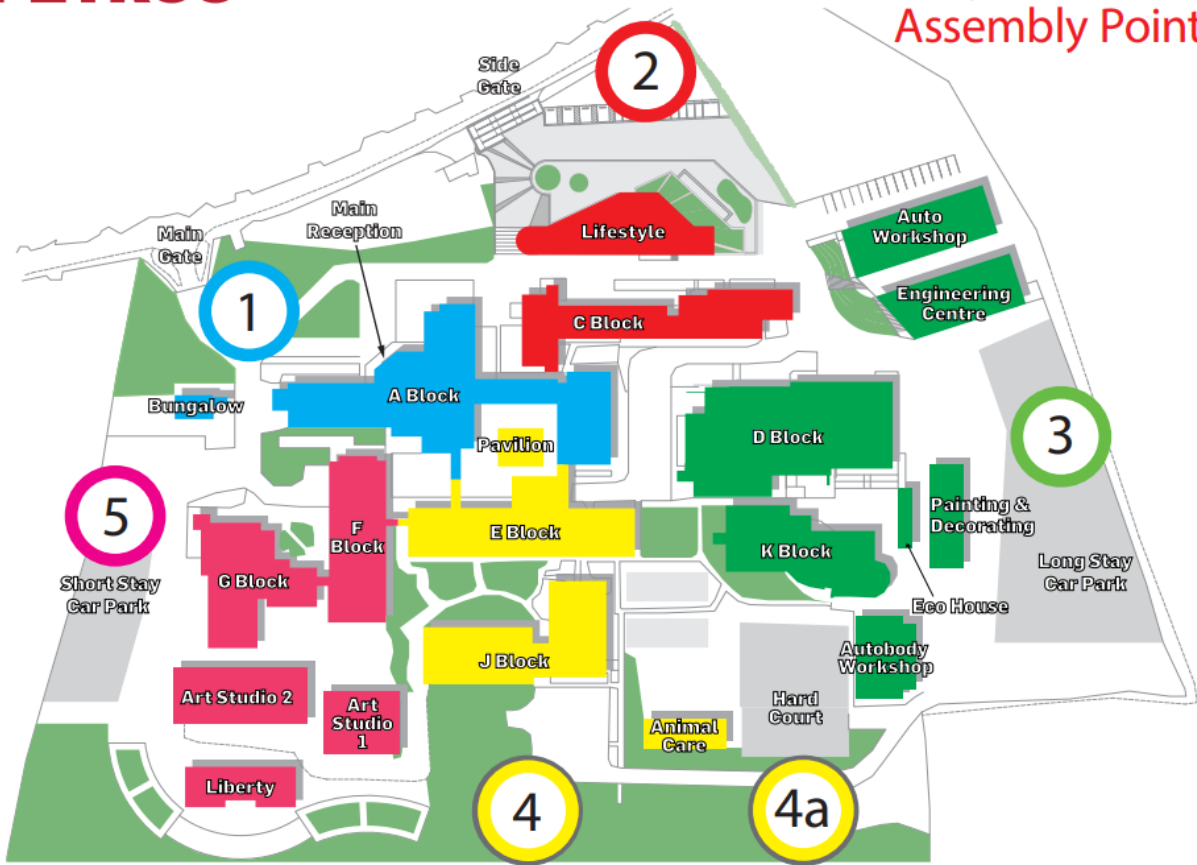
### **Bus Routes**

Stops in **Sticklepath Hill** (East bound) bus service 310  
Wrey Arms (West bound) bus services 5B, 21, 21A, 21C, 62C, 322, 386, 646, 815, 821, 903, 921  
([Sticklepath, Barnstaple – Bus Times](#))

### **Fire evacuation procedures**

Fire evacuation procedures - Upon hearing a constant 2-tone alarm, please leave the building via your nearest marked fire exit and make your way to the nearest assembly point which is the short stay car park (Point 5 on the map). Lifts are not to be used. Please do not take time to pick up personal belongings and leave the building promptly.





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## **NORTH DEVON COUNCIL**

**COUNCIL: 4 OCTOBER 2023**

### **LEADER'S REPORT**

Over the past few months, I've embarked on a series of visits to our local parish and town councils within the region. Following my recent meeting with Ilfracombe Town Council, I continued my visits to Lynton and Lynmouth Town Council, Braunton Parish Council, and South Molton Town Council. These visits provided a valuable opportunity to connect with town and parish councillors, enabling me to gain insight into the fundamental challenges they face at the grassroots level of our local democracy.

I'm pleased to report that these visits have been exceptionally productive, with positive feedback from all participants expressing a desire for regular engagement. Indeed, our collaboration has expedited the resolution of certain issues, reinforcing the importance of these interactions. I eagerly anticipate maintaining this ongoing dialogue and continuing to build stronger connections within our community.

I was also delighted to extend a warm welcome to Jon Beake, Regional Employment Engagement Director of Defence Relationship Management, and Wing Commander Alex Drake, Air Regional Employer Engagement Officer, as they joined our Strategy and Resources committee for the official signing of the Armed Forces Covenant. This covenant is grounded in two fundamental principles:

1. Ensuring that members of the Armed Forces community do not encounter disadvantages when accessing public and commercial services, ensuring parity with other members of our community.
2. Acknowledging the need for special consideration in certain instances, particularly for those who have made significant sacrifices, including the injured and bereaved individuals who have given their utmost.

The covenant will be reviewed annually to ensure we are meeting its obligations.

I had the pleasure of attending Petroc's launch event for The Environmental Space Living Lab (ESLL), coinciding with the successful completion of phase II of the Cotie Innovation Launchpad facility at North Devon Campus. The ESLL represents a fusion of state-of-the-art equipment and real-world testing environments, providing a platform for farmers and other stakeholders to tackle agricultural, aquacultural, and broader environmental challenges through the adoption of innovative, space-related technologies. This endeavour involves collaborative partnerships with technology providers and academia.

Supported by funding from the Heart of the South West Local Enterprise Partnership (LEP) and spearheaded by the Satellite Applications Catapult, the ESLL will establish a presence in three locations across the South West. It will serve as a showcase environment to initiate trials and demonstrations of sustainable agricultural and environmental technologies.

In addition to the ESLL, the expansion of Petroc's Cotie Innovation Launchpad offers local entrepreneurs and small businesses access to cutting-edge augmented/virtual reality and immersive technologies for content creation and collaboration, fostering innovation in products, services, and processes while facilitating business growth. These valuable resources, funded by the European Regional Development Fund, complement the existing facilities, which include a development zone equipped with 3D manufacturing technology, conference facilities, open-plan hot-desking spaces with high-spec PCs, a cleanroom, and design pods.

I, along with fellow councillors, recently participated in a webinar focused on the state of dentistry provision in Devon. The pressing issue at hand revolves around the insufficient investment in this vital service and the pressing need to establish realistic NHS contracts with dentists. This situation has inadvertently led to the emergence of "dental deserts" in North Devon, characterised by limited NHS dental access and alarming levels of oral health inequality.

Recruitment and retention challenges within the dental workforce have been identified as a significant contributing factor to this problem. For far too long, rural areas like ours have grappled with overstretched NHS dental services, resulting in individuals enduring pain and, in some cases, resorting to self-extraction of teeth or paying exorbitant fees for urgent treatment. Despite their dedication, dentists are facing an uphill battle due to escalating costs and a growing number of retirements.

The Conservative government has allowed this situation to persist for an extended period, and it is crucial that government ministers take immediate and resolute action to tackle this dental crisis. The first step should involve a thorough overhaul of NHS dental contracts to expand appointment availability and guarantee equitable compensation for the invaluable work of dentists.

Councillor Ian Roome

September 2023



## **North Devon Council**

Report Date: Wednesday, 4 October 2023

Topic: Making of the Braunton Neighbourhood Plan

Report by: Head of Place, Property and Regeneration

### **1. INTRODUCTION**

1.1. This report provides Members with the results of the referendum undertaken for the Braunton Neighbourhood Plan and recommends that it should progress to be “made” (adopted).

1.2. The referendum for the neighbourhood plan took place on 7<sup>th</sup> September 2023, and delivered a positive outcome that will enable the document to be “made” and thus form part of the local Development Plan.

### **2. RECOMMENDATIONS**

2.1. The Council is recommended, in respect of the Braunton Neighbourhood Plan:

2.2. a) to note the referendum results of 7<sup>th</sup> September 2023, where 90% of those who voted were in favour of the Braunton Neighbourhood Plan;

2.3. b) to formally “make” the Braunton Neighbourhood Plan that was subject to referendum on 7<sup>th</sup> September 2023 as part of the statutory development plan for North Devon District Council; and

2.4. c) agree to delegate the publication and circulation of the Decision Statement (draft attached at appendix 2) to the Head of Place, Property and Regeneration

### **3. REASONS FOR RECOMMENDATIONS**

3.1. To comply with the requirements of the current neighbourhood planning legislation.

### **4. REPORT**

4.1. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth for their local area. One of the key aspects of neighbourhood planning is that communities can choose to set planning policies through a neighbourhood plan that are then used in determining planning applications in their area. Once a neighbourhood plan is legally brought into force it becomes part of the local Development Plan.

4.2. Neighbourhood plans are statutory planning documents which can establish general planning policies for the development and use of land in a



neighbourhood. Neighbourhood planning aims to help local communities play a direct role in planning the areas in which they live, and work and the Council has a statutory duty to assist communities in doing so.

- 4.3. In respect of background to the neighbourhood plans it was designated as a neighbourhood area by this Council in June 2015. Between 14<sup>th</sup> March and 29<sup>th</sup> April 2022 Braunton Parish Council consulted upon a pre-submission draft of the Neighbourhood Plan. At this stage, the Council provided a comprehensive response to the consultation.
- 4.4. Following the Parish Council's consideration of all the representations received, the Neighbourhood Plan, along with necessary supporting documentation, was submitted formally to this Council on 14<sup>th</sup> November 2022.
- 4.5. Formal consultation (Regulation 16) was then undertaken by this Council, on the Submission version of the Neighbourhood Plan during the period 12<sup>th</sup> December 2022 to the 6<sup>th</sup> February 2023.
- 4.6. Following the consultations, in agreement with Braunton Parish Council, this Council appointed an independent examiner to examine the Neighbourhood Plan. The examination was conducted by written representations with the examiner concluding, in a report provided to this Council and the respective Qualifying body, that all necessary procedural and technical requirements had been appropriately addressed, with recommendations that subject to the application of the proposed modifications, as set out in the examiner's report, the Neighbourhood Plan should proceed to referendum.
- 4.7. This Council considered the outcomes of the examination on 19<sup>th</sup> July 2023. The Council determined that the Neighbourhood Plan (as modified by the examiner) should proceed to referendum. The Referendum versions of the Neighbourhood Plans was then published alongside the decision statement required under Regulation 18(2)(a) of the Neighbourhood Planning (General) Regulations (2012).
- 4.8. The referendum was held on 7<sup>th</sup> September 2023. Voters were asked the following question: "Do you want North Devon District Council to use the neighbourhood plan for Braunton parish to help it decide planning applications in the neighbourhood area?"
- 4.9. All residents on the Council's electoral register within the referendum areas were entitled to vote. There is no minimum turnout for a referendum to be valid and the neighbourhood plan is required to obtain 50% plus 1 of those



who voted in the referendum to vote “yes” for the outcome to be positive. If there is a majority “no” or a tied vote, then the neighbourhood plan cannot come into force. The verification statements and full results from the referendums are attached as appendix a.

- 4.10. The electorate for the referendum was 6428; at the referendum 1156 ballot papers were issued (a turnout of 17.9%). From the 1156 ballot papers issued 1042 (90.1%) voted in favour of the Neighbourhood Plan and 114 (9.9%) voted against.
- 4.11. As a result of legislative changes made in 2017(Section 3 of the 2017 Neighbourhood Planning Act), a neighbourhood plan comes into force as part of the statutory Development Plan once it has received majority support at a referendum. The Braunton Neighbourhood Plans has this status.
- 4.12. The Council is still however required to formally “make” the Neighbourhood Plans for them to continue to have effect and must do so within a prescribed eight-week period from the day after the referendum. The Council’s formal consideration of this matter addresses this requirement.
- 4.13. Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to “make” a neighbourhood plan if more than half of those voting in the applicable referendum have voted in favour of the neighbourhood plan.
- 4.14. The Council is not subject to this duty if the making of the neighbourhood plan would breach or otherwise be incompatible with any EU (this remains a requirement post Brexit) or human rights obligations. There is no known breach or incompatibility, as an issue this was a matter for consideration through the referenced examinations. Officers consider that the neighbourhood plan can be formally “made”. If the Council decide not to formally ”make” the Neighbourhood Plan, then they would cease to have effect as part of the Development Plan.
- 4.15. As soon as possible following a decision to “make” a neighbourhood plan, the Council must publish a decision statement, stating that the neighbourhood plan has been “made” and the reasons why. A draft decision statement is appended to this report.
- 4.16. A copy of the decision statement must be sent to the Qualifying body (Braunton Parish Council) and anyone who has been asked to be notified of the decision. The Council must publish where and when the decision statement can be inspected. The Council is also required to publish the



Neighbourhood Plans on its website and notify any person who has asked to be notified of their making and where they can be inspected.

4.17. The Referendum versions of the Neighbourhood Plans are provided on the Council's website, as set out in the supporting information to this report. Some limited rebranding and textual updates may be required to reflect the status change of the documents if they are "made".

## 5. RESOURCE IMPLICATIONS

5.1. The Localism Act 2011 places a duty on local authorities to support the delivery of neighbourhood plans, which includes the financial burdens associated with undertaking examinations and referendums. The approximate combined costs for the examination and referendum for the Braunton Neighbourhood Plan was £19,200

5.2. In respect of funding to assist with the Council's obligations to support neighbourhood planning, to date £5,000 has been received for the designation of the Neighbourhood Areas and a further £20,000 will be received by this Council following the Council's decision to proceed to referendum.

## 6. EQUALITIES ASSESSMENT

6.1. The submitted Braunton Neighbourhood Plan Supporting Documents included its own Equality Impact Assessment. It concluded (paragraphs 5.6-6.2) that *"All of the Braunton Parish NP policy areas are considered to have overall a positive impact on those with protected characteristics. There are no individual policies that are considered likely to have a negative impact. The Braunton Parish NP provides a suite of aims and policies to respond to the vision for the benefit of the local community including those with protected characteristics. In preparing the Braunton Parish NP, Braunton Parish Council and the NP Steering Group have sought to engage widely with all of the local community. They have gone beyond minimum consultation requirements to gather the views of the community."*





## 7. ENVIRONMENTAL ASSESSMENT

7.1. The environmental implications of the plan have been considered in the Basic Conditions Statement prepared by Braunton Parish Council. This sets out that the neighbourhood plan complies with the strategic environmental objectives of the Local Plan. In addition, North Devon Council has prepared a Strategic Environment Assessment of the Neighbourhood Plan for the Examiner's consideration. The Examiner has not raised concerns with the outcomes of these documents.

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. Improving customer focus – providing support to Braunton Parish community in preparing specific planning policies for the parish.

8.1.2. Regeneration or economic development – planning policies, which relate to economic development are included in the neighbourhood plan.

## 9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annexe 1

9.2. Referred or delegated power? Referred

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- a) Braunton Parish Neighbourhood Plan 2018 to 2031
  - b) Braunton Parish Council Basic Conditions Statement (November 2022);
  - c) Braunton Neighbourhood Plan Consultation Statement;
  - d) Braunton draft Neighbourhood Plan Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Screening Report (November 2022)
- Report on the Braunton Neighbourhood Plan 2018 – 2031  
National Planning Policy Framework

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Elizabeth Dee, Senior Planning Policy Officer

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# DECLARATION OF RESULT OF POLL

## Braunton Parish Neighbourhood Plan Referendum

I Robert Bates, being the Counting Officer at the above referendum held on Thursday 7 September 2023, do hereby give notice that the results of the votes cast is as follows:

Question		
<p><b>“Do you want North Devon District Council to use the Neighbourhood Plan for Braunton Parish to help it decide planning applications in the neighbourhood area?”</b></p>		
	Votes Recorded	Percentage
Number cast in favour of a <b>YES</b>	1042	90.1
Number cast in favour of a <b>NO</b>	114	9.9

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more answers than required	0
C writing or mark by which voter could be identified	0
D being unmarked or wholly void for uncertainty	0
E rejected in part	0
Total Rejected	0

Electorate: 6428

Ballot Papers Issued: 1156 17.9%

And I do hereby declare that more than half of those voting have voted **in favour of** the Neighbourhood Plan.

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## **Braunton Neighbourhood Plan**

### **Decision Statement Published pursuant to the Planning & Compulsory Purchase Act 2011 S.38A(9) and Regulation 20 of the Neighbourhood Planning (General) Regulations 2012**

#### **1. Summary**

In accordance with the above regulations, and following a positive referendum result, North Devon Council made the Braunton Neighbourhood Plan (2018-2031) on 4<sup>th</sup> October 2023. The neighbourhood plan now forms part of the statutory development plan for North Devon Council.

#### **2. Decision and Reasons for the Decision**

Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires North Devon Council to make the neighbourhood plan if more than half of those voting in a referendum have voted in favour of the plan being used to help to decide planning applications in the area.

A local referendum was held in Braunton on 7<sup>th</sup> September 2023 to decide whether the local community were in favour of the Braunton Neighbourhood Plan. A total of 1042 votes were recorded in favour, whereas 114 votes were not in favour of the Neighbourhood Plan. The turnout of electors was 17.9% (1156 out of an electorate of 6,428).

Following an independent examination of the Braunton Neighbourhood Plan, North Devon Council also concluded that the Neighbourhood Plan, including its preparation, does not breach or is not otherwise incompatible with any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

On the basis of the foregoing and at its meeting on 4<sup>th</sup> October 2023, North Devon Council decided to make the Braunton Neighbourhood Plan with immediate effect. The Neighbourhood Plan has therefore become part of the Council's statutory Development Plan.

