



## Public Document Pack

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

K. Miles  
Chief Executive.

### **STRATEGY AND RESOURCES COMMITTEE**

A meeting of the Strategy and Resources Committee will be held in the Barum Room - Brynsworthy on **MONDAY, 13TH MAY, 2024 at 10.00 am.**

**(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. For meetings held at Brynsworthy only, you can join the meeting virtually via Microsoft Teams. There are also limited spaces to attend the meeting in person. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting. Taking part in meetings (northdevon.gov.uk)**

Members of the Strategy and Resources Councillor Roome (Chair)  
Committee

Councillors Bell, Clayton, Crabb, Hunt, D Knight, R Knight, Lane, C Leaver, Maskell, Milton, Prowse and Wilkinson

### **AGENDA**

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting held on 8 April 2024 (attached). (Pages 5 - 8)
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.
4. Declarations of Interests.

Please telephone the Corporate and Community Services team to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called. A declaration of interest under the Code of Conduct will be a Disclosable Pecuniary Interest, an Other Registrable Interest or a Non-Registrable Interest. If the item directly relates to your interest you must declare the interest and leave the room for the item, save in the case of Other Registrable Interests or Non-Registrable Interests where you may first speak on the item as a member of the public if provision has been made for the public to speak. If the matter does not directly relate to your interest but still affects it then you must consider whether you are affected to a greater extent than most people and whether a reasonable person would consider your judgement to be clouded, if you are then you must leave the room for the item (although you may speak as a member of the public if

provision has been made for the public to speak) or, if you are not, then you can declare the interest but still take part).

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

#### **PART 'A'**

6. **Residential Park Home Sites, Fees and Licensing and Compliance Policies** (Pages 9 - 48)  
Report by Environmental Health Officer (attached).
7. **A proposal to reduce the Council's carbon emissions by replacing selected vehicles with Electric Vehicles** (Pages 49 - 58)  
Report by Sustainability and Climate Officer (attached).
8. **North Devon (Off-Street Parking Places) Order - Variation** (Pages 59 - 60)  
Report by Parking Manager (attached).
9. **North Devon Council Biodiversity Duty and Actions** (Pages 61 - 70)  
Report by Sustainability Officer (attached).
10. **Urgent Decision(s) Taken by the Chief Executive (attached)** (Pages 71 - 76)  
To note the urgent decision that has been made by the Chief Executive in accordance with paragraph 3.45, Annexe 2, Part 3 of the Constitution.
  - Adoption of the Household Support Fund 5 Scheme.

#### **PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)**

Nil.

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

2.05.24



## **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).

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

Sat Nav postcode is EX31 3NS.

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

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

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

All public meetings held at Brynsworthy Environment Centre are held on the ground floor and are accessible through the main entrance to the building or via a ramp located adjacent to the main entrance



**NORTH DEVON COUNCIL**

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 8th April, 2024 at 10.00 am

PRESENT: Members:

Councillor Roome (Chair)

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

Officers:

Chief Executive and Service Lead -Private Sector Housing

Also Present in person:

Councillors

Also Present virtually:

Councillors

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received by Councillor Milton.

The Corporate and Community Admin Assistant advised the Committee that Councillor Hunt was attending the meeting virtually

**2. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 4 MARCH 2024 (ATTACHED).**

RESOLVED that the minutes of the meeting held on 4 March 2024 (circulated previously), be approved as a correct record and signed by the Chair.

In response to a question, the Chief Executive advised the Committee that the minutes of Committee meetings were a record of discussion and decisions taken and not verbatim.

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

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

**4. DECLARATIONS OF INTERESTS.**

There were no declarations of interest received.

**5. NOTICE OF MOTION FROM COUNCIL**

The Committee considered the Notice of Motion referred by Full Council on the 17 January 2024 regarding joining the City of Sanctuary initiative (circulated previously).

The Chief Executive highlighted the following:

- 60 Local Authorities had already joined the initiative, which was designed to act as a network to share resources and ideas around refugee resettlement. It was noted that North Devon Council (NDC) already engaged with a number of similar organisations and initiatives.
- The City of Sanctuary (COS) required partners to work towards and aim to complete a series of pledges and that in the Chief Executive's opinion there was nothing in these pledges or the COS charter that NDC should be concerned about agreeing to should Members wish to go forward with the scheme.
- That only 12 of the 60 Local Authorities who have signed up with COS have achieved the Full Award Status, which required a minimum criteria outlined in the COS pledges. These requirements included dedicated staff, sharing website spaces, and committing to learning/education schemes. It was noted that the resource implications of achieving the Full Award Status were not yet known but could be investigated if Members wished to register interest in the COS scheme, and that agreeing to be part of the COS scheme did not mean having to aim or achieve the COS Full Award Status.