This decision statement documents can be viewed on the Council's website through: <https://www.northdevon.gov.uk/>

For purposes of inspecting hard copies of this statement and the Neighbourhood Plan, please contact the Planning Policy Team at [localplan@northdevon.gov.uk](mailto:localplan@northdevon.gov.uk)

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## North Devon Council

Report Date: Strategy and Resources Committee: 4<sup>th</sup> September 2023

### Topic: Performance and Financial Management Quarter 1 of 2023/24

Report by: Director of Resources and Deputy Chief Executive

#### 1. INTRODUCTION

- 1.1. This is one of the series of regular quarterly reports on the council's overall operational and financial performance. The report covers financial as well as operational performance. It mainly covers the quarter from April to June 2023, but also looks at the whole year.
- 1.2. Section 4 deals with headline financial performance. More detailed performance information is available in Appendix E, which sets out our five programmes and the projects sitting underneath, with updates on progress to date and those new and historic key results and reportable key performance information.

#### 2. RECOMMENDATIONS

- 2.1. That the actions being taken to ensure that performance is at the desired level be noted.
- 2.2. That the contributions to/from earmarked reserves be approved (section 4.2)
- 2.3. That the movement on the Strategic Contingency Reserve (section 4.3) be noted.
- 2.4. The Council approve the variations to the Capital Programme 2023/24 to 2025/26 (sections 4.4.3)
- 2.5. That funds are released for the capital schemes listed in section 4.4.8
- 2.6. That the sections dealing with Treasury Management, Debt Management and General Debtors (sections 4.5 to 4.7) be noted.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure that appropriate action is taken to allow the council to meet its objectives.
- 3.2. To inform Members of actual results compared to approved Corporate Plan, as well as progress in delivering services within the revenue budget and Capital Programme.

#### 4. Financial Performance

##### 4.1. Revenue

- 4.1.1. The revenue budget for 2023/24 was approved at Council on 22<sup>nd</sup> February 2023 at £14,766,450.
- 4.1.2. As at 30<sup>th</sup> June 2023, the latest forecast net budget is £14,749,450, which produces a budget surplus of £17,000. Details are shown in "Appendix A – Variations in the Revenue Budget".



- 4.1.3. The original budget for 2023/24 includes a forecast to achieve £250,000 worth of salary vacancy savings. The current position forecasts we will achieve £93,000 based on known vacancies to date, but it is anticipated that the budget of £250,000 will be achieved by the end of the financial year.
- 4.1.4. The National pay award is currently being considered by the Unions; however if the 2023-24 pay award exceeds the budgeted 4% included in the original budget then we would look to fund any shortfall from the Budget Management reserve, which currently has a balance of £814,000.
- 4.1.5. As at 1<sup>st</sup> April 2023 the Collection Fund reserve balance held is £1,340,177. This earmarked reserve was created to deal with the timing impacts of the Collection Fund (Business Rates), which ensures the revenue budget is not unduly affected in the year the taxes are collected. Collection Fund deficits/surpluses are reversed out to bring the revenue account back to the budgeted figure for the year; the deficits/surpluses are recovered/distributed in the following financial years. This reserve includes a £912,563 balance that will be utilised in 2023/24 and 2024/25 to mitigate timing differences of business rate reliefs awarded in 2022/23 that from an accounting perspective impact over the next two financial years; thus leaving the fund reserve with a residue balance of £427,614 protection against future volatility.
- 4.1.6. The Valuation Office Agency (VOA) have notified the Council that they are to reduce the Rateable Value of the Museum from £146,000 to £1, this change has been back dated to 2019 and a refund in rates payable has resulted in a net positive impact to the council of £184,000. It is recommended this refund amount be contributed to the Regeneration Reserve for future projects.
- 4.1.7. At the 30th June 2023 total external borrowing was £3,000,000. The timing of any future borrowing is dependent on how the authority manages its treasury activity. Due to on-going higher interest rates the Council is reporting a £90,000 net increase in Interest receivable.
- 4.1.8. The recommended level of general fund balance is 5%-10% of the Council's net revenue budget £738,326 to £1,476,645. The forecast general fund reserve at 31<sup>st</sup> March 2024 is £1,238,000; which is a level of 8.4%.

## **4.2. Earmarked Reserves 2023/24**

- 4.2.1. "Appendix B – Movement in reserves and Balances" details the movements to and from earmarked reserves in 2023/24





## 4.3. Strategic Contingency Reserve

4.3.1. Full details of the Strategic Contingency Reserve movements and commitments are attached as “Appendix C – Strategic Contingency Reserve”

## 4.4. Capital

4.4.1. The 2023/24 Capital Programme is attached as “Appendix D – Capital Programme 2023/24”

4.4.2. The Budget and Financial Framework report to Full Council 22nd Feb 2023 outlined the Capital Programme for the 2023/24 financial year of £21,247,098. Project underspend and further variations of £6,921,154 were approved as part of the performance and financial management report to Strategy and Resources Committee, to produce a revised 2023/24 Capital Programme of £28,168,252.

4.4.3. Overall variations of (£5,648,600) are proposed to the 2023/24 Capital programme and £30,000 to 2024/25 Programme as follows:

- Other Variations (+ and -) to 2023/24 Capital Programme  
£1,102,992

Schemes	Amount (£)	Notes
Disabled Facility Grant	295,792	Additional Grant Allocation from the Better Care Fund
Licensing Software	40,000	PAG bid – Scored by PAG team as “High priority”, £30,000 in 2024/25
Provision of Temporary Accommodation	767,200	Local Authority Housing Fund Round 2 and DCC Ukraine funding. Approved at Full Council 19 <sup>th</sup> July 2023
ICT back-up and recovery	(7,703)	Virement between schemes
Office Technology End User Assets	7,703	Virement between schemes
Jubilee Gardens reserved car park retaining wall	(31,447)	Virement between schemes
Ilfracombe Museum Car Park retaining wall repairs	31,447	Virement between schemes



- Project movements (to)/from future years (£6,751,592)

Schemes	Amount (£)	Notes
Seven Brethren Flood Defence	(650,000)	Slip spend and funding to 2024/25
Provision of Temporary Accommodation	1,000,000	Bring forward spend and funding from 2024/25
Green Lanes Shopping Centre	(690,779)	Slip spend and funding to 2024/25
Victoria Pleasure Grounds	(130,000)	Slip spend and funding to 2024/25
Cultural Development Fund	(2,292,000)	Slip spend and funding to 2024/25
Lynmouth Coastal Study	(60,000)	Slip spend and funding to 2024/25
Acquisition of Corporate Property	(250,000)	Slip spend and funding to 2024/25
Material Recovery Facility	1,000,000	Bring forward spend and funding from 2024/25
Future High Street Fund	(3,683,250)	Slip spend and funding to 2024/25
Eco Warm up Grants	(495,563)	Slip spend and funding to 2024/25
Disabled Facility Grants	(500,000)	Slip spend and funding to 2024/25

- Other variations to the 2024/25 Capital Programme £30,000

Schemes	Amount (£)	Notes
Licensing Software	30,000	PAG bid – Scored by PAG team as “High priority”, £40,000 in 2023/24

4.4.4. The overall revised Capital Programme for 2023/24 to 2025/26 taking into account the budget variations above is £35,119,588 and is broken down as follows:

- 2023/24 £22,519,652
- 2024/25 £12,504,936
- 2025/26 £95,000

The actual spend for 2023/24 as at 30<sup>th</sup> June 2023 is £2,362,552



- 4.4.5. The Programme of £35,119,588 is funded by Capital Receipts / Borrowing (£13,528,650), External Grants and Contributions (£18,609,678) and Reserves (£2,981,260).
- 4.4.6. The timing and realisation of capital receipts can be impacted by events beyond the control of the Council and we have been able to manage cash flows for projects through internal borrowing.
- 4.4.7. We also have authority to borrow from the Public Works Loan Board (PWLB) as outlined in the Treasury Management Annual Investment Strategy and the Council currently has external borrowing of £3,000,000.

#### **4.4.8. Release of Funds – Capital Programme**

- 4.4.8.1. Disabled Facility Grants £295,792
- 4.4.8.2. Licensing Software £70,000

#### **4.5. Treasury Management**

- 4.5.1. Bank Rate increased by a further 0.5% in June 2023 and currently stands at 5%. A further rise in bank rate is forecasted.
- 4.5.2. The Council's benchmark rate SONIA (Sterling Overnight Index Average) at 30th June 2023, was 4.37%
- 4.5.1. The return earned on the Council's investments was 3.32% (previous year 0.34%). This is an average rate which combines our instant access accounts which can attract lower interest, but provides liquidity, and our longer term investments which are currently attracting a higher rate of interest in excess of 5%.
- 4.5.2. £75,760 investment interest was earned during the quarter. (2023/24 interest receivable budget was £120,000)
- 4.5.3. No new borrowing was undertaken during the quarter, so as at 30th June 2023, total external borrowing remained at £3m.
- 4.5.4. £15,046 interest was paid at an average rate of 2.01% on the PWLB loans during the quarter. (2023/24 interest payable budget was £364,000)

#### **4.6. Debt Management**

- 4.6.1. The major areas of credit income are Council Tax, Business Rates, Housing Benefit overpayment Recoveries and General Debtors.
- 4.6.2. As billing authority, the Council annually raises the bills for Council Tax (£80,000,000) and Business Rates (£30,000,000).
- 4.6.3. Collection rates are controlled through monitoring:
  - 4.6.3.1. The level of write offs
  - 4.6.3.2. Levels of previous years' outstanding debt



4.6.3.3. The level of income collection in the year against the annual sums due to be collected.

4.6.4. The council's budget is based on the assumptions that eventually 97.5% of sums due will be collected. To ensure this level is achieved, year on year levels of write offs approved are controlled against a ceiling of 2.5% of annual debt.

4.6.5. The outstanding amounts at 30<sup>th</sup> June 2023 are as set out below:

Age in Years	Council Tax		Business Rates	
	2022/23 £'000	2023/24 £'000	2022/23 £'000	2023/24 £'000
1 – 2	1,884	<b>1,845</b>	411	<b>581</b>
2 – 3	1,085	<b>1,186</b>	182	<b>197</b>
3 – 4	786	<b>794</b>	250	<b>76</b>
4 – 5	497	<b>618</b>	79	<b>129</b>
5 – 6	328	<b>392</b>	40	<b>22</b>
Over 6	288	<b>445</b>	65	<b>45</b>
Total	4,868	<b>5,280</b>	1,027	<b>1,050</b>

4.6.6. The levels of collections at 30<sup>th</sup> June 2023 are:

	Achieved 2022/23	Achieved 2023/24
<b>Council tax</b>	28.58%	<b>28.44%</b>
<b>Business rates</b>	30.09%	<b>35.27%</b>

## 4.7. General Debtors

4.7.1. The level of general invoices raised was £2,200,000 at 30<sup>th</sup> June 2023 (previous year £3,500,000)

4.7.2. A summary of the outstanding debt, by age, is set out below with comparison to the previous year.

Age of debt	30 June 2022 £'000	30 June 2023 £'000
3 weeks to 6 months	493	615
6 months to 1 year	72	139
1 to 2 years	242	134
2 to 6 years	504	525
Over 6 years	94	77
<b>TOTAL</b>	<b>1,405</b>	<b>1,490</b>

## 5. RESOURCE IMPLICATIONS



5.1. All revenue and Capital impacts have been discussed and highlighted in section 4.

## 6. EQUALITIES ASSESSMENT

6.1. There are no equality implications anticipated as a result of this report. An Equality Impact Assessment has been completed.

## 7. ENVIRONMENTAL ASSESSMENT

7.1 There are not any environmental implications anticipated as a result of this report, as the purpose of this report is to monitor in year performance and financial monitoring. Projects within the Capital Programme will have highlighted any specific environmental impacts associated with those individual schemes when they came forwards for initial funding. The budget papers do contain an earmarked reserve for Environmental Initiatives which is a positive impact and has a forecast year-end 2023-24 balance of £62,584. The Capital Programme includes an approved £80,000 project for changing existing lighting for low energy lamps and fittings within NDC occupied buildings. There is also a £75,000 budget spread across 3 financial years for funding towards LED lighting on car parks and other Council assets.

## 8. CORPORATE PRIORITIES

8.1 The Revenue budget supports the wider delivery plan of the Council in achieving the corporate priorities.

8.2 Individual schemes within the Capital Programme support the corporate priorities of improving customer focus, regeneration and commercialisation agenda and the environment.

8.3 The acquisition of Green Lanes Shopping Centre and the Future High Street Fund capital projects have a positive impact on both the regeneration priority and also the commercialisation agenda.

## 9. CONSTITUTIONAL CONTEXT

9.1. Part 3, Annexe 1 para 1 (c) and (d) - Delegated.

9.2. Article 4.4 - Referred

## 10. STATEMENT OF CONFIDENTIALITY

10.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

11.1. None

## 12. STATEMENT OF INTERNAL ADVICE

12.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Author Tony Rumble, Finance Manager; Date 24<sup>th</sup> July 2023



### Appendix A – Variations in the Revenue Budget

Service and Cost Area	Worse/(Better) £	Totals £
Works & Recycling Employees	26,000	
Works & Recycling Tipping Charges	(12,000)	
Works & Recycling Supplies & Services	37,000	
Works & Recycling Trade Waste income	56,000	
Works & Recycling Recycling Credits	(17,000)	
Works & Recycling Shared Savings Scheme	(42,000)	
Works & Recycling Garden Waste income	(33,000)	
Works & Recycling Bulky Household income	(14,000)	
<b>Environmental Enhancement</b>		<b>1,000</b>
Museum Rates Refund	(327,000)	
Museum External Professional services	12,000	
Business Rates Retention (Museum)	131,000	
Cont to Regeneration reserve (Museum rates)	184,000	
Car Parks (Ringo)	33,000	
<b>Place, Property &amp; Regeneration</b>		<b>33,000</b>
Eco Flex Declaration income	(20,000)	
Old scheme Deposits	10,000	
Building Control partnership	49,000	
<b>Planning, Housing &amp; Health</b>		<b>39,000</b>
Interest Receivable	(90,000)	
<b>Corporate</b>		<b>(90,000)</b>
<b>Total</b>		<b>(17,000)</b>

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## Appendix B – Movement in Reserves and Balances

Earmarked Reserves	Closing Balance 31st March 2023	Transfer to Reserves	Transfer from Reserves (to Capital)	Transfer from Reserves (to Revenue)	Transfers	Closing Balance 31st March 2024
Budget Management Reserve	814,627					814,627
Collection Fund Reserve	1,340,177			-912,563		427,614
Crem Equipment Replacement Reserve	417,288					417,288
H4UK	527,815			-220,000		307,815
Crem Earmarked Reserve	290,096					290,096
Regeneration Projects	200,000	184,000		-130,000		254,000
Transformation Reserve	315,212		-29,903	-49,203		236,106
Local Plans Fund	255,850			-21,510		234,340
Community Housing Fund-Hsg Enabling	209,826					209,826
Office Technology Reserve	441,345	115,000	-348,240			208,105
Corporate Property Management Initiative	168,600					168,600
Rough Sleeper Initiative - DCLG grant	195,470			-32,229		163,241
SFS Vehicle Tender Reserve	208,152			-45,840		162,312
Flexible Homelessness Support Grant	201,798			-49,200		152,598
Corporate Property Income Volatility	150,000					150,000
Strategic Contingency Reserve	132,102					132,102
Tarka Tennis Surface replacement	109,873	13,000				122,873
Council Tax Support Scheme Reserve	148,973			-27,420		121,553
Programme Delivery Reserve	116,200					116,200
Treasury Management Reserve	275,000			-162,160		112,840
Repairs Fund	1,953,268	314,110	-1,650,828	-521,564		94,986
Vehicle Renewals Fund	83,720					83,720
Leisure Centre Replacement Reserve	80,820					80,820
Project Man Performance (Levelling Up)	105,454			-25,183		80,271
Insurance Reserve	80,000					80,000
Digital Transformation Financial Systems	202,039		-36,721	-86,406		78,912
W&R Covid Toilet Cleaning	71,961					71,961
Economic Development Reserve	149,091			-86,104		62,987

<b>Earmarked Reserves</b>	<b>Closing Balance 31st March 2023</b>	<b>Transfer to Reserves</b>	<b>Transfer from Reserves (to Capital)</b>	<b>Transfer from Reserves (to Revenue)</b>	<b>Transfers</b>	<b>Closing Balance 31st March 2024</b>
Environmental Initiatives	82,814			-20,230		62,584
Town Centre Management Reserve	49,332					49,332
Prevention CLG Grant Reserve	45,317					45,317
Next Step Accom Programme	43,451					43,451
Climate & Environmental Grants	40,000					40,000
Members Technology Reserve	33,583	6,070				39,653
Community Consultation	36,279					36,279
External Audit	35,238					35,238
Specialist Domestic Abuse Reserve	34,020					34,020
Neighbourhood Planning	34,517			-7,201		27,316
Planning Enquiries Fund	6,723	40,000		-20,000		26,723
Ilfracombe Watersports Centre Reserve	66,456		-40,000			26,456
Brownfield Land Registers & Permission	26,263					26,263
Crem Budget Management Reserve	25,477					25,477
Ilfracombe Harbour Repairs	24,520					24,520
RS Rapid Rehoming Pathway	23,956					23,956
IER Funding	22,032					22,032
HR Payroll	16,013					16,013
Internal Audit Plan	14,927					14,927
Planning Health and Housing Employees	120,395			-105,500		14,895
External Legal Services Reserve	20,875			-6,000		14,875
New Homes Bonus Reserve	65,064		-52,098			12,966
CCTV Reserve	27,540			-15,000		12,540
Self Build & Custom Housebuild	11,492					11,492
Museum development fund	11,240					11,240
Waste Shared Savings Reserve	42,000			-31,300		10,700
Noise Equipment reserve	6,129	2,000				8,129
Economic Financial Hardship	48,047			-41,530		6,517
Parks Reserve	6,321					6,321
Town & Parish Fund	5,159					5,159

<b>Earmarked Reserves</b>	<b>Closing Balance 31st March 2023</b>	<b>Transfer to Reserves</b>	<b>Transfer from Reserves (to Capital)</b>	<b>Transfer from Reserves (to Revenue)</b>	<b>Transfers</b>	<b>Closing Balance 31st March 2024</b>
Future High Street Fund FHSF	4,221					4,221
Health and Safety Reserve	3,714					3,714
Car Parking Reserve	7,909			-5,000		2,909
Material Recovery Facility Reserve	26,145			-24,000		2,145
Pannier Market	1,872					1,872
Habitat Directive Reserve	945					945
Development Control Fund	760					760
Greensweep Replacement Fund	708					708
Capital Funding Reserve	382,914		-382,731			183
ICT Cyber Treatment	115,100			-115,000		100
Office Accommodation Reserve	41					41
P C Planned Maintenance Fund	40,156		-40,155			1
Licensing Reserve	3,279		-3,279			0
UK Shared Prosperity Fund Reserve	62,500			-62,500		0
Lynton Agency Reserve	8,772			-8,772		0
Rechargeable Works Reserve	36,734			-36,734		0
Food Safety	25,281			-25,281		0
Brexit Exports EH	25,000			-25,000		0
Litter Bin Strategy	10,000			-10,000		0
District Council Election	107,698	65,000		-172,698		0
	<b>11,133,683</b>	<b>739,180</b>	<b>-2,583,955.00</b>	<b>-3,101,128</b>	<b>0</b>	<b>6,187,780</b>

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Appendix C – Strategic Contingency Reserve

<b>Strategic Contingency Reserve 2023-24 - Original (9980) (8245)</b>	
<b>Resources Available</b>	<b>£</b>
Balance brought forward 1st April 2023	(£132,102)
	<b>(£132,102)</b>
<b>Commitments B/F from 2022/23</b>	
<b>Balance Remaining</b>	<b>(£132,102)</b>

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## Appendix D – Capital Programme

Project	Original Budget 2023/24 £	Actuals 30th June 2023	Variance	Original Budget 2024/25 £	Original Budget 2025/26 £	Total Capital Programme
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<b>Customer Focus</b>						
ICT Skype for Business	40,000	0	40,000	0	0	40,000
Disaster Recovery and Backup testing	100,000	0	100,000	0	0	100,000
Office Technology Fund - End User Assets and IT Assets in Data Centre	208,240	1,500	206,740	130,500	70,000	408,740
	<b>348,240</b>	<b>1,500</b>	<b>346,740</b>	<b>130,500</b>	<b>70,000</b>	<b>548,740</b>

<b>Environmental Enhancements</b>						
Greensweep / Bartec migration and automation	29,903	0	29,903	0	0	29,903
Leisure Provision at Seven Brethren	156,138	0	156,138	0	0	156,138
Material Recovery Facility - Infrastructure	1,741,610	7,624	1,733,986	1,659,000	0	3,400,610
S106 Contributions - Various projects	374,330	76,326	298,004	0	0	374,330
S106 Crematorium Works and creation of memorial garden	39,704	0	39,704	0	0	39,704
S106 Public Realm improvements at Library Square, Barnstaple	33,295	24,808	8,487	0	0	33,295
	<b>2,374,980</b>	<b>108,758</b>	<b>2,266,222</b>	<b>1,659,000</b>	<b>0</b>	<b>4,033,980</b>

<b>Project</b>	<b>Original Budget 2023/24 £</b>	<b>Actuals 30th June 2023</b>	<b>Variance</b>	<b>Original Budget 2024/25 £</b>	<b>Original Budget 2025/26 £</b>	<b>Total Capital Programme</b>
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<b>Place and Regeneration</b>						
Acquisition of Corporate Property	0	0	0	250,000	0	250,000
Acquisition of Land off Frankmarsh, Barnstaple	60,161	27,525	32,636	0	0	60,161
Barnstaple Bus Station re-furbishment	46,394	0	46,394	0	0	46,394
Digital Transformation Asset and Financial Management System	40,000	0	40,000	0	0	40,000
Future High Street Fund	5,250,458	550,657	4,699,801	4,395,124	0	9,645,582
Ilfracombe Harbour - Kiosks	5,955	0	5,955	0	0	5,955
Land Release Fund - Seven Brethren	2,008,470	137,782	1,870,688	0	0	2,008,470
Pannier Market Re-roofing works	452,098	0	452,098	0	0	452,098
Planned Maintenance Seven Brethren	57,209	3,551	53,658	0	0	57,209
Public Maintenance - Public House corner of Castle Street and 16 Castle Street	90,000	0	90,000	0	0	90,000
Green Lanes	1,319,457	169,457	1,150,000	690,779	0	2,010,236
Retaining Wall - Cross Street Car Park Lynton	9,500	0	9,500	0	0	9,500
Self-build Housing projects	497,000	2,646	494,354	0	0	497,000
South Quay, Ilfracombe	55,000	0	55,000	0	0	55,000



<b>Project</b>	<b>Original Budget 2023/24 £</b>	<b>Actuals 30th June 2023</b>	<b>Variance</b>	<b>Original Budget 2024/25 £</b>	<b>Original Budget 2025/26 £</b>	<b>Total Capital Programme</b>
Harbour Infrastructure	363,743	160,048	203,695	0	0	363,743
Watersports Commercial Complex	177,328	89,998	87,330	0	0	177,328
Seven Brethren Flood defence	500,000	0	500,000	650,000	0	1,150,000
Alexander Road - Access improvements	419,126	0	419,126	0	0	419,126
Landmark Theatre, Fire alarm	150,000	2,830	147,170	0	0	150,000
Fremington Quay River Wall	120,000	0	120,000	0	0	120,000
Queen Ann's building, flat roof replacement	35,000	15,080	19,920	0	0	35,000
Queens theatre, replacement of Flat roof and redecoration of SE and NE elevations	313,650	224,548	89,102	0	0	313,650
Ilfracombe Museum Car park retaining wall repairs	222,947	0	222,947	0	0	222,947
NDC occupied office buildings, change existing lighting for low energy lamps/fittings	79,879	4,100	75,779	0	0	79,879
UK Shared Prosperity Fund	87,429	0	87,429	167,970	0	255,399
LED lighting	25,000	0	25,000	25,000	25,000	75,000
Lime Kiln, Larkstone Cove Regeneration	111,325	1,335	109,990	0	0	111,325
Victoria Pleasure Grounds, new Public Conv. and new shelter	50,000	0	50,000	130,000	0	180,000
Fairview and Brookdale Carparks	395,000	40,951	354,049	0	0	395,000

Project	Original Budget 2023/24 £	Actuals 30th June 2023	Variance	Original Budget 2024/25 £	Original Budget 2025/26 £	Total Capital Programme
Cultural Development Fund	158,000	0	158,000	2,292,000	0	2,450,000
Lynmouth Coastal Study	20,000	0	20,000	60,000	0	80,000
Rural England Prosperity fund	400,934	0	400,934	399,000	0	799,934
Stone bench landing Ilfracombe harbour masonry repair	45,336	0	45,336	0	0	45,336
South Quay Ilfracombe	168,000	0	168,000	0	0	168,000
Water Sports Centre Ilfracombe	465,589	204,241	261,348	0	0	465,589
	<b>14,199,988</b>	<b>1,634,749</b>	<b>12,565,239</b>	<b>9,059,873</b>	<b>25,000</b>	<b>23,284,861</b>

<b>Planning, Housing and Health</b>						
Licensing Software	40,000	0	40,000	30,000	0	70,000
21 Social Rents at Woolacombe	0	0	0	630,000	0	630,000
Affordable Homes Beechfield Road, Fremington	20,000	0	20,000	0	0	20,000
Disabled Facilities Grant Programme	1,380,795	357,256	1,023,539	500,000	0	1,880,795
ECO Warm up Grants	30,000	0	30,000	495,563	0	525,563
Provision of temporary accommodation	3,604,664	260,289	3,344,375	0	0	3,604,664
Community Led Housing models	520,985	0	520,985	0	0	520,985
	<b>5,596,444</b>	<b>617,545</b>	<b>4,978,899</b>	<b>1,655,563</b>	<b>0</b>	<b>7,252,007</b>

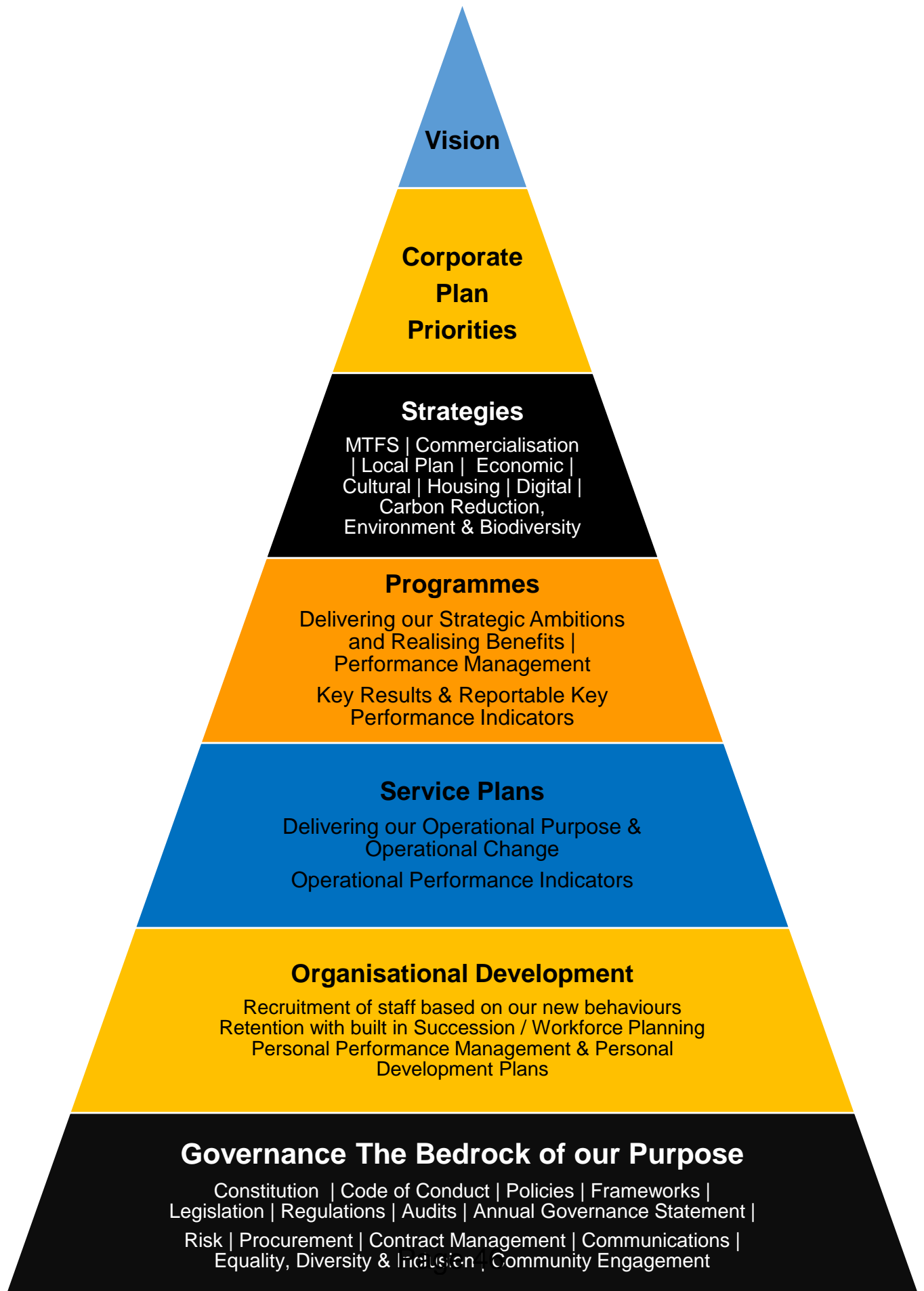
<b>Project</b>	<b>Original Budget 2023/24 £</b>	<b>Actuals 30th June 2023</b>	<b>Variance</b>	<b>Original Budget 2024/25 £</b>	<b>Original Budget 2025/26 £</b>	<b>Total Capital Programme</b>
	<b>22,519,652</b>	<b>2,362,552</b>	<b>20,157,100</b>	<b>12,504,936</b>	<b>95,000</b>	<b>35,119,588</b>



## Appendix E

### Corporate Plan Delivery Highlight Report with Key Results & Performance Indicators

- 1.1 The 2022/23 quarter four outturn report was last taken to this Committee on 03 July and then onto the Policy Development Committee on 06 July.
- 1.2 As the last report was slightly later coming to this Committee due to the Elections, there has been little report worthy movement on the projects, so this Appendix just sets out those performance measures.
- 1.3 The Q2 report will have an update on projects, capital costs and mid-year measures.
- 1.4 The pyramid on the following page sets out how our activities are driven from your 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. This infographic will not be shown again in this report, but has been repeated this time for clarity for new members.



4.3 We have for 2023/24 introduced some new Key Results (KR) and Reportable Key Performance Indicators (RKPI), but as noted in our Performance Management Framework these should be under continuous review and can be added to or reduced to meet your information needs.

**Corporate Plan Priority:** We Achieve Financial Security

**Objective:** We will remove the reliance on government grant & make the council financially self-sufficient.

Jon Triggs & Adam Tape

**Key Results**

Page 47  
1a: Gross income mainly out of our control. Budget: 2023/24 = **£23,758,390** as % of overall budget (Excluding Benefit Subsidy £30,005,500) = 79.18%

1b: Gross income mainly within our control from fees and charges generated from our assets. 2023/24 Q1 **Estimate = £7,409,000**

**Reportable Key Performance Indicators**

BV9: Percentage of Council Tax Collected. 2022/23 = 97.24% best result since 2012/13 which achieved 97.66%.

BV10: Percentage of Non-domestic Rates Collected. 2022/23 = 97.05%

BV8: Percentage of invoices paid on time. Q1 2022/23 = 88.75. Q2 2022/23 = 91.72% Q3 2022/23 = 90.68% **Q4 2022/23 = 92.09%**

## Housing and Community Safety Programme

Senior Responsible Owner Jeremy Mann

### Vision

We will strategically plan and deliver housing provision to meet local needs. Working with our partners, we will take the action necessary to tackle the widening imbalance in supply and demand.

### Key Results

KR 4a: Number of households in North Devon<sup>1</sup> living in fuel poverty = 6,420 [14.4%] Data 2021. Two year lag in reporting.

KR 4b: Number of homes in North Devon meeting the Decent Homes Standard as a direct consequence of our actions.

**Update:** The Environmental Health Manager will be in position from 17/07, with business cases to resource the new operating model being approved 10 July 2023, these will now be advertised.

KR4c: Housing Standards: number of Category 1 & 2 Hazards Eliminated. **Q1 = 0**

KR 6: Housing Supply: Net additional dwellings North Devon (DLUHC). Office for National Statistics Table 122  
2019/20 = 887 (↑ 28%) 2020/2021 = 556 (↓-37%). 2021/2022 = 599 (↑ 8%). 2022/2023 = results will be **published in November 2023**.

New KR 7: Gross new affordable homes delivered in North Devon area = **87<sup>2</sup>** (NI 155 Existing affordable housing indicator = **82**).

KR 8: No. of residential properties that have been classed as empty for more than 3 months on the Council Tax base = **730 (1.5%)**

<sup>1</sup> 44,729 Households @ 2021.

<sup>2</sup> Net new affordable housing reported under NI155 plus open market conversions to affordable housing using grant funding, other additionality outside of the planning system and gross number of affordable housing on demolished sites where new affordable housing replaces older stock. Please note Local Needs Dwellings are NOT included in this figure as they are not affordable housing. Geography - across both North Devon LPA and Exmoor National Park LPA (i.e. the NDC Local Housing Authority area).



8a: Gross number of residential properties on the Council Tax base = **48,560**

8b: Total number of properties registered as 2<sup>nd</sup> homes each quarter = **Q1 1,806 (3.7%)**

Keeping as many properties on the Council Tax Registered as Residential properties and these not flipping to 2<sup>nd</sup> Homes / Holiday Lets<sup>3</sup>.  
Second Homes 01 April 2020 = 1729 vs 01 April 2022 = 1779 [Note: Properties > 140 days = business rates not CT]

### **Reportable Key Performance Indicators**

MiA: Average number of days it takes to get a decision notice on minor planning applications - end to end times = **113**

MaA: Average number of months it takes to get a decision notice on a major planning applications - end to end times = **347**

COM: Number of live compliance / enforcement cases on our systems = **2,340**

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AM: Appeals allowed or part allowed = **4**

B&B: Total number of households accommodated in leased/B&B Accommodation = **Q1 63**.

TA: Total number of households accommodated in our own temporary accommodation = **Q1 15**.

BV78a: Speed of processing new housing benefit / council tax benefit claims = **April 26.9; May 23.3; & June 22.2**

BV78b: Speed of processing changes of circumstances for housing benefit / council tax benefit claims = **April 9.1; May 11.4; & June 10.2**.

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<sup>3</sup> These are furnished properties but not a person's sole or main residence. For CT purposes such properties are classed as second homes. These properties could be used for the owners' personal use i.e friends and family or they could be available for holiday letting on a commercial basis for not more than 140 days per year.

## Regeneration & Economic Growth<sup>4</sup>

Senior Responsible Owner SarahJane Mackenzie-Shapland

### Vision

This programme will be highly influenced by the emerging Vision for the review of the Joint North Devon Local Plan, that will set the place based/spatial Vision for our Service (and the rest of the Council).

### Key Results

KR 5: Economic growth: Level of new sector development. **Update:** The baseline for this indicator is being established for Q1 and this will then be reported in Q2 with additional intelligence added to support that output.

### Reportable Key Performance Indicators

RKPI 728: Percentage of the gross internal area of the investment estate currently let. Q4 2022/23 = 95.93%. **Q1 2023/24 = 95.93%.**

## Environmental Enhancement Programme

Senior Responsible Owner Mark Kentell

### Vision

Consider environmental implications in everything we do. Strive to reduce negative environmental impacts and increase positive impacts wherever practically possible.

### Key Results

KR 10: Reduction in our carbon footprint as an authority. Gross tCO<sub>2e</sub> Emissions from ND Operations baseline. This will reported at the end of this financial year.

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<sup>4</sup> The population of North Devon has increased by 5.3% from around 93,700 in 2011 to 98,600 in 2021 compared to the rest of the South West @ 7.8%

KR 11: Nature Recovery / Biodiversity Net Gain measures to be developed aligned to national guidance.