In response to a question as to whether or not NDC was already doing most of the work outlined in the COS pledges and whether or not NDC required the validation of COS to continue the work they already do, the Chief Executive advised that NDC already does good work around refugee resettlement thanks to already established connections, but that the matter of whether or not partnership with COS was desirable was up to Members.

In response to a question regarding resource implications, the Chief Executive advised that the recommendations within the Notice of Motion were to consider working towards the pledges, and once the first steps have been taken a full report would come back to a future meeting of the Committee detailing the resource implications, as only then would they be known.

RESOLVED that the Council:

- A) Join the City of Sanctuary Local Authority Network;
- B) Work to implement the City of Sanctuary pledges through its actions and policies, and with its partners in the statutory and voluntary sectors;
- C) The contribution of refugees and people seeking sanctuary in North Devon be acknowledged,

**6. 361 ENERGY CIC CONTRACT**

The Committee considered a report by the Private Sector Service Lead (circulated previously) regarding the renewal of the 361 Energy CIC contract.

The Private Sector Service Lead highlighted the following:

- The contract started in October 2021 and was due for renewal in October 2024.
- A total of 272 houses have been assisted (as outlined on Page 19 of the report) throughout the term of the contract since October 2021.
- Recommendation 4.5 outlined how the Council could increase customer participation as well as improve community engagement around the initiative.
- The scheme was free for the customer, but the current contract cost NDC £60,000.

In response to a question as to whether or not the Council should be going through the procurement process to find potential alternatives to 361 Energy, the Chief Executive advised that whilst it was an option, 361 Energy were an integral part of the framework of energy providers and were already working in partnership with the other groups that would likely be identified via the procurement process. The Council could still go through the procurement process but if another provider was selected then they would have to start from scratch when it came to integrating themselves with other groups and Council services.

In response to a question as to whether or not the dedicated Energy Efficiency Officer was employed by the Council specifically for the purpose of furthering the scheme, the Private Sector Service Lead advised that the Officer was employed by the Council but had a wider job role than just furthering the scheme but was confident the engagement and scope of the service would improve by having them in role.

Councillor Bell declared that he had an other registerable interest as he knew a fellow Member of Braunton Parish Council who was a Director of 361 Energy.

RESOLVED, that:

- A) the Council enter into a revised contract with 361 Energy CIC from October 2024, for a further 3 year period (£24k per year: total £72k);
- B) The setting aside of Constitutional requirements to seek at least 3 quotes be approved; and
- C) An update report on the 361 Energy scheme and further information about the wider energy efficient grants (Energy Company Obligation) will be prepared by the Private Sector Service Lead and emailed to the Committee for information..

Chair

The meeting ended at 11.03 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**

Report Date: Monday, 13 May 2024

Topic: Residential Park Home Sites, Fees and Licensing and Compliance Policies

Report by: Tanisha Rowswell, Environmental Health Officer

### **1. INTRODUCTION**

1.1. Consideration is sought in respect of the implementation of a new Fees Policy for residential park homes and a Policy on the Licensing and Compliance of Residential Park Home Sites. The final revised fees policy is found within Appendix A, and the final revised Licensing and Compliance policy is found in Appendix B.

1.2. A six week consultation exercise was undertaken to gather feedback in relation to the two policies.

1.3. The main purpose of this report is to provide feedback on the results of the six week consultation exercise, and to recommend approval to Full Council regarding a new set of fees for residential caravan site licences, contained in a Fees Policy and to approve a Policy on the Licensing and Compliance of Residential Park Home Sites.

1.4. It is proposed that the 2024/25 fees will be pro-rata further to the referral of the fees to Full Council.

### **2. RECOMMENDATIONS**

2.1. To consider the feedback of the public consultation exercise, contained within Appendix C.

2.2. To recommend the approval of the residential park homes Fees Policy to Full Council.

2.3. To adopt the Policy on the Licensing and Compliance of Residential Park Home Sites.

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

3.1. Despite legislative changes creating a position whereby fees may now be charged for licence applications and inspections associated with residential park home sites, the Council has no Fees Policy or fee structure in place at this time. The Fees Policy is necessary to ensure that the Council better recovers its costs from the licensing regime.