**Update:** On 10 July, the Planning Advisory Service (PAS) provided a Biodiversity Net Gain readiness checklist for Local Planning Authorities setting out its duties under the Environment Act. A task team will be working through these requirements to ensure we will be able to respond to all requirements. A separate report will be coming to the September S&R to set out some potential options in terms of sites.

KR 12a L146: Total tonnage of household waste arising's. Q1 2022/23 = 9,864.42. Q2 = 9,493.82. Q3 = **8,761.00** & **Q4 = 8,687.00**

KR 12b LPI 192: Q1 2022/23 = 49.12% Q2 = 46.84% Q3 = 45.00% & **Q4 = 45.41%**.

### **Customer Focus / Digital by Design Programme**

Senior Responsible Owner Sarah Higgins

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#### **Vision**

North Devon Council want to provide the best possible services to our customers in the most efficient way. Our approach must recognise the digital age we live in and how we can make the best use of technology for the benefit of our customers, partners and employees.

#### **Key Results**

KR 3a: How satisfied or dissatisfied are our Customers' with various elements of our service delivery?

**Update:** The results of our existing survey don't provide us with sufficient intelligence, out of 250 surveys sent via email we only had 14 (5.65%) returned with a 98% satisfaction rating. Zoom our new telephony solution goes live in October 2023, which provides a much more agile way to test our customers views on our service delivery at the time of interaction, where we can target those questions around particular topics. The implementation of Zoom, training and collection of the first set of results won't be with you until Q1 2024/25. If you have any topic areas within our control that you would like the Head of Customer Focus to survey on then please do raise those.

KR 3b: How satisfied or dissatisfied are our Members' with various elements of our service delivery?

**Update:** Members will be surveyed in November 2023, new members will have had 6 months experience of the council and better equipped to respond on a range of questions. The results will be reported in Q3.

KR 9: Number of justified complaints where the council is at fault out of a total number of complaints received = **Total no. 98 of which 65 were justified 66.32%.**

PKPI DC: Number of transactions / interactions nudged to digital channel that are available 24/7 and result in a financial saving = **Q1 Self Serve 8599 vs Serviced by a member of staff 17550. (48% using digital channels).**

## **Organisational Development**

Senior Responsible Owner Nikki Gordon

### **Vision**

Our vision is to create the conditions for everyone to perform at their best. We will improve processes and policies, invest in health and wellbeing, and continue the development of our teams and individuals to create a high performing one team.

### **Key Results**

PKR 2: Number of working days un-resourced when 'like for like' vacancies are not filled 10 weeks after the last working day of that post + number of sickness absence days resulting in planned work to do is either not being done or having to be done by agency staff = **Q1 1197 days**

### **Reportable Key Performance Indicator**

ET: Employee Turnover = 4.27%



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## **NORTH DEVON COUNCIL**

**COUNCIL: 4 OCTOBER 2023**

### **PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 1 2023/24**

#### **RECOMMENDATIONS OF THE STRATEGY AND RESOURCES COMMITTEE HELD ON 4 SEPTEMBER 2023**

##### **Minute 29 (f): Performance and Financial Management Quarter 1 2023/24**

###### **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 as detailed in section 4.3 of the report be noted.
- (d) That funds be released for the capital schemes listed in section 4.4.8 of the report;
- (e) That the sections dealing with Treasury Management, Debt Management and General Debtors as detailed in sections 4.5 to 4.7 of the report be noted.

###### **RECOMMENDED:**

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

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## North Devon Council Governance Committee

Date: September 2023

### Half Yearly Report of the Chair of Governance Committee

The last report was presented in March 2023. Since then the Committee had met once on 13<sup>th</sup> June. This was the first meeting of the new Committee membership since the election in May.

#### 13<sup>th</sup> June 2023

#### Internal Audit - Annual Report

The Committee was advised of the following in relation to the Internal Audit Annual Report 2022-23:

- Overall, the Head of Internal Audit's opinion was of "Reasonable Assurance".
- Further work was required within performance management. Progress had been made, with the number of corporate risks at a manageable level.
- A summary of the assurance opinions provided within the year confirmed the following at each level:
  - 16 Reasonable
  - 4 Substantial
  - 4 Limited
  - 3 Grant certification
- The Council were felt to have a low-risk appetite for investments.
- The Theatre Operating Contract had been added to the Contract Management Framework.

#### External Audit – Audit Plan

- The Audit Plan included; materiality, the value for money (VFM) arrangements and opinion on the statements.
- Although the deadline for the accounts had been moved to the end of May this year, NDC had met that deadline (being within the 25% of South West councils who had done so).
- Although they did focus on risks, any item within the accounts could be subject to an audit.
- The significant risks had been identified and were set out within the audit plan.

#### Statement of Accounts 2022/23

- The target date had been brought forward from end of November 30th September.

- The external auditors were expected to be examining the accounts over the summer months, and coming back hopefully with an 'Unqualified' opinion.
- Post-pandemic, the cost of living pressures, and the UK's rising inflation rate, were the main challenges. At the end of March 2023 the inflation rate was at 13.5%. The Council recognised the effects of world economic conditions on inflation and that this had impacted public finances which, it was recognised, would be experienced beyond 2022/23.
- The refreshed forecasted cumulative budget gap for 2023/24 was £0m and at 2024/25 £0.499m. From 2025/26 to 2028/29 this increased to £3.307m (2025/26) and further increased to £3.455m (2028/29) due in part to the predicted impact of the Government's Fair Funding Review.
- The Business case for the purchase of the Green Lanes Shopping Centre (purchased November 2021) demonstrated that revenue income would cover both the loan repayment and asset management costs, and return a contribution to the Council. The Centre had provided a net return of £243,600 for Nov 2021 to March 2022, and a net return of £291,000 for 2022/23.
- As at December 2022 the Council forecast a net surplus of £19,000 against the budget.

## **Draft Annual Governance Statement**

- The Annual Governance Statement sets out the processes and procedures in place to enable the Council to carry out its functions effectively, based on the core principles of the governance framework.
- Key elements of the framework included work of the Strategy and Resources Committee and Full Council in setting budgets, strategies and corporate objectives.
- The review of the Council's governance arrangements had been supported by the internal auditor as the Devon Audit Partnership had carried out 16 audits during the year. Their Annual audit opinion was of 'reasonable assurance' that there was generally sound system of governance, risk management and control in place.

## **Risk Management Model and Framework**

- The Risk Management Model set out the Council's process for identifying, accessing and addressing risks. It also set out the risk escalation plan, with the aim that a member of staff could raise a risk that, if appropriate, can be escalated to the corporate risk register reported to the Governance Committee.

- Internal audit reviewed these documents during audit in March 2023. They reported that the documents were of good quality and explained the councils approach to risk.

## **Audit Recommendation Tracker**

- There were 23 live recommendations.
- Requests for time extensions were being requested for 7 recommendations.
- There were no overdue recommendations.

## **Compensation Payments Made under Delegated Powers**

- Of the 9 complaints received by the Ombudsman only 2 had been upheld
- These two had not been resolved in a timely manner and were 'stage two' complaints. Compensation payment had been made due to the delays in resolution

## **Corporate Risk Register**

- The Corporate Risk Management Group (CORGI) met on the 22nd May to review the risk register and provide members with an updated position for each risk.
- Risk scores had stayed the same as in the previous quarter. The highest risk score of 16 remained the inability to meet temporary accommodation need resulting in increased homelessness.

## **Internal Audit Reports – Information Management 2022-23 and Cyber Security 2022-23**

The auditors provided additional updates in relation to these two specific audits. The following was noted by the Committee:

- The recommendations within these two reports would be completed by the end of December 2024.
- Data Protection and Data Security were a high priority
- World-wide Cyber Risk and Cyber Crime were a bigger problem than gun-crime.
- The FBI were working with world Governments to improve security. The limited assurance opinion was due to the world-wide issue.
- Further cyber training would be considered.
- A PAG capital bid had been submitted with regards to back-up provision and business continuity.

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Building Control Joint Committee held at Barum Room - Brynsworthy on Thursday, 10th August, 2023 at 10.00 am

PRESENT: Members:

Councillor

Councillors Clist, Denton, Keable and Walker

Officers:

Head of Planning, Housing and Health, Director of Place, Building Control Manager and Finance Manager

Also Present (virtually): Accountant

**1. APPOINTMENT OF CHAIR FOR 2023/24.**

RESOLVED that Councillor Walker be appointed Chair of the Joint Committee for a period of one year from date of appointment.

Councillor Walker took the Chair.

**2. APPOINTMENT OF VICE CHAIR FOR 2023/24.**

RESOLVED that Councillor Keable be appointed Vice Chair for a period of one year from date of appointment.

**3. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**4. TO APPROVE AS CORRECT RECORDS THE MINUTES OF THE MEETING HELD ON 10TH NOVEMBER 2022 AND 16TH FEBRUARY 2023 (ATTACHED)**

RESOLVED, that the minutes of the meetings held on 10th November 2022 and 16th February 2023 (circulated previously) be noted, subject to the following amendments to the minutes of 10<sup>th</sup> November 2022; reference to "Andy Howard's job title being amended to Building Control Manager and the title of minute item 18 being amended to "2022/23 Building Control Partnership Trading Account Quarter 2". The minutes could not be approved as correct, or signed, as those Members present at the two previous meetings were no longer members of this committee, nor District Councillors.

**5. DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

**6. 2023/23 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT FOR QUARTER 1. REPORT BY NORTH DEVON COUNCIL ACCOUNTANCY SERVICES MANAGER.**

The Joint Committee considered a report by the Finance Manager (NDC) (circulated previously) regarding the 2023/24 Q2 Forecast Building Control Partnership Trading Account.

The Finance Manager gave the Committee the following summary:

- Section one of the trading account showed the yearly budget for each Council.
- Section two showed the Forecasted Outturn for the year.
- Section three showed the percentage split of trade income between the two authorities, as per the agreement the joint expenditure is also split on the same basis, with the trading position for North Devon at 63.77% for North Devon Council and 36.23% for Mid Devon District Council.

In response to questions from the Joint Committee, the Building Control Manager (MDDC) advised that:

- The main reason for the reduction in income was the reduction in activity in the market place. NDC had experienced slightly less of a reduction than MDDC. The economic market was not there. The Authorities were not losing out to competitors.
- Until there had been changes in the Building Safety Act, the Local Authorities (LA) were unable to benefit from a 'level playing field' with competitors in the commercial sector. The private/commercial still did not have the same regulations to adhere to; they were able to rely on photographic evidence, rather than the site visits legal required of the LAs. This would change from April 2024, when it should be a more level playing field.

The Committee noted the report.

**7. BUILDING CONTROL BUSINESS UPDATE. REPORT BY THE PRINCIPAL SURVEYOR (ATTACHED).**

The Committee considered a report by the Building Control Manager (circulated previously) regarding the Building Control Business update.

He advised that since the last Joint Committee meeting, the Activity Reports had been updated to include figures for quarters 3 and 4 of 2022/23 together with quarter 1 of 2023/24.

He outlined the main areas of the report, which were under the following headings:

- Key Performance Indicators 2022/23 and 2023/24
- Resource Implications
- Agency Staff and Temporary Resource
- Building Control Charges
- Building Safety Regulator Validation and Registration
- Partnership Priorities

He confirmed the following to the committee:

- A processing time of 10 days was being achieved; against a target of 19 days.
- Market share was stable at 72% (quarter 1 of 2023/24).
- Market activity was slowing – reasons for this included interest rates, cost of living, and financial insecurity.
- Six posts were still vacant. Cover was being provided by agency staff.
- Two offers of employment were shortly to be made to two new Principal Surveyors. A post for support/admin staff would be advertised shortly.
- With regard to enforcement, changes to section 36 of the Building Safety Act would increase the time scale for Building Control Authorities to consider taking enforcement action from two to ten years. This will take effect from April 2024. This was likely to add burden to the authority due to the increased pressure on the workload, and enforcement works were not chargeable.
- Priorities included the need to get an agile partnership established to be more adaptable to workloads as applications increase.

In response to questions from the Joint Committee, the Building Control Manager advised that;

- Fines could be issued but those fines would not cover costs.
- The authorities did not have the resources available to cover the additional work.
- The Building Regulator had the ultimate power to deal with sanctions, although would likely see to cascade the processing of that work to the LAs.

The Director of Place (MDDC) advised that the additional work for the surveyors was non-chargeable – so would not result in additional income.

Councillor Denton noted that he felt that if developers were aware of the pressures on the LAs, in respect of enforcement, they could take advantage.

The Committee noted the report.

8. **DATES AND LOCATIONS OF FUTURE MEETINGS. TO AGREE DATES AND LOCATIONS OF FUTURE MEETINGS OF THE COMMITTEE FOR 2023/24.**

The Joint Committee agreed the dates of the meetings for 2023/24, which were scheduled to be held on the following:

# Agenda Item 16a

Building Control Joint Committee - 10 August 2023

- Thursday 26th October 2023 at 10:00am in the Barum room, Brynsworthy Environment Centre.
- Thursday 25th January 2024 at 10:00am in the Barum room, Brynsworthy Environment Centre.

RESOLVED, that the dates for future meetings be noted.

Chair

The meeting ended at 10.30 am



## **NORTH DEVON COUNCIL**

**COUNCIL: 4 OCTOBER 2023**

### **RECOMMENDATIONS OF THE HARBOUR BOARD HELD ON 8 AUGUST 2023**

#### **Minute 6: Appointment of Two Independent Representatives to the Harbour Board**

RECOMMENDED, that Full Council agree the recommendation of the Harbour Board to appoint Mr Bert Gear and Mr Tim Gibbs as Independent Representatives to the Harbour Board for a second four-year term both beginning on 25th November 2023 until 24th November 2027.

#### **Minute 8: Ilfracombe Harbour Consultative Forum**

RECOMMENDED:

(a) that Full Council approve the following:

- (i) that the Forum as it stood be dissolved and that a new Forum be constituted that better met the requirements of the Harbour and the Harbour Authorities requirements under section 3 of the MCGA; and
- (ii) that the name of the forum be changed to the “Ilfracombe Harbour Users Group”.

#### **Minute 12: Future Projects**

RECOMMENDED:

a) that a request be submitted to the Director of Resources and Deputy Chief Executive regarding the payment of £4137 per annum over a three year period to test 34 of the 62 bollards in the harbour; and

b) that a request for waiver be submitted to allow the Council to appoint the appropriate company to undertake the works.

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Harbour Board held at Ilfracombe Centre - Ilfracombe on Tuesday, 8th August, 2023 at 2.00 pm

PRESENT: Members:

Councillor

Councillors Williams and Wilson

Co-opted Members:

Bert Gear, Martin Clearly, Tim Gibbs and Nigel Thomas.

Officers:

Harbour Master and Independent Health and Safety Advisor.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received Councillor Wilkinson.

Councillor Williams took the Chair for the meeting.

**2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2023**

RESOLVED, that the minutes of the meeting held on 7<sup>th</sup> February 2023 (circulated previously) be approved as a correct record and signed by the Chair.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

**4. QUARTERLY DESIGNATED PERSON PORT MARINE SAFETY CODE AUDIT REPORT - ILFRACOMBE AND LYNMOUTH HARBOURS**

The Board considered the Quarterly Designated Person Port Marine Safety Code Audit report (circulated previously), by the former Health and Safety Advisor who was acting as the designated person for the purpose of this meeting.

The Designated person gave the Board the following highlights:

- The quarterly audits were carried out at Ilfracombe and Lynmouth Harbours on 4<sup>th</sup> July 2023.

- The quarterly audits were carried out to fulfil the responsibility placed upon the Designated Person (DP) to ensure the Marine Safety Management System was working correctly in compliance of the Port Marine Safety Code.

Ilfracombe actions completed:

- Work to replace all the electrical conduits on the Cove had been completed.
- A Contractor had now been appointed to carry out the work on the vertical crack on Old Quay Head. The work was likely to commence in September 2023.
- The Merchant Shipping (Watercraft) Order 2023 came in to force on 31st March 2023 and the proposed Harbour Revision Order when in force would give the Harbour Authority powers of General Directions to include Jet Skis under the definition of “vessels”
- Whilst it was agreed that maintenance of the Warp Shed on Stone Bench would be carried out by the Council, there was no work currently required for health and safety purposes.
- Duty Holder Training for Members had been held with twenty two Members attending. Those who were unable to attend the session were expected to watch the available recording of the session to ensure they undertook the training.
- The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report for Ilfracombe harbour had been received. However, the final report for Lynmouth had not yet been received.
- Speed ramps had been installed to slow down vehicles as they enter the Pier car park.
- The Cove area had been resurfaced and the pedestrian walkway re-laid in a different coloured, recycled material which would not fade or wear out. The white line demarking the unprotected working quayside had been repainted.

In response to a question regarding cracks in the newly laid recycled surface, the Harbour Master advised that there was an issue with the installation in certain places but advised that the company would be returning to make all of the repairs for free once the weather improved.

In response to a further question, she advised that the newly laid surface had a life expectancy of a minimum of 20 years.

Risk Management – Ilfracombe

- An internal audit of the following topics was carried out this quarter. There were no non compliances and the only non-conformities were that some of the policy and procedure documents were not available on the website as they had been removed for Accessibility Checking.

The topics audited were as follows:

- Drink/Drugs.
- Piloting, Towage and Bunkering.

- Licensing (Works, Tugs, Craft).
  - Permitting (Diving and Hot Works).
  - Auditing Internal /External.
  - Dangerous Vessels and Dangerous Substances.
  - Vessel Traffic Management.
  - Open Port Duty and Setting Dues.
  - Consultation & Consensus.
  - Enforcement.
  - Marine Safety Management System.
  - Marine Emergency Plan Emergency Planning (OPRC/Site Emergency).
  - AtoN and Wrecks.
- 
- New composite handrails were still to be fitted along RNLI steps. Quotes had now been obtained, and the work would be extended to include hand rails to the old Slipway and the Watersports Centre Slipway. The Harbour Master advised that those works would now likely take place over the winter months.
  - Work to the top rails along the wall together with new mooring rings and ladders on Quay Road had begun with one new ladder installed so far.
  - A drone was used on 6th July 2023 to provide a baseline assessment of the state of the surface of the Pier Car Park as there were many uneven areas and potholes which gave rise to trip hazards. The information gathered from this exercise had been collated and a folder created on the Corporate I drive to ensure that all of the data was in one accessible place. The information gathered had enabled officers to ascertain that the whole car park required a full resurface and a PAG bid was currently being developed for a redesign of the area to bring that to fruition.
  - Members had approved the use of the area at the end of the Pier as a Sea Pool. Due to safety concerns being raised by Council Officers, the opening of the pool had been delayed until such time as a full risk assessment could be carried out and mitigation measures identified and implemented to ensure the safety of users. The Harbour Master advised that following consultation with the Royal Lifesaving Society (RLSS), the Council had been advised not to call the proposed area a pool. This was in part to ensure that members of the public were aware that general swimming was not permitted unless you are part of a registered group who would be using the facility. The Council was therefore currently exploring alternative options for an appropriate name.
  - There was an option to open up Larkstone Cove for permitted swimming in the area up to the yellow marker buoys and there would be no lifeguard required in that area. However, this was due to be considered by the Council's Senior Management Team (SMT) on 1<sup>st</sup> September 2023.
  - The works to develop the proposed sea swimming area were scheduled to begin the last weekend of October 2023 and was 85% funded from external grants and 15% funded from harbour income.
  - The joints between the concrete landings and the slabs on the steps on East Face Quay were being scoured out by sea water action and would give rise to trip hazards if remedial work was not carried out. Old Quay Head outer steps were also starting to show signs of deterioration. The Harbour Master advised that she was currently awaiting the results of a consultative report for remedial works and for the First Landing lintel repairs.

- The wall at Stone Bench had bulged out slightly further but the catchment netting was working to limit movement.
- The concrete beam between the First Landing and the Pier above was showing signs of cracks, in the section above the steps. The Senior Engineer advised that intrusive testing or preferably scanning of the area should be carried out to establish the integrity of the beam, before any remedial work was carried out. Works required would be high pressure jetting, then spraying and sealing.
- Edge Protection risks had been under consideration following a recent fatality at another Harbour. The Ilfracombe Harbour Edge Protection Policy V.4 was due for review in July 2023. Ilfracombe Harbour has edge protection along most of the open edges, except for along the Cove as this was a working quayside and it would be impractical to fence along this edge. There was signage and a painted white line along the quayside to highlight that this was a working area with an unprotected edge. The other area of concern was at the end of Old Quay Head, which was strictly speaking also a working area, and there was signage to advise the public that this was the case, however it needed to be established if this was also a Public Right of Way. It would be prudent to increase the size of the signage to make it more noticeable to the public and if this was not a Public Right of Way, provide a chain across the entrance to the area that had unguarded edges, so that it was only accessed by those who needed to for work purposes.

#### Lynmouth actions completed – Lynmouth

- Two mooring balls on the Harbour Arm had been painted yellow to highlight their positions and prevent trip hazards.
- The three yearly external harbour audit was carried out by ABPmer in June 2023. The final report had not yet been received but the auditor indicated that given the current status of the harbour i.e. not a Statutory Harbour Authority, there were no non-compliances or non-conformities recorded.

#### Risk Management – Lynmouth

- An internal audit of the following topics was carried out this quarter, although many do not apply, given the current non-statutory status of the harbour.
  - Drink/Drugs.
  - Piloting, Towage and Bunkering.
  - Licensing (Works, Tugs, Craft).
  - Permitting (Diving and Hot Works).
  - Auditing Internal /External.
  - Dangerous Vessels and Dangerous Substances.
  - Vessel Traffic Management.
  - Open Port Duty and Setting Dues.
  - Consultation & Consensus.
  - Enforcement.
  - Marine Safety Management System.
  - Marine Emergency Plan Emergency Planning (OPRC/Site Emergency).

➤ AtoN and Wrecks.

- The Ilfracombe Harbour Master had reviewed the Lynmouth Marine Safety Management System and this version needed to be made available on the website. (V.7 Feb 2023) With regard to the legal status of Lynmouth as a harbour, the council was out to public consultation in July for a Harbour Empowerment Order, which would confirm North Devon Council as the Statutory Harbour Authority for Lynmouth and this work was ongoing.
- The new Solar Aid to Navigation lights were now ready to install. It was hoped that they would be installed on the new pole within the next few weeks. This could be done independently of when the National Grid came out to disconnect the electrical supply, which was planned for September 2023. A Notice would be issued to Mariners to advise of the works and the Harbour Master would inform the UK Hydrographic Office (UKHO) and Trinity House once the works were completed. Once the new AToNs were installed, these would be signed up to the Local Aids to Navigation Reporting System (LARS), under Ilfracombe, to enable Lynmouth to fulfil the responsibility to maintain records of aids to navigation availability.
- The issue regarding the movement of the Sea Defence Boulders was currently under dispute with Devon County Council, but this would need to be resolved, due to the flooding risk. The Harbour Master advised that the Environment Agency had submitted a bid for £80K to procure a consultative report for the whole of the Lynmouth flood defences to explore the issue further and find an effective solution.
- Health and Safety at Ilfracombe Harbour continued to be proactively managed by the Harbour Master, with some works now completed, some on going and some new ones arising since the last audit in January 2023.
- As the status of Lynmouth Harbour as a Statutory Harbour Authority was still under consultation there were still aspects of the Port Marine Safety Code which did not apply. Much work had been carried out in Lynmouth and no new risks were identified within the audit.

**5. ILFRACOMBE AND LYNMOUTH HARBOUR'S BUDGET TRADING ACCOUNTS**

The Board considered the Ilfracombe and Lynmouth Harbour's Budget Trading accounts (circulated previously).

The Harbour Master advised that there had been £0.5m spent on harbour works over the three quarters.

There were no questions or comments from the Board.

The Board noted the financial situation of both harbours.

**6. APPOINTMENT OF TWO INDEPENDENT REPRESENTATIVES TO THE HARBOUR BOARD**

The Board considered a report regarding the appointment of two Independent Representatives to the Harbour Board (circulated previously), by the Corporate and Community Services Officer.

The Harbour Manager advised that Mr Bert Gear and Mr Tim Gibbs be appointed as independent representatives to the Harbour Board for a second four-year term both beginning on 25 November 2023 until 24 November 2027.

Two independent representative vacancies would arise on the Harbour Board on 24<sup>th</sup> November 2023 due to Mr Tim Gibbs and Mr Bert Gear reaching the end of their first four-year term. Mr Gear and Mr Gibbs had confirmed they were in agreement to take on a second 4 year term as Independent members on the Board, therefore an external recruitment exercise was not required.

RECOMMENDED, that Full Council agree the recommendation of the Harbour Board to appoint Mr Bert Gear and Mr Tim Gibbs as Independent Representatives to the Harbour Board for a second four-year term both beginning on 25<sup>th</sup> November 2023 until 24<sup>th</sup> November 2027.

**7. HARBOUR PLANS REVIEW**

The Board considered the Harbour Plans report (circulated previously) by the Ilfracombe Harbour Master.

The Harbour Master advised that as a Statutory Harbour, Ilfracombe Harbour was obliged to have certain policies and plans in place under the Port Marine Safety Code (PMSC) and the accompanying guide to good practice. These policies and plans were subject to periodic reviews and amendments. From time to time when deemed necessary for Harbour management a new policy or plan would be put in place.

She drew the Board's attention to the following points that were highlighted within the report:

- Since the implementation of the PMSC in 2000 following the lessons learnt from the grounding of the Sea Empress in 1996 Statutory Harbour Authorities who complied with the code were committed to produce policies and plans covering a wide range of subjects and to review those documents on a regular timescales to ensure they continued to be fit for purpose.
- The review of those documents took into account current legislative regulations and relevant guides to good practice.
- There were three documents that had been reviewed as per the review schedule, these were as follows:
  - Marine Safety Management System (appendix A).
  - Marine Emergency Plan (appendix B).



➤ Edge Protection policy (appendix C).

- These now required a final review at board level before being adopted.
- There were no other options to be considered.
- There were no risks in adopting the recommendation.
- The three documents had been reviewed/ formulated and were in line with current accepted guidance and uphold the current legislative regulations.
- There was no impact on the community in adopting the recommendation.

In response to a question regarding the edge protection policy, the Harbour Master advised that the slipway had railings and replacement handrails on the old slipway to provide protection.

She added that permission to swim had been granted to the wild swimming commercial watersports operator at Larkstone Cove. However, lone swimming was not permitted and a new safety sign had been installed to warn that swimming beyond the marker buoys was not permitted.

She drew the Board's attention to appendices one, two and three of the report, which were as follows:

- The Marine Safety Management System (MSMS), which outlined the safety plan for the next three years and listed the members of the Board.
- The Marine Emergency Plan, the Harbour Master had identified that there was no section within the emergency plan with regards to raising the alarm for injuries sustained on board a vessel. So, this had now be included under 2.3 of the plan and outlined the necessary procedures which should be followed in the event of an emergency.
- Edge Protection Policy, was fully compliant. However, there were one or two actions required with regards to signage and the requirement of chain to be installed at Old Quay Head.

The Harbour Master added that the Harbour plans had been highlighted as one of the better examples of those assessed across the country.

RESOLVED, that the review of the following documents, which were attached to the report be approved:

- Appendix 1 - Marine Safety Management System;
- Appendix 2 - Marine Emergency Plan; and
- Appendix 3 - Edge Protection policy.

**8. ILFRACOMBE HARBOUR CONSULTATIVE FORUM**

The Board considered a report by the Harbour Master (circulated previously) regarding the Ilfracombe Harbour Consultative Forum.

The Harbour Master advised that the Port Marine Guide to Good Practice 2018 (MCGA), which was the accompanying document to the Port Marine Safety Code (PMSC) stated in section 3:

“Consultation that “Safety in the port marine environment was not just a matter for the organisation, its Officers, contractors or its authorised pilots. Users were also required to minimise risk to themselves and others, in doing so they must be able to put forward to the organisation their views on the development of appropriate safety policies and procedures. It followed therefore that organisations needed to consult, as appropriate with two main groups, which were marine users, both commercial and leisure, and local interests and communities.”

She advised that the Ilfracombe’s Harbour Consultative Forum (The Forum) was formed in 2017 with its own constitution (appendix A) and up to 2020 it had performed some of the duties required under the code. However, since the advent of COVID 19; to date there had not been another forum meeting. This had left the Harbour Authority without an avenue to comply with section 3 of MCGA.

She drew the Boards attention to the following points within the report:

- Port marine operations were technical matters, which were well understood by experienced Harbour masters or port marine practitioners, but perhaps much less so by the wider public, including many recreational users.
- The importance of appropriate involvement of wider interests, which safeguarded the organisations position, whilst being mindful of the overall responsibility for managing safety in a harbour or facility rested with the organisation.
- That the safety management system was only effective if the organisation responsible took active measures to involve and secure the commitment of those involved. This applied both to the risk assessment, and to the subsequent operation, maintenance and ongoing development of the safety management system.
- The general aim of consultation on these occasions with users and other interests was to provide an opportunity for contributions to be made both on the identification of risk and its management. Risk management often depended less on formal regulation than on winning the understanding of those whose activities created the risk and securing their agreement to safe behaviour. Organisations were therefore encouraged to advertise that they were undertaking a risk assessment, and to seek ways of securing the widest possible response from those likely to have a meaningful contribution.
- There was a clear understanding that the Forum had not met the full requirements of section 3 of the MCGA and given that time lapse between the last meeting and now, it would be advantageous to revisit the Forums constitution and re-establish the Forum to enable the better management of the Harbour moving forwards.

Mr Gear added that he was Chair of the Forum in its current format for 10 years. However, attendance at the meetings had a tendency to fluctuate if there were particular issues that were affecting harbour users in their day to day work. He

explained that in his opinion the Forum would work more effectively if every registered boat owner was a member and there would not be so many meetings held unnecessarily.

In response, the Harbour Master advised that there didn't have to be an update from the Forum to every Harbour Board meeting and that updates could be provided on an annual basis. She added that the Forum meetings could also be held via Microsoft Teams or Zoom to facilitate better attendance levels.

**RECOMMENDED:**

(a) that Full Council approve the following:

- (i) that the Forum as it stood be dissolved and that a new Forum be constituted that better met the requirements of the Harbour and the Harbour Authorities requirements under section 3 of the MCGA; and
- (ii) that the name of the forum be changed to the "Ilfracombe Harbour Users Group".

**9. MARINE SAFETY PLAN**

The Board received an update from the Harbour Master regarding the Marine Safety Plan.

The Harbour Master advised that the safety plan was operating as it should be and that all of the relevant information was available on the Council's website.

**10. AIDS TO NAVIGATION**

The Board received an update from the Harbour Master regarding Aids to Navigation.

The Harbour Master advised that the solar lights, which had a beam that could be seen from two nautical miles out to sea were ready to be fitted. However, the posts that were already in situ required some adaptation prior to the installation of the new solar lights.

She added that the new solar lights for Lynmouth would be installed on mass on the 5<sup>th</sup> September 2023, which would require the lights to be off for three days.

The new lights had a GSM monitor fitted, which enabled software to be linked to mobile phones. So, if ever a light was to stop working, the Harbour Master would be notified immediately. The software also enable officers to generate reports for the operation of the system.

**11. INFRASTRUCTURE UPDATE**

The Board received an update from the Harbour Master regarding infrastructure.

The Harbour Master regarding the environmental impact of the harbour adding that her goal was to ensure that the harbour was sustainable and that steps were taken now to future proof against potential impacts.

She outlined the interventions that were already in place, which were:

- The utilisation of composite materials
- The use of composite ladders around the harbour
- The installation of the fenders.
- The works to Old Quay Head were almost complete
- The ladders that were to be installed at the Cove were currently being manufactured.
- The facing to the hut on stone beach was currently being removed through acts of vandalism, this area could be adapted to bring changing facilities to the area once the sea pool was in place if the need was demonstrated.
- Whilst undergoing maintenance, areas of deterioration were identified on the fuel tank and the requirement to replace the tank was now being explored.

**12. FUTURE PROJECTS**

The Board received an update from the Harbour Master regarding future projects.

The Harbour Master advised that Ilfracombe Harbour had received endorsement from the Royal Yachting Association as a recognised training centre.

She added that there were aspirations to deliver a multiuse training centre and that this had already led to a number of requests to utilise any future facilities that may be developed.

A business case had been developed for the Ilfracombe Maritime Centre of Excellence together with the development of subsequent business plans in time for approval by the relevant bodies. Tentative approaches had already been made to RMB Chivenor with regards to utilising their grounds as the marine firefighting facility, with the Brynsworthy Environment Centre also being a viable option.

In response to a question regarding the background to the project, the Harbour Master advised that the Royal Yachting Association could provide training courses to boat owners for vessels up to 24m. However, anything above that length would fall within the remit of the Maritime and Coastguard Agency and required a boat owner if commercially operated to undertake a mandatory 5.5 day qualification, which required renewal every five years (STCW 95).

She added that the majority of courses could be delivered in Ilfracombe but that maritime firefighting on vessels over 24m would have to be delivered at an

alternative location. However, Red One had confirmed that they could deliver this element of the training if the Council provided the necessary equipment; and there were potential locations for this, provided the correct foam rating was in place.

The Harbour Master confirmed that the Board would be kept informed of the process as it developed, adding that the ultimate vision was to build a Maritime Academy in Ilfracombe whilst being mindful to manage realistic expectations and work towards that vision.

In response to questions, the Harbour Master advised the following:

- The port management element would be included.
- Petroc were in the process of applying for university status.
- That mandatory Duty Holder training had been delivered to all Members.

#### Bollard testing

The Harbour Master referred to an email that she had received from a company regarding the testing of bollards and advised that there had been three major instances around the world whereby a bollard has been pulled out of the Quay by the vessel resulting in injury.

She advised that there was one company that could undertake the required works and access small areas and that she had obtained an approximate quote of £12,410 or £4137 per annum (£344.75 per month) for the testing of 34 bollards each year over a three year period. There would be no charge for Lynmouth.

She explained that bollard testing was not currently a mandatory requirement at the current time. However, once it became a mandatory requirement the costs would increase significantly.

In response to a question regarding the frequency of testing once it became a mandatory requirement, the Harbour Master advised that it was likely that testing would be required on an annual basis.

She added that in accordance with the Council's financial procedures when a quote was over £5K, there was a requirement to go out to tender and obtain quotes. However, in this instance there was only one suitable company that could undertake the works required and a request for waiver could be obtained prior to funds being sought.

She further advised that the Board would be kept up to date on progress.

#### **RECOMMENDED:**

- a) that a request be submitted to the Director of Resources and Deputy Chief Executive regarding the payment of £4137 per annum over a three year period to test 34 of the 62 bollards in the harbour; and

- b) that a request for waiver be submitted to allow the Council to appoint the appropriate company to undertake the works.

Aqua Superpower – High Power Marine Charging

The Harbour Master explained that a survey of the harbour had been undertaken by a company called Aqua Superpower for free installation of an Aqua75 high powered charger for cars and boats. This opportunity was being offered to all harbours around the country.

The proposed location of the proposed charger was on the solid harbour wall mounted on a concrete plinth, with the final location being determined by a site survey.

If the Board was to agree, the document would be signed and the Council would receive a percentage of the income generated.

**RESOLVED:**

- a) that the proposal of an Aqua75 high powered charged for cars and boats be approved; and
- b) that the Harbour Master notify the company of the Board's wish to proceed with the installation of the charger.

**13. HARBOUR COMMUNITY FORUM**

This item wasn't considered as the Town Clerk to Lynton and Lynmouth was not in attendance at the meeting.

Chair

The meeting ended at 3.37 pm

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

**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Castle Park Road, Barnstaple.  
on Thursday, 27th July, 2023 at 1.30 pm

PRESENT: Members:

Councillor Davies (Chair)

Councillors Lane, Bishop, Knight, Maddocks, Leaver, Prowse, Walker  
and Williams

Officers:

Service Manager (Development Management) and Lead Planning  
Officer (Major Applications)

**11. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bulled, Denton, Haworth-  
Booth, Spear and Whitehead.

**12. DECLARATION OF INTERESTS**

The following declarations of interest were made:

Councillor Leaver: Planning application: 75927: Other Registerable Interest  
as the Devon County Councillor for Barnstaple South

**13. 75927: LAND AT CASTLE PARK ROAD WESTACOTT GRANGE  
BARNSTAPLE.**

Also present: Kris Langmead of Trittech Precision Products Barnstaple.