3.2. It is necessary to clarify the Council's position with regards to site licence compliance. The Policy on the Licensing and Compliance of Residential Park Home Sites has been designed to support the Fees Policy. It sets out how this licensing regime is to be administered and regulated, and provides enhanced transparency and robustness in respect of the Council's licensing procedures.

## 4. REPORT

4.1. The Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) (the Act), authorises local authorities to issue licences in respect of caravan sites. The Council may require applications for 'relevant protected sites' (more commonly referred to as residential park home sites licences) to be accompanied by a fee fixed by the authority. Fees may also be charged for applications to transfer site licences, to change conditions on site licences, and to deposit site rules with the authority. Separate fees may also be charged for enforcement and local authorities may charge for the administration and monitoring of site licences by levy of an annual fee.

4.2. The fees for caravan site licensing are 'locally set', meaning that fees are not prescribed by statute. The Council has yet to approve fees since April 2014 when the amendments to the Act became effective, and it is now necessary to adopt a fees policy to ensure that the Council better recovers its costs.

4.3. A draft copy of the Fees Policy and the Policy on the Licensing and Compliance of Residential Park Home Sites was presented by the Public Protection Manager at the Strategy and Resources committee meeting on 4<sup>th</sup> December 2023, and a consultation on the proposed implementation of the policies was subsequently recommended and approved.

4.4. The six week consultation exercise ran between 22<sup>nd</sup> January and 4<sup>th</sup> March 2024.

4.5. Correspondence with details of the consultation was sent to site owners, residents associations (where known), the general public (via a social media release), the British Holiday and Home Parks Association, and the National Association of Park Home Residents.

4.6. We asked consultees to provide their feedback on whether they agreed with the implementation of the new fees policy and the way in which the fees policy has been calculated and why. We also asked for feedback on whether consultees felt that the proposed policies provided suitable clarity, and also



for opinions on whether consultees agreed with the principles of the two new policies.

- 4.7. The main points provided in the feedback have been addressed below.
- 4.8. 14 online responses were received in total. The full results are attached in Appendix C.
- 4.9. 8 respondents agreed with the implementation of the Fees Policy, and 6 respondents disagreed. 10 respondents left further feedback for this question.
- 4.10. The most common comment and the main concern regarding the implementation of the fees policy was in respect of worries relating to the fees being passed onto residents. The Mobile Homes Act 2013: a guide for local authorities on setting licence fees document, advises that a site owner may not pass on the costs of enforcement action to residents through the pitch fee. Additionally, the costs incorporate annual site visits by Council Officer's, so residents will receive a licensing service which is above what they currently receive. Additionally, one comment was in respect of concerns relating to future fees the Council may implement. At this time, we do not propose to implement any further charges, and the fees will be monitored on a regular and annual basis in line with the Council's budgets.
- 4.11. 9 respondents agreed with the banding structure of the fees policy proposed, and 5 respondents disagreed. 5 respondents left further feedback in respect of this question.
- 4.12. The main response received was the suggestion that the fees policy should be undertaken in bands of 25. However, the development of further categories would make the fees policy more complex, and it is deemed that the fees set are fair and proportionate at this time. The fees set will be reviewed annually.
- 4.13. 9 respondents agreed that the fees policy is clear and concise and 5 respondents disagreed. 1 respondent left further feedback in relation to this question.
- 4.14. 1 respondent left a comment and advised that they were unable to view the documents as they were unsure where to find the proposed documentation. We believe there was some confusion in the location of the documents in this respect, as the documents were available to view alongside the consultation link.
- 4.15. 9 respondents agreed that the Council's Policy on the Licensing and Compliance of Residential Park Home Sites is clear and concise, and 5



respondents disagreed. 1 respondent left further feedback in relation to this question.

4.16. Similarly to the above, 1 respondent left a comment and advised that they were unable to view the documents as they were unsure where to find the proposed documentation. We believe there was some confusion in the location of the documents in this respect, as the documents were available to view alongside the consultation link.

4.17. 8 respondents agreed with the principle of the two new policies, and 6 respondents disagreed. 3 respondents left further feedback in relation to this question.