Councillor Leaver declared an interest as the County Councillor for Barnstaple  
South.

The Committee received the following statement from the Corporate and Community  
Services Officer:

Any observations which are made during the course of this site visit by  
Members of the Planning Committee are limited to those issues identified by  
the Planning Committee of North Devon District Council.

Such observations are made after viewing the site and on the basis of the  
limited information available on site.

Any such observations are, nor should they be taken as an indication that the application is acceptable or unacceptable. A full presentation and consideration of all the planning issues will be made when the matter was determined by the Planning Committee.

**Location: Site entrance:**

The Lead Planning Officer (Major Applications) addressed the Committee and advised of the following:

- The location of the proposed road on the map, and on the site, and the route of the road to the left of the existing premises.
- Detailed drawings would be presented at Committee.
- There would be no change to the junction with Castle Park Road.
- The road would be 104m in length.
- The road would narrow in part.

**Location: Rear of business premises:**

Kris Langmead of Trittech Precision Products advised that the temporary additional buildings on the side of the main building would be removed. These were metal sheds/lean-to structures including vents and plant. This would be in order to achieve the required road width.

The Lead Planning Officer (Major Applications) addressed the Committee and advised of the following:

- Westacott Meadows was to the rear boundary of the site at a higher level.
- Westacott Lane was owned by Devon County Council.
- Identified the route and the local plan allocation on the map.
- The aim was to have two access routes to the location.

Councillor Knight arrived at 13:49pm

In response to questions, the Committee were advised:

- There is not a requirement for the road to adopted by DCC (as confirmed by DCC) if this remains a private road. This is not a planning matter.
- The DCC Highways officer would be present at the Committee.
- The Section 106 agreement would ensure biodiversity net gain for removal of hedgerow
- A highways agreement and reserved matters application would be required to achieve the connection through to the larger part of Westacott allocation where a link to the new Landkey roundabout would be delivered onto the A361
- Trittech would not require any access or fire escapes to the side adjacent to the road.



A number of the Committee viewed the far corner of the site to view the tree line / hedgerow.

Councillor Walker left the meeting.

**Location: Westacott Lane (to rear of Trittech site)**

The Lead Planning Officer (Major Applications) addressed the Committee and advised of the following:

- The location of the Trittech site, and its rear boundary with Westacott Lane.
- The location on the map.
- Full ecology report and Design would be submitted with full application to Committee.

In response to questions, the Committee were advised:

- The outline planning was for 149 dwellings, with a further 820 on the adjoining site.
- Section drawings of the road, showing its boundary with Westacott Park (at the higher elevation) and also across the width showing the building/road and retaining wall, would be provided.
- Only 9 representations had been received to date. These were not all complaints – some had been comments.
- The background noise of the factory would be considered within the traffic noise levels by environmental health.

Chair

The meeting ended at 2.26 pm

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

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 9th August, 2023 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Lane, Bishop, Crabb, Haworth-Booth, Knight, Maddocks, Leaver, Prowse, L. Spear, Walker, Whitehead and Williams

Officers:

Service Manager (Development Management), Lead Planning Officer (Major Applications), Senior Planning Officer, Paralegal, Solicitor and Legal Advisor

**14. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bulled and Denton.

**15. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 14TH JUNE AND 27TH JULY 2023.**

RESOLVED that the minutes of the meetings held on 14<sup>th</sup> June 2023 and 27<sup>th</sup> July 2023 (circulated previously) be approved as correct records and signed by the Chair.

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

The Chair mentioned an appeal decision received by the Authority within the last few days (so would not be included in the report within item 9 of the agenda). He noted it made reference, incorrectly, to the Authority being unable to prove it had a five year land supply. He advised that he would approach the Chief Executive and the legal team, with the aim to jointly consider the next course of action.

The Chair also requested the Committee provide him with their opinions (at a later date) with regard to the format and content of planning reports.

**17. DECLARATION OF INTERESTS**

The following declarations of interest were announced:

Councillor Davies      Planning application 76435: Disclosable Pecuniary Interest as the Agent for the application.

**18. ORDER OF AGENDA**

RESOLVED that the order of the agenda be changed, and application number 76435 be considered prior to application 77075.

**19. 76435: RIVERSIDE HOUSE NEWNHAM BRIDGE UMBERLEIGH  
DEVON EX37 9EU**

Councillor Davies re-declared his discloseable pecuniary interest in the application and left the meeting during the consideration of this planning application.

The Vice-Chair took the Chair for this application.

The Committee considered a report by the Senior Planning Officer (circulated previously).

The Senior Planning Officer addressed the Committee and advised that the applicant had appealed against non-determination by North Devon Council and as such, the Committee members were requested to make a resolution to be put forward to the Planning Inspector. The Committee would not be making the decision themselves today; rather just a recommendation of their decision.

In response to a question from the Committee, the Senior Planning Officer advised that the Parish Council had recommended approval.

The committee noted that the impact of recommending this for approval could be widespread and that a fall-back plan could have been of use.

RESOLVED (11 for, 0 against, 1 abstained) that the application be agreed as recommended by the Senior Planning Officer in that the decision of 'Refused' be provided to the Planning Inspectorate.

**20. 77075: OPEN SPACE MEADOW PARK, ROUNDWELL, DEVON**

The Committee considered a report by the Lead Planning Officer (Major Applications) (circulated previously).

In response to questions by the Committee, the Lead Planning Officer (Major Applications) advised the following:

- The plot was not adopted by North Devon Council (NDC).
- It was a public open space which should have been transferred to local authority ownership on completion of the site. This transfer had not taken place. NDC had managed the area until it had been privately sold.
- Considerations should be made regarding:
  - It was considered to be a cramped development

- The bedrooms did not meet the preferred minimal standards for dwellings
- The application stated it would be a 'car free development' which would be unlikely.
- Impact on hedgerows had not been considered
- The site did not have the benefit of a DEFFRA small-site metric.

Ann Hardy (of Rowan Homes South West) (applicant) addressed the Committee.

Statements from objectors; Lyn Simmons and Patricia Gillibrand were read to the Committee by the Corporate and Community Services Officer.

The Legal Officer advised that there was a Section 52 agreement in place which required the transfer of the land. This was a complex issue as the original developer of the site had gone into liquidation. The receivers had sold the land. Negotiations were taking place.

In response to questions from the Committee, the Legal Officer confirmed that NDC had maintained the plot for 20 years, under mandatory arrangements. However this did not provide the authority with any additional rights.

In response to questions from the Committee, the Lead Planning Officer (Major Applications) advised that on consulting with the Parks Team it had been noted that their view was that if the development was approved then there should be a Section 106 agreement to provide off-site provision of an open space. It was however considered that to off-set and remove the area would not be good 'place making' in contravention of DM09 of the North Devon and Torridge Local Plan.

The Service Manager (Development Management) advised that it was about good 'place-making' and to avoid creating high-density development and reconfirmed the possible consequences for other areas of public open space in the surrounding area.

Councillor Walker addressed the Committee as Ward Member.

Councillor Prowse advised the Committee that he had been involved with the original planning of Roundswell in the late 1980s and had noted that public open spaces had been intentionally added to provide green spaces to the design. He noted that the three original developers were all no longer trading but had been 'restructured' in different companies. He noted that an audit of those spaces should be performed.

In response, the Chair confirmed that any spaces should be listed within the Council's list of assets.

In response to questions from the Committee, the Lead Planning Officer (Major Applications) confirmed that should the application be refused the land would need to be returned as public open space and therefore any fencing removed in order to make the space accessible.

RESOLVED (11 for, 0 against, 1 Abstained) that the application be REFUSED as recommended by the Lead Planning Officer (Major Applications).

**21. 75927: LAND AT CASTLE PARK ROAD WESTACOTT GRANGE BARNSTAPLE**

The Committee considered a report by the Lead Planning Officer (Major Applications) (circulated previously).

The Lead Planning Officer (Major Applications) advised the Committee of the following:

- The plant and machinery to the side of the Tritech building would be removed and replaced elsewhere by the developer.
- The farmland at the end of Westacott Lane was now part of the allocated land under BAR01 of the local plan.
- There would be an element of Biodiversity Net Gain to compensate the loss of some of the trees secured by S106.
- There would be a vehicle turning circle in the proposed plans.
- This application was for the access road only.
- This was an alternative to the previously proposed access through Westacott Park which had been deemed unacceptable by the Authority.

The Lead Planning Officer (Major Applications) advised that the access would open up the route to applications 62187 (149 dwellings) and 65448 (820 dwellings), however this connection would be established by further planning permissions. She showed the Committee the allocation map for the 'Westacott extension'.

Councillor Leaver declared an Other Registrable Interest as the Devon County Councillor for the area.

Devon County Council Highways Officer (Matt Collins) addressed the Committee and confirmed that Highways had no objections to the application.

In response to questions from the Committee, the Highways Officer advised:

- The level of detail provided at this stage would not enable him to confirm whether the road could be adopted by DCC in future. He did however note potential issues with the retaining wall (boundary with Westacott Meadow), width of the road, and the proximity to the building. He also confirmed that based on the height of the bank, DCC would require an AIP (Approval in principal).
- He could not confirm if a safety audit had been carried out.
- This application was currently for a single road and at present would not change the requirements for the junction with the main road. In future, when subsequent applications were submitted, the resulting effect of the junction would be considered.

The Service Manager (Development Management) confirmed that the road junction would be considered at the reserve matters stage.

RESOLVED (11 for, 1 against) that the application be APPROVED as recommended by the Lead Planning Officer's (Major Applications).

## 22. ADJORNMENT OF MEETING

RESOLVED that it being 11.27 a.m. the meeting be adjourned for a comfort break and reconvene at 11.35 a.m.

RESOLVED, that it being 11.35 a.m. the meeting continue in order for the remaining business to be transacted.

## 23. APPEAL REPORT

The Committee considered a report by the Senior Planning Support Officer (circulated previously) regarding planning and enforcement appeal decisions received since those reported at the last meeting of the Committee.

The Service Manager (Development Management) summarised the appeals covered within the appendices.

The committee appreciated the detail of the appeal report and found it useful to see the proposed plans and what had, and had not been considered acceptable by the inspectors.

The Committee noted the report.

## 24. TO CONSIDER IF ANY PLANNING SITE INSPECTIONS ARE REQUIRED AND TO AGREE THE REASON(S) AND DATE(S) FOR THOSE INSPECTIONS TO BE HELD.

The Committee noted that a site visit would be required for application 76293 Land South of A39 Brynsworthy. This would be arranged as soon as the application was at the required stage.

Councillor Leaver declared a Discloseable Pecuniary Interest as her husband was employed to provide a technical report for the applicant on application 76293.

The Chair suggested that the Committee were provided with a visit to previously approved sites in order to consider what makes a good (or bad) development.

Chair

The meeting ended at 11.59 am

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

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Planning Committee held at Barnstaple Rugby Club on Wednesday, 6th September, 2023 at 10.00 am

PRESENT: Members:

Councillor Davies (Chair)

Councillors Bishop, Bulled, Haworth-Booth, Knight, Lane, Leaver, Maddocks, Prowse, L. Spear and Walker

Officers:

Service Manager (Development Management), Lead Planning Officer (North), Senior Planning Officer, Senior Planning Officer and Solicitor

Also Present:

Councillors Bushell and Worden

**25. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Denton, Whitehead and Williams.

**26. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 9TH AUGUST 2023**

RESOLVED that the minutes of the meeting held on 9 August 2023 (circulated previously) be approved as a correct record and signed by the Chair subject to the typographical error in the decision under minute 20 being amended to “that the application be **REFUSED**.....”.

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

(a) Format of Planning Committee reports

The Chair advised that further to a request that he had made at a previous meeting of the Committee regarding Members feedback on the format of the Planning Committee reports, that if any Member had any comments to advise him.

**28. DECLARATION OF INTERESTS**

The following declarations of interest was announced:

Councillor Prowse – planning application 77246, declared an interest for transparency reasons only as he had had previous business dealings with the agent.

**29. 76857: LAND AT LEY LANE, PATCHOLE. BARNSTAPLE, KENSTIBURY, EX31 4NB**

The Committee considered a report by the Senior Planning Officer (SE) (circulated previously) in relation to planning application 76857.

Jemma Grigg (applicant), Matt Steart (agent) and James Bradley (agent) addressed the Committee.

The Senior Corporate and Community Services Officer read a statement on behalf of Oliver Perrin (objector) to the Committee.

In response to questions from the Committee, the Senior Planning Officer (SE) advised the following:

- The frequently asked questions within the Local Plan included that in relation to principle built form to not include any greenfield plans to the edge of the development.
- Planning Policy team supported the planning officer's interpretation of Policy DM23 in that the proposed site was not within the principle built form of Patchole it was "well related" to the settlement.
- Open space was located between the site and the land beneath the site.
- A listed building was located to the north of Ley Lane.
- He would describe built form ending at the boundary east of Lower Base Park.
- The measurements and massing for the proposed dwellinghouse were detailed on page 19 of the report and was to have a width of 13.4m and a four bedroomed property. The percentage of the garage space had not been calculated.
- A development boundary had not been identified for Patchole, which therefore made planning form difficult.
- Identified the location of the appeal site at land adjacent to The Stables in Patchole. At the time of the appeal, the Local Planning Authority did not have a five year housing land supply and the Inspectorate argued that it was considered to within the built form of the village and supported policy DM23.
- Ley Lane elevated to the north and the landscape south/south east of the site dropped down.

Councillor Prowse (in his capacity as Ward Member) addressed the Committee.

In response to questions from the Committee, the Service Manager (Development Management) advised the following:

- Policy DM23 was open to interpretation.

- The Council would be starting to look at developing a new Local Plan and would be working with Parish and Town Councils in relation the policies.
- Has some concerns approving this application against the officer's recommendation.
- Reference to the Planning Policy team's consultation response which stated "I would suggest that if a development boundary were to be identified around the principle built form of Patchole then clearly, it would not include the land proposed but it would certainly adjoin the eastern boundary and therefore well related ....."
- It was considered to be contrary to policies ST01, ST19 and DM23 of the Local Plan. In accordance with Paragraph 13.130 supporting text of the Local Plan it was clear that the proposed site would not constitute an infill site.
- The proposed dwelling by reasons of its size, scale and siting would not respond well to the open character of the site and sensitive to the rural nature.
- If the proposed dwelling was located further east on the site, it could be considered to be less related to the built form.

In response to questions, the Lead Planning Officer (North) advised the following:

- The frequently asked questions in relation to the Local Plan advised that an open market dwelling needed to be within the principle built form. He read out the wording to the Committee. This document had been written by officers after the Local Plan had been adopted.

RESOLVED (9 for, 0 against, 0 abstained) that the DECISION FOR APPROVAL BE DELEGATED to the Service Manager (Development Management) in consultation with the Ward Member to negotiate changes to the application in terms of the scale, size and location of the dwelling and that if there was disagreement that the application be presented to the Committee for consideration as the Committee accepted the principle that it was within the built form in accordance with Policy DM23.

Councillor Bishop was unable to vote in accordance with Part 3, Annexe 1, Paragraph 3 as he had left the meeting during the consideration of this application.

### **30. ADJOURNMENT OF MEETING**

RESOLVED that it being 11.19 am that the meeting adjourn for a comfort break and that it be reconvened at 11.32 am.

### **31. 77246: UNIT 1, 77 THE OLD TANNERY EAST STREET SOUTH MOLTON, DEVON, EX36 3DQ**

The Committee considered a report by the Senior Planning Officer (SM) (circulated previously) in relation to planning application 77246.

The Senior Corporate and Community Services Officer read out a statement received on behalf of Marc Cornelius, Chair of South Molton Town Council Planning Committee to the Committee.

Councillor Bushell (Ward Member) addressed the Committee.

Councillor Worden (Ward Member) addressed the Committee.

In response to questions, the Senior Planning Officer (SM) advised the following:

- The provision of four visitors car parking spaces was in relation to this development and not for the provision of general parking spaces in South Molton.
- Two parking spaces were allocated for each dwelling and these would remain.
- It was proposed that the area where the visitors parking spaces were originally located would be amended to allow for the existing 1:3 bank to remain in situ and no further excavations would be required.

In response to questions, the Service Manager (Development Management) advised the following:

- She was aware of the parking challenges of East Street.
- This application was a procedural matter and not a planning application. It was considered to be a non-material amendment to planning permission 70262. Paragraph 16 of the Town and Country Planning Act applied allowed for the application to be amended.
- The provision of visitor spaces was not considered to be material as no conditions had been imposed on application 70262 to provide these spaces. There was no policy requirement and the Highways Authority had not requested visitor spaces to be provided.
- The original planning application 70262 in her view could not have been refused on the basis that no visitor parking spaces were provided.
- A material amendment would be if there was a significant change to the planning permission such as an increase in the number of dwellings or a change in description of the original application.
- This application could not provide a resolution to the parking problems that existed in East Street.
- There was no legal way to enforce and prevent others from parking in the designated parking spaces on the site.
- South Molton was a main centre for where development should take place as it was a sustainable location.
- The nearest public car park was the Central car park.
- If there was a Judicial Review, the High Court would look at whether it was a material or non material application. A material application would be if there was a fundamental change to the planning permission and there was not. The Court would not take into consideration tractors travelling along East Street.

In response to questions, the Solicitor and Data Protection Officer advised the following:

- The application for a non-material amendment was in accordance with paragraph 96 (a) of the Town and Country Planning Act 1990.
- It was not an application for a planning permission and therefore the same statutory processes were not required here. Therefore, procedurally officers had followed the correct procedure for this type of application.
- There were no grounds for appeal. The only option would be a Judicial Review where the applicant could make an application if they considered that the Local Planning Authority had not made a decision, had taken into consideration any irrelevant matters or had not followed procedures or actions correctly.
- Officers received applications for non-material and material amendments frequently. Planning Officers would look across the breadth of other applications to ensure consistency with other decisions and this application was considered to be a non-material amendment.
- A Judicial Review would involve a High Court and there would be costs for defending the application in addition to the Judicial Review. There would potentially be a significant costs application against the Local Planning Authority.
- If the application was refused, the Committee would need to provide reasons for going against the Planning Officer's recommendation. The reasons would need to be based on evidence which needed to be robust, compelling and substantive.

RESOLVED (6 for, 4 against, 0 abstained) that the application be APPROVED as recommended by the Senior Planning Officer.

### 32. APPEAL REPORT

The Committee considered and noted the appeal report by the Senior Planning Support Officer (circulated previously).

The Service Manager (Development Management) advised that no response had been received from the Planning Inspectorate in relation to planning appeal reference 74895. Once a response had been received, it would be reported to the Committee.

### 33. TO CONSIDER IF ANY PLANNING SITE INSPECTIONS ARE REQUIRED AND TO AGREE THE REASON(S) AND DATE(S) FOR THOSE INSPECTIONS TO BE HELD.

The Committee noted that a site inspection would be required for planning application 76784, North Devon Leisure Centre, Seven Brethren, Barnstaple to view the site, scale and appearance. The application would be presented to the Committee at its meeting on 11 October 2023. It was agreed that the site inspection would take place on Thursday 5 October 2023 at 4.00 pm

Chair

The meeting ended at 12.38 pm

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

## **NORTH DEVON COUNCIL**

**COUNCIL: 4 OCTOBER 2023**

### **RECOMMENDATIONS OF THE STRATEGY AND RESOURCES COMMITTEE HELD ON 4 SEPTEMBER 2023**

#### **Minute 34 (c): Section 106 Report**

**RESOLVED:**

(a) That £55,215 be allocated to Fremington Parish Council for the replacement of play equipment at Ellerslie Road play area

(b) That £39,868 be allocated to Fremington Parish Council towards the replacement of play equipment at Beechfield;

**RECOMMENDED:**

(c) That Council be recommended to vary the capital programme by £95,083 and that funds be released subject to a funding agreement upon such terms and conditions as may be agreed by the Senior Solicitor for external projects.

### **RECOMMENDATIONS OF THE STRATEGY AND RESOURCES COMMITTEE HELD ON 2 OCTOBER 2023 (TO FOLLOW)**

**Approval and Release of Section 106 Public Open Space Funds – Ilfracombe  
(to follow)**

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**NORTH DEVON COUNCIL**

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 4th September, 2023 at 10.00 am

PRESENT: Members:

Councillor Roome (Chair)

Councillors Bell, Clayton, Crabb, Knight, Lane, Maskell, Prowse, Wilkinson and Worden

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Head of Customer Focus, Senior Solicitor and Monitoring Officer, Community Protection Officer, Environmental and Dog Warden, Head of Environmental Enhancement, Head of Programme Management and Performance, Environmental Health Manager and Finance Manager

Also Present in person:

Councillors Haworth-Booth, Patrinos, Walker and Leaver

**23. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Biederman, D. Knight and P Leaver.

**24. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 3 JULY 2023 (ATTACHED).**

RESOLVED that the minutes of the meeting held on 3 July 2023 (circulated previously) be approved as a correct record and signed by the Chair.

In response to a question in relation to minute 18, the Director of Resources and Deputy Chief Executive advised that the Future High Streets Fund project team were in the process of exploring other options for a design scheme and that the Head of Place, Property and Regeneration would provide an update report to either the October or November meeting of the Committee.

**25. 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 by the meeting as a matter of urgency.

**26. DECLARATIONS OF INTERESTS.**

The following declarations of interest was announced:

Councillor Roome – item 6, non registerable interest as a veteran of the Armed Forces (declared for the purposes of transparency with no action to be taken).

**27. FORCES COVENANT**

The Committee considered a report by the Head of Customer Focus (circulated previously) regarding the Forces Covenant.

The Head of Customer Focus highlighted the following:

- The work and policies that the Council have in place with regard to supporting both veterans and serving military to give Councillors the necessary assurance that the Council was in a position to sign a new Armed Forces Covenant.
- Paragraph 4.4 of the report outlined how the Council demonstrated its commitment to sign up to a new Armed Forces Covenant.
- The Covenant would be reviewed on an annual basis and updated as and when any policies are reviewed in the future.
- The Covenant would be included on the Council’s new website which would be launched later this month.

Jon Beake, Regional Employment Engagement Director, Defence Relationship Management in the South West addressed the Committee and outlined his role in assisting and working with employers to develop Armed Forces Covenants. Previously the Council had co-signed the Armed Forces Covenant with Devon County Council. Devon County Council had now adopted a Covenant in its own right. He outlined the Council’s moral obligations and advised that the Council now had a duty to have regard to such a Covenant. He welcomed the Council signing up to a new Covenant and that it would be reviewed on an annual basis.

Wing Commander Alex Drake, Air Regional Employer Engagement Officer addressed the Committee and highlighted the importance of having a Covenant in place and how it also supported reservists, widest defence community, veterans and cadets. It provided support at grass root levels and enabled the military to continue to deliver its services.

RESOLVED that the Council’s proposed Armed Forces Covenant as outlined in Appendix A of the report be approved.

Councillor Roome and Wing Commander Alex Drake formally signed the Armed Forces Covenant.

**28. TO AGREE FORMATION OF A COUNCILLOR CLIMATE ACTION TEAM**

The Committee considered a report by the Sustainability and Climate Officer for NDC and TDC (circulated previously) regarding the formation of a Councillor Climate Action Team.

Councillor R. Knight outlined the report to the Committee and advised that there had been some delay in setting up the Climate Action Team. He thanked members of staff, Councillor C. Leaver and former Councillor Lofthouse for their support. He advised that the inaugural meeting would be held in two weeks and would then meet on a bi monthly basis.

RESOLVED:

- (a) That a Councillor Climate Action Team continues to meet and function under the Terms of Reference attached at Appendix One of the report.
- (b) That the Council Members listed at paragraph 4.3 of the report are appointed onto the Climate Action Team.

**29. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 1 2023/24**

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding Performance and Financial Management Quarter 1 of 2023/24.

The Finance Manager highlighted the following:

- The revenue budget for 2023/24 was approved at Council on 22 February 2023 at £14,766,450.
- As at 30 June 2023, the latest forecast net budget was £14,749,450, which produced a budget surplus of £17,000. Details were shown in “Appendix A – Variations in the Revenue Budget”.
- The original budget for 2023/24 included a forecast to achieve £250,000 worth of salary vacancy savings. The current position forecasts we will achieve £93,000 based on known vacancies to date, but it was anticipated that the budget of £250,000 will be achieved by the end of the financial year.
- The National pay award was currently being considered by the Unions; however if the 2023-24 pay award exceeded the budgeted 4% included in the original budget then we would look to fund any shortfall from the Budget Management reserve, which currently had a balance of £814,000.
- As at 1 April 2023 the Collection Fund reserve balance held is £1,340,177. 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. Collection Fund deficits/surpluses were reversed out to bring the revenue account back to the budgeted figure for the year; the deficits/surpluses were recovered/distributed in the following financial years. This reserve included a £912,563 balance that will be utilised in 2023/24 and 2024/25 to mitigate timing differences of business rate reliefs awarded in 2022/23 that from an accounting perspective impact over the next two financial years; thus leaving the fund reserve with a residue balance of £427,614 protection against future volatility.

- The Valuation Office Agency (VOA) have notified the Council that they were to reduce the Rateable Value of the Museum from £146,000 to £1, this change had been back dated to 2019 and a refund in rates payable had resulted in a net positive impact to the council of £184,000. It was recommended this refund amount be contributed to the Regeneration Reserve for future projects.
- At the 30 June 2023 total external borrowing was £3,000,000. The timing of any future borrowing was dependent on how the authority managed its treasury activity. Due to on-going higher interest rates the Council was reporting a £90,000 net increase in Interest receivable.
- “Appendix B – Movement in reserves and Balances” detailed the movements to and from earmarked reserves in 2023/24.
- The 2023/24 Capital Programme was detailed in “Appendix D – Capital Programme 2023/24”.
- The Budget and Financial Framework report to Full Council on 22 February 2023 outlined the Capital Programme for the 2023/24 financial year of £21,247,098. Project underspend and further variations of £6,921,154 were approved as part of the performance and financial management report to Strategy and Resources Committee, to produce a revised 2023/24 Capital Programme of £28,168,252.
- Overall variations of (£5,648,600) were proposed to the 2023/24 Capital programme and £30,000 to 2024/25 Programme as detailed in paragraph 4.4.3 of the report.
- The overall revised Capital Programme for 2023/24 to 2025/26 taking into account the budget variations was £35,119,588 and details of how it was broken down was detailed in paragraph 4.4.4 of the report.
- The Programme of £35,119,588 was funded by Capital Receipts / Borrowing (£13,528,650), External Grants and Contributions (£18,609,678) and Reserves (£2,981,260).
- The Council also have authority to borrow from the Public Works Loan Board (PWLB) as outlined in the Treasury Management Annual Investment Strategy and currently had external borrowing of £3,000,000.
- Capital Programme release of funds as detailed in paragraph 4.4.8 of the report.

In response to questions, the Finance Manager advised the following:

- The £93,000 salary vacancy savings had been achieved through quarter 1. This was due to timings in filling posts from the time when a person had left and a new person had been recruited to fill the post. These savings were available to the Managers of that service where the vacancy had occurred to use for temporary or agency staff if required.

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

- There were separate budgets for training and recruitment. Some vacancy savings were utilised for temporary or agency staff, however Managers tried to recruit staff as quickly as possible.

- The Valuation Office valued all buildings to assess their rateable value. The Council had worked with external consultants to challenge the rateable values of some Council owned buildings and had been successful in that the museum had been revalued down to £1. This had resulted in the refund of rates payable and had a positive net impact to the Council of £184,000. Annually, it would have a positive impact of £40,000 rates saving opportunity.
- The Council would shortly be moving from Skype to Zoom for its telephony system which would achieve cost savings.
- When the Future High Street Fund project had been included within the Capital Programme, the project had been originally profiled as to when the spend was likely to occur. The Council had gone out to tender in relation to Boutport Street/Bear Street. The tenders were due back middle of September and it would then be known if there was sufficient funds allocated in the Capital Programme. A large proportion of the funding would not be spent until 2024/25. The Team would look at value engineering. If significant and material changes were required to the Capital Programme, a separate report would be brought to the Committee for consideration. If minor changes were required, these would be dealt with as part of the project. An update report on the project would be presented to a future meeting of the Committee.

The Chief Executive advised that he would request the Head of Place, Property and Regeneration to contact Councillor Clayton regarding signing up to receive the regular updates on the Future High Street project.

The Head of Programme Management and Performance highlighted the following:

- Appendix E set out the new performance management suite.
- This was the first quarter to bring forward the results to the Committee for consideration.
- It was a live suite of measures which could be added to or reduced at any point.
- The performance indicators showed the health of the organisation at a high level.
- Devon Audit Partnership had recently commenced an Internal Audit review of performance management.
- The next report for quarter 2 would have an update on projects, capital costs and mid-year measures and would give confidence on the delivery of the Corporate Plan.

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

- In terms of the average number of days included for key performance indicators MiA, MaA and COM under the Housing and Community Safety Programme, these numbers were the actual average number of days and that honest and open information had been provided. These numbers were higher as the Council had experienced problems with the recruitment of planning officers, which had been the same for other Local Authorities. The Council was working hard to try to fill the vacant positions. In terms of compliance and

enforcement, the Council had recently recruited very experienced agency staff to the team which would help to bring the numbers down.

- There was a new Environmental Health Manager now in post who would also be working on reduced the outstanding number of compliance cases.

In response to questions, the Chief Executive advised the following:

- There were currently issues around recruitment into planning posts. Once these posts had been filled it would help with reducing the number of outstanding compliance and enforcement cases on the system.
- A bid had recently been submitted to the Government for funding of £100,000 which would help with the reduction of the backlog of live cases. This would not resolve the issue, as the Council would need to recruit agency staff.
- The Council had not previously reported on the end to end times in relation to minor and major planning applications. Previously 8 weeks had been reported and time extensions were agreed. It was hoped that improvements in the reduction of the average number of days in relation to minor planning applications would be seen and if not Members could challenge.

Councillor Prowse thanked the Property Team for their work in filling the vacant units in Green Lanes with independent businesses which was helping to put vitality back into the town centre.

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 as detailed in section 4.3 of the report be noted.
- (d) That funds be released for the capital schemes listed in section 4.4.8 of the report;
- (e) That the sections dealing with Treasury Management, Debt Management and General Debtors as detailed in sections 4.5 to 4.7 of the report be noted.

RECOMMENDED:

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

**30. PUBLIC SPACES PROTECTION ORDER - ANTI SOCIAL BEHAVIOUR**

The Committee considered a report by the Community Protection Officer (circulated previously) regarding the Public Spaces Protection Order to address Anti-Social Behaviour.

The Committee noted that the constitutional context under paragraph 9 of the report was incorrect and should have stated "Part 3, Annexe 1, Paragraph 1" of the

constitution which allowed the Committee to make this decision without the requirement to refer to Council for the final decision to be taken.

The Community Protection Officer highlighted the following:

- The current Public Spaces Protection Order (PSPO) would expire on 1 January 2024. By enacting the new order we would be able to avoid a period where there are no powers to address Anti-Social Behaviour (ASB) in Barnstaple and Ilfracombe.
- The operation of the current order has allowed identification of areas where it would be useful to strengthen the conditions. The existing power allows the dispersal of groups of two or more to outside of the PSPO area for a period of six hours had been amended in proposals for the new order. The new proposal would allow for the dispersal of individuals, in addition to groups of two or more. The dispersal time period had been extended to twenty four hours, up from six hours.
- The area covered by the PSPO had also been extended as detailed in Appendix B of the report. Two areas have been added to the Barnstaple map, Rotary Gardens and Portmarsh, as both sites have been subject to anti-social behaviour related to the consumption of alcohol and other intoxicating substances. The proposed PSPO area in Ilfracombe remained unaltered.

In response to questions, the Community Protection Officer advised the following:

- The Street Marshals in Barnstaple were currently not “authorised persons”, however they would be shortly. There were currently no Street Marshals in Ilfracombe, however other officers would be designated as “authorised persons” who would be able to act in this area.
- Information regarding the number of £100 fines issued could be reported back to the Committee.
- There was always an issue with regards to displacement of anti-social behaviour to other areas outside of the PSPO. The guidance advised that the PSPO areas should be as small as possible. The Outreach Teams were in place to address issues before they arose.
- Incidents of anti-social behaviour had also been reported in other areas such as Braunton and South Molton.
- There was an ongoing issue regarding the number of police officers in other areas. During the summer of 2020, following Covid, Street Marshals had been employed in both Croyde and Woolacombe. There was always a significant increase in numbers over the summer months in these areas due to holiday visitors. There may be other anti-social behaviour powers that can be used by the Council.

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

- That there was a report later in the agenda for this meeting in relation to expanding the Street Marshal scheme into Ilfracombe for the next 6 months. If the Committee approved the recommendations to set up such a scheme in

Ilfracombe, then the Street Marshals in Ilfracombe would also become designated as “authorised persons”.

The Chief Executive recommended that a report be presented to the Licensing and Community Safety Committee in 6 months time to consider the impact of the PSPOs.

RESOLVED:

- (a) That the PSPO and Consultation process be approved;
- (b) That delegated authority be given to the Head of Planning, Housing and Heath, in consultation with the Leader and the Senior Solicitor and Monitoring Officer, to make the Public Spaces Protection Order in relation to areas in Barnstaple and Ilfracombe, as per the Order attached at Appendix A, following the conclusion and the consultation period referred to in paragraph 1.4 3 of the report.

**31. PUBLIC SPACES PROTECTION ORDER REVIEW 2024**

The Committee considered a report by the Environmental Health Manager (circulated previously) regarding the Public Spaces Protection Order Review 2024 (Dog Controls PSPO).

The Committee noted that the constitutional context under paragraph 9 of the report was incorrect and should have stated “Part 3, Annexe 1, Paragraph 1” of the constitution which allowed the Committee to make this decision without the requirement to refer to Council for the final decision to be taken.

The Environmental Health Manager highlighted the following:

- On 1 June 2020 Members considered a proposed public consultation exercise on the implementation of a number of controls designed to address anti-social behaviour associated with irresponsible dog ownership.
- The current PSPO will end on 31st of December 2023 and ideally we will be in a position to seamlessly move to a new order from 1 January 2024. Without it, we will have no provision for enforcement of dog fouling or other controls within the existing order.
- Appendices attached to the report.
- The current PSPO that was in place.
- New proposals for consultation.
- Proposed new Paw Scheme.
- PSPOs – proposal new design and visuals
- Identification of hot spots.
- Proposed new Dog Walking Code of Practice.

In response to questions, the Environmental Health Manager advised the following:

- It was Council policy not to pick up dog fouling and the responsibility was to control. This would be included within the consultation.



The Chief Executive advised that it was not the Council's responsibility to pick up dog fouling on footpaths.

In response to questions, the Neighbourhood Officer advised the following:

- It was a nationally recognised approach to utilise the notion to try to build community awareness and identify offenders of dog fouling. It was a much better approach to engage with the community and it also had impact on psychological behaviour of offenders. This also enabled officers to use other techniques such as CCTV and identification of hot spots. In his experience, this had a positive impact.
- Proposals also included restrictions on the number of dogs that must be kept on leads for professional dog walkers and a new Dog Walking Code of Practice was proposed. Currently professional dog walkers were unregulated with no controls in place. The new Code of Practice had been drafted based on guidance from Defra. It was also proposed that conditions would also be included as part of licensing dog kennels. The Code of Practice would also be provided to landowners to enable them to control and moderate the number of people walking dogs on their land.

RESOLVED that the Public Spaces Protection Order (Dog Controls) Review and Consultation Process be approved and that the results of the consultation be presented to the Committee on 6 November 2023.

### **32. FORMATION OF A COMMUNITY LOTTERY FOR NORTH DEVON**

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the formation of a community lottery for North Devon.

The Director of Resources and Deputy Chief Executive advised that Carol O'Neil, Lottery Manager of Gatherwell was present to answer any questions. He highlighted the following:

- A local lottery for North Devon would offer a valuable new income stream for local voluntary and community organisations.
- Local Authority lotteries have to deliver a minimum of 20% of proceeds to purposes for which the authority has the power to incur expenditure. It was proposed to deliver up to 60% of the Lottery proceeds to good causes.
- The three options for consideration by the Committee as outlined in paragraph 4.4 of the report. Option 3 was recommended to the Committee for approval.
- It was proposed that rather than allocating officer time and significant cost to setting up and managing an in-house lottery, an External Lottery Manager (ELM) was used to oversee the operations of the local lottery. There would be some in-house resources required to liaise with the external provider to get the lottery up and running.
- There were very few ELM's in the marketplace and, as indicated, Gatherwell were specialists in delivering local authority lotteries. It was therefore proposed to utilise Gatherwell as an ELM for the lottery, initially for a one-year, with an option to extend to a second year.

- Gatherwell now provided this service for around 140 local authorities, including district, metropolitan, county and unitary councils, and their remit was to increase funding to good causes. No other quotes have been obtained from lottery providers as there does not appear to be any other company that can facilitate this type of local authority lottery.
- One of our neighbouring local authorities, Teignbridge District Council, recently set up their community lottery and as part of their research considered other ELM's as detailed in paragraph 4.8 of the report.
- The Council would need to define eligibility criteria against which applications for good causes wishing to join the lottery would be assessed. The proposed criteria was detailed in paragraphs 4.10, 4.11 and 4.12 of the report.
- Once the criteria have been agreed, Gatherwell would set up a new website and manage the publicity and recruitment of good causes to the platform. Experience of running 140 such lotteries suggested that there was no upper limit on the number of good causes and the most successful lotteries support the largest numbers of causes.
- Local authorities would have significant input into the branding, marketing and launch of the lottery, even to the extent of naming the lottery, however ongoing marketing need only incur modest expenditure, with good causes largely doing this work themselves.
- Ticket sales would all be administered by the ELM and participants would be expected to set up a monthly direct debit. No tickets were sold in shops, offices or on the street. The ELM would also be responsible for payment of prizes and distribution of proceeds to good causes and back to the Council. Each ticket costs £1 and the proceeds would be distributed as detailed in paragraph 4.15 of the report.
- The percentage of the ticket sales going to good causes (up to 60%) was significantly higher than those lotteries offering large jackpots – Euromillions and the National Lottery (28%), the Health Lottery (20%) and the Postcode Lottery (27.5%).
- The Lottery was based on a different principle to the UK Lotto and the numbers used were the results of the Australian Super 66. This was a combination lottery that uses only the numbers 0 to 9 which were then randomly drawn by a computer. As the Super 66 was drawn weekly on a Saturday morning (UK time) the deadline for participating in the local lottery is 23:59 Friday. Players (aged 16 or over) were able to choose 6 numbers, and to win the weekly jackpot they must match both the numbers and sequence as drawn. Players can also win a prize if the ticket matches the sequence of the first or last 2, 3, 4, or 5 numbers drawn.
- The jackpot was an insured prize and was a guaranteed pay out of £25,000 per winner (even if multiple people win the jackpot it was not shared or rolled over). The ELM takes out insurance to cover all prizes and the risk of ticket sales not being sufficient to cover the prize pay-out lies with ELM. The table in paragraph 4.19 of the report detailed the winning odds and their prizes.
- The process of setting up a local authority lottery normally takes about six months from the date of agreement to approval by the Gambling Commission.
- The proposed approach would enable charities and good causes to 'sign up' to take part in the lottery, with 50% of the revenue from ticket sales going directly to the good cause selected by the purchaser.

- The Council would be the overall licence holder and control the good causes joining the scheme. Players buying tickets through specific web pages would know that the proceeds were for that specific good cause. This in turn motivates the group to gain more players to support their specific cause.
- Lotteries were the most common type of gambling activity across the world, and considered to be a 'low risk' form with respect to the emergence of problem gambling. This was due to its relatively controlled form. The Lottery would help mitigate against many of the issues related to addictive gambling as outlined in paragraph 4.26 of the report.
- Gatherwell recommend that each council becomes a member of the Lotteries Council, which provides a range of services for its members, including acting as independent arbitrator for lottery providers should a dispute arise, free access to advice from specialists, and representation with regulators and legislators. The Lotteries Council will also make a contribution to the Responsible Gambling Trust on behalf of each of its members.
- The minimum age for participation in a local authority lottery was 16 years. A person commits an offence if they invite or allow a child (someone under 16) to enter such a lottery. The Council will ensure that appropriate written policies were in place to help prevent and deal with cases of under-age play. Gatherwell, when acting as ELM, require players to declare their age as 16 or over and undertake back office and random checks to verify dates of birth and ensure no under-age players. As part of the licensing objectives the Council were required to ensure that children and other vulnerable people were not harmed or exploited by the lottery.
- In addition to operating licences from the Gambling Commission, a local authority was required to have at least one Personal Management Licence (PML) holder for the authority, even if the lottery was run by an ELM and it was recommended good practice to have 2 licence holders in event of staff absence. The ELM will have their own PML holders. It was proposed this is the Chief Executive and Chief Finance Officer.
- The ELM (ie Gatherwell Ltd) oversees all aspects of the lottery as outlined in paragraph 4.37 of the report.
- The risks associated with establishing a new North Devon Community Lottery were outlined in paragraph 4.38 of the report.
- The top prizes were insured by the ELM (External Lottery Manager) and was funded from the prize fund, which itself was funded by the ELM's share of the ticket sales. The Council was not exposed to prize fund risk due to the contract it will hold with the ELM.
- The estimated cost of setting up the lottery was around £7,200 as follows and it was proposed that these costs be met from the Strategic Contingency Reserve. Gatherwell set up fee of £5,000 (One-off), which will include website design, hosting, maintenance and development; payment gateways (dedicated direct debit and payment card accounts); dedicated support telephone number, email and social media accounts; marketing strategy support and generic design creation; gambling licence application support and training for licence holders. Licence fees and affiliations of £1,173 (Gambling Commission licence and Lotteries Council membership) which was an ongoing cost. Launch event – costs of circa £1,000 (One-off) but will be kept as low as possible.

- One launched, the ongoing costs would be met from the “central fund” retained by the Council as detailed in paragraph 5.2 of the report.
- From comparing against the other lotteries running, the pot of money for good causes was likely to be in the region of £23,000 – £46,000 + per annum after an initial period of awareness raising. A table detailing the projections were detailed in paragraph 5.3 of the report.

In response to questions, Carol O’Neil, Lottery Manager of Gatherwell advised the following:

- Break down of costs had been provided for the first year. These figures had been set and would not change.
- Following market research, lotteries were considered to be a low risk form with respect to the emergence of problem gambling.
- She was currently working with 14,000 good causes.
- Supporters would engage from a support point of view rather than prize giving. The marketing would include the purpose of the lottery to support good causes. The lottery helped to keep small charities going who were struggling financially.

Councillor Roome declared a non-registerable interest in this item as he had experience in setting up lotteries (declared for transparency purposes only and no action taken).

In response to questions, the Chief Executive advised the following:

- The purpose of the lottery was to help raise funds for small charities and good causes. It was not about raising funds for the Council.
- 140 other Local Authorities had established lotteries. They would have also taken into consideration issues regarding gambling.

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

- The promotion of the lottery would only include the Council as a licence holder and it would not be promoted as a North Devon Council lottery.

Councillor C. Leaver requested that the criteria in paragraphs 4.10.1, 4.10.2 and 4.10.3 of the report be amended to include “operate in North Devon”.

**RESOLVED:**

- (a) That the establishment of the North Devon Community Lottery for the purpose of raising funds to support good causes, benefitting the residents of North Devon be agreed.
- (b) That the appointment of Gatherwell as an External Lottery Manager to run the operational side of the lottery approved.

- (c) That the criteria for which good causes should participate in the lottery as defined in section 4.10 to 4.12 be agreed subject to paragraphs 4.10.1, 4.10.2 and 4.10.3 of the report being amended to include “operate in North Devon”.
- (d) That the Chief Finance Officer be authorised to apply for any necessary licences from the Gambling Commission to enable the Lottery to operate.
- (e) That the Chief Executive and the Chief Finance Officer be nominated as the personal licence holders for the Lottery and authorise them to apply for the personal licence.
- (f) That the management and oversight of the Lottery and the authority to approve appropriate policies and procedures associated with the Lottery be deleted to the Chief Executive and Chief Finance Officer, in consultation with the Leader and Lead Member for Commercialisation and Resources.
- (g) That the one-off set up costs of £7,200 be approved as outlined in section 5.1 and be funded from the Strategic Contingency Reserve.

**33. PROPOSED AMENDMENTS TO THE COUNCIL’S EXISTING AMENITY STANDARDS WITH RESPECT OF SHORT TERM HOLIDAY LETTING OF LICENSED HMOS**

The Committee considered a joint report by the Public Protection Manager and Environmental Health Officer (circulated previously) regarding proposed amendments to the Council’s existing amenity standards with respect of short term holiday letting of licensed Houses in Multiple Occupation (HMOs).

The Environmental Health Officer (TR) highlighted the following:

- Consideration was sought in respect of proposed amendments to the Council’s Amenity Standards, and in particular in respect of the short term holiday letting of rooms within licensed HMOs. The proposed revised Amenity Standards document with highlighted changes was found within Appendix A of the report.
- The popularity of short term letting for holiday purposes of domestic properties has increased, particularly in the area of North Devon which has access to popular tourist locations and some landlords are looking to diversify their current portfolio of properties.
- There were an estimated 1,100 HMOs in North Devon, of which approximately 290 fall under the Part 2 mandatory licensing scheme.
- As at 30 June 2023, there were 1867 business rated properties with a description containing ‘self-catering holiday units’.
- An enquiry was received from an agent, whereby they approached the Council to ask if there were any restrictions in relation to landlords renting out rooms within licensed HMOs on a holiday let basis, as a landlord had proposed to rent out their property in this way.
- Having reviewed the request, there were believed to be a number of risks with mixed use short term holiday lets and HMOs as detailed in paragraph 5.7 of the report.
- In light of this request, it was proposed that the Council do not permit rooms within licensed properties to be rented out on a holiday let basis (e.g. via Airbnb, Vrbo etc.). All living accommodation must be occupied by persons as their only or main residence or by persons who are to be treated as so

occupying it (e.g. on a permanent basis or in line with Section 259 of the Housing Act 2004).

- It is proposed that a consultation is undertaken with key stakeholders including estate agents, management companies and current HMO landlords and applicants.
- A period of six weeks has been suggested for the consultation in line with the Cabinet Office guidance, as six weeks provided a proportionate and realistic time period in order for stakeholders to provide a considered response.

In response to questions, the Public Protection Manager advised the following:

- That the proposed amendment was to not permit rooms within licensed properties to be rented out on a holiday let basis.
- There was no legal requirement to carry out consultation on this proposed amendment. However, property owners would need some period of notice if they already let out accommodation as holiday lets.
- Other licensing policies (e.g. Licensing Act and Gambling Act) were required to be subject to formal consultation.
- As the original policy had been subject to consultation, it was proposed that consultation be undertaken on this proposed amendment to allow for a level of transparency. A shorter period of consultation may be tolerated.

In response to a question, the Environmental Health Officer (TR) confirmed that the key stakeholders for consultation could also include housing associations and homelessness organisations.

In response to questions, the Chief Executive advised the following:

- It was a matter of public law that, if a Local Authority normally consults the public when it changes policies of this nature, there would be a legitimate expectation that it would consult on the proposed change(s). If the consultation period was too short a period, then the Council would be at risk of challenge if it had not consulted properly. If the Committee were to propose that no consultation would be carried out on this proposed change, then a report would need to be presented to the next meeting of the Committee to set out the risk(s) so that councillors could take these into account on making any decision.

RESOLVED:

- (a) That the proposed variation to the Council's Amenity Standards document in Appendix A be approved for consultation;
- (b) That the Environmental Health Officer be instructed to undertake a six week period of public consultation on the proposed amendment and seek that consultation responses be reported to a future committee meeting prior to making any approval and that the stakeholders also include housing associations and homelessness organisations,.

**34.            SECTION 106 REPORT**

The Committee considered a report by the Head of Environmental Enhancement (circulated previously) regarding the approval and release of section 106 public open space funds for two projects in the Fremington ward.

The Head of Environmental Enhancement highlighted the following:

- The approval and release of section 106 public open spaces funds were for two projects in the Fremington Ward for the replacement of play equipment at Ellerslie Road play area and at Beechfield.

RESOLVED:

- (a) That £55,215 be allocated to Fremington Parish Council for the replacement of play equipment at Ellerslie Road play area
- (b) That £39,868 be allocated to Fremington Parish Council towards the replacement of play equipment at Beechfield;

RECOMMENDED:

- (c) That Council be recommended to vary the capital programme by £95,083 and that funds be released subject to a funding agreement upon such terms and conditions as may be agreed by the Senior Solicitor for external projects.

Councillor Walker thanked officers for bringing forward the report and the Committee for its support on behalf of the children of Sticklepath.

### **35. STREET MARSHAL SCHEME**

The Committee considered a joint report by the Place Manager (Town Centre) and Director of Resources and Deputy Chief Executive (circulated previously) regarding the Street Marshal Scheme.

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

- The concept of providing a reassuring visible presence in town centres was first introduced following the pandemic in December 2020. Known locally as Place Makers (nationally as Covid Marshals) their role was primarily to provide a warm, friendly welcome to residents and visitors and to provide assistance to both residents and businesses on Covid restrictions and regulations, in line with Public Health measures when town centres re-opened.
- This visible presence was highly valued by both members of the public and businesses and schemes in Barnstaple and Ilfracombe were funded through the Welcome Back Fund following the lockdown periods in 2021.
- The scheme was reinstated in March 2022 using the Contain Outbreak Management Fund (COMF) with an expanded role to include de-escalating situations that could lead to Anti-Social Behaviour (ASB).
- Following the success of these schemes; a subsequent increase in antisocial behaviour incidents in Barnstaple Town Centre once they stopped and a public survey which determined that an increased presence by uniformed

enforcement officers was the main intervention that would make people feel safer, a successful bid to Safer Streets round four was submitted which included funding for street marshals in Barnstaple.

- The street marshals have been an unprecedented success, contributing towards a significant reduction in overall crime and incidents of ASB reported to the Police. In the 12 month period June 2022 to May 2023 compared to the same 12 month period the year before (2021-2022). Reported crime had decreased by 18% a reduction of 382 incidents. Reported incidents of ASB have decreased by 34% a reduction of 145 incidents.
- The Safer Streets funding comes to end on 30 September 2023, the purpose of this report is therefore to set out the benefits of the current scheme and seek approval for funding to enable a scheme to continue until the end of March 2024 in both Barnstaple and Ilfracombe with a view to seeking a long-term partnership funding solution from April 2024.
- The options for consideration were either to continue with the scheme or to stop.
- The aim of the current scheme and role of street marshals as outlined in paragraph 4.10 of the report.
- The proposal and benefits of the scheme.
- The scheme was valued by businesses and the community as outlined in paragraph 4.15 of the report.
- There were significant benefits to all public services, it would therefore be appropriate that a long term, multi-agency funding solution be sought to ensure the scheme for Barnstaple and Ilfracombe was sustainable moving forwards. Approving funding until April 2024 would enable such an agreement to be explored and implemented and a further report would be brought back to Members once this had been identified. Over the next six months discussions would take place between NDC officers and multi-agency stakeholders to seek options for a sustainable solution moving forwards for this much valued provision for our town centres.
- An email received from Toby Davies, Local Police Commander was read to the Committee regarding the benefits of the scheme and advising that he was keen to keep the scheme in place for both Barnstaple and Ilfracombe and that he would work with the Council to look at options for securing sustainable funding.
- As part of the Safer Streets fund during 2022-23, an element of NDC officer time was recharged to the project where officers were directly providing interventions under the scheme. The result of this created a budget underspend within the 2022-23 year on those service budget areas where those officers were providing the interventions.
- As part of closing the 2022-23 year, it was approved as part of the financial outturn to place the above savings into a specific earmarked reserve to reinvest back into our town centres as part of ongoing management provisions such as safety and security.

Councillor Crabb advised that Ilfracombe Town Council was happy to have a conversation regarding future funding of the scheme.

RESOLVED:



- (a) That Contract Procedure Rules be waived and approval be given to enter a new contract up to 31 March 2024 with the existing provider on the basis that they have been delivering the service for the last 9 months and have established trusted, invaluable contacts and relationships with NDC staff, Police, businesses and the wider community.
- (b) That authority be delegated to the Place Manager (town centres) and the Director of Resources and Deputy Chief Executive to determine the exact operating hours of the scheme in consultation with key partners such as Police, based on demand and available budget.
- (c) That the cost of the Street Marshal contract be funded from the Town Centre Management earmarked reserve as set out in Section 5 of the report;
- (d) That the Committee was keen for the street marshals to become authorised persons as soon as possible.

**36. REFUGEE SUPPORT CONTRACT**

The Committee considered a report by the Service Manager – Housing (circulated previously) regarding the Refugee Support Contract.

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

- The Homes for Ukraine scheme had introduced 12 months ago. The Council had engaged with Pickwell Foundation to provide support to refugees and had been significantly valuable in rehousing refugees successfully. They also re-matched those households requiring alternative accommodation.
- The 12 month contract with Pickwell Foundation was due to end shortly. The options were for Pickwell Foundation to continue to provide this service on behalf of the Council or look for an alternative service provider. It was recommended that Pickwell Foundation continue to provide this service. Grant funding was in place for this service.
- Last year, the Council had received £6,000 per refugee for this scheme of which £1,500 per refugee had been allocated to Pickwell Foundation for the service.
- The Council have agreed to 12 units of family accommodation for those under the Afghan Relocations and Assistance Policy (ARAP) scheme at RMB Chivenor.

RESOLVED that the Head of Planning, Housing and Health be authorised in consultation with Senior Solicitor and Monitoring Officer, to make any necessary amendments to the Grant Agreement for provision of support to Ukraine Refugee’s dated the 17 May 2022 with the Pickwell Foundation to account for the Homes for Ukraine scheme and the Afghan Relocations and Assistance Policy (ARAP) scheme.

**37. URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE (ATTACHED)**

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 Local Authority Housing Fund – Round 2.

Chair

The meeting ended at 12.28 pm

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