4.18. Further to this question, one respondent highlighted that they believe the fee stated should already cover all costs. We are unsure if this comment refers to the new application fee or annual fee, but as outlined in the fees structure, the cost of enforcement action cannot be reflected in the fee structure adopted by the local authority, so there are separate fees which cover this element. Another respondent left a comment in respect of the fit and proper person requirements, but this will be looked at separately outside of the scope of the fees policy.

4.19. The responses have been considered in the formal recommendation of approval of the Fees Policy and the Policy on the Licensing and Compliance of Residential Park Home Sites.

## 5. RESOURCE IMPLICATIONS

5.1. There is no additional workload associated with this report. Additional income from those residential park home sites currently licensed is expected should the proposed fees be approved, albeit as per the provisions of the legislation and guidance, this will only allow for recovery of the Council's costs.

## 6. EQUALITIES ASSESSMENT

6.1. The impact of the proposals is perceived to be neutral. An Equality Impact Assessment has been undertaken.

## 7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental benefits or impacts identified as a result of the proposed changes.



## 8. CORPORATE PRIORITIES

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

- 8.1.1. The commercialisation agenda: neutral.
- 8.1.2. Improving customer focus: neutral.
- 8.1.3. Regeneration or economic development: neutral.

## 9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annexe 1 for Strategy and Resources Committee paragraph 1 of the Constitution.

9.2. As noted in the report, the power to decide on one or more of the recommendations in this report is reserved to Full Council pursuant to Article 4.5 of the Constitution and as such the recommendation must be referred to Full Council to ratify.

## 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).

- Caravan Sites and Control of Development Act 1960
- Mobile Homes Act 2013
- Department for Communities and Local Government, The Mobile Homes Act 2013: a Guide for Local Authorities on Setting Licence Fees. February 2014.

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Tanisha Rowswell, Environmental Health Practitioner 16.04.2024

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**Caravan Sites and Control of Development Act 1960  
(as amended)**

**2024-2025**

**Fees Policy for the Licensing of  
Residential Park Home Sites**

1. Approved by:
2. Date:
3. Review date:

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### ***Appendices***

Appendix A: Calculations to Support Fees and Charges.



### **1.0 Introduction**

- 1.1 Following the introduction of the Caravan Sites and Control of Development Act 1960, North Devon Council is required by law to license caravan sites and mobile homes, unless they fall into the category of exempted sites (see First Schedule of the Act).
- 1.2 The Mobile Homes Act 2013, which came into force on 1 April 2014, was introduced as an addendum to the Caravan Sites and Control of Development Act 1960 (the 'Act'), and is intended to provide greater protection to occupiers of static residential caravans.
- 1.3 Caravans sites are separated into three main types; touring, static holiday and static residential. Following the introduction of the Mobile Homes Act 2013, the Council can now charge fees to licence static residential sites (also known as park homes and relevant protected sites).
- 1.4 Before the Council can charge a fee, it must prepare and publish a fees policy. Upon fixing fees, the Council will:
  - 1.4.1 Act in accordance with its fees policy
  - 1.4.2 Fix different fees in different cases
  - 1.4.3 Determine that no fee is required in some cases
  - 1.4.4 State when the fee(s) are due.
- 1.5 The licensing scheme enables local authorities to monitor site licence compliance more effectively, and there is now a tool to enable the Council to take enforcement action where owners are not managing and maintaining their sites. This will ensure residents' health and safety is better protected and the value of their homes is safeguarded. The Mobile Homes Act 2013, introduced the ability for local authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions. The fees and charges for enforcement action are included in this Fees Policy.
- 1.6 The Mobile Homes Act 2013 also introduced changes relating to site rules. Site owners will be able to replace existing site rules with new ones that should be deposited with the Council who must publish an up-to-date register of these rules. They may also charge a fee for their deposit (The Mobile Homes (Site Rules) (England) Regulations 2014). The fee for depositing site rules is included in this Fees Policy.
- 1.7 The Council in setting the fees payable has had regard to 'The Mobile Homes Act 2013, A Guide for Local Authorities on Setting Site Licence Fees' issued by the Department for Communities and Local Government.
- 1.8 It has also had regard to the Local Government Association's Guidance on Locally Set Fees.

### **2.0 Consultation**

- 2.1 Consultation was undertaken on this Fees Policy for a period of 6 weeks from 22 January 2024 to 4 March 2024.

## 3.0 Policy Inclusions

3.1 In line with the requirements placed upon the Council, this fees policy sets out the following matters:

The fees payable for:

- a. Applications for the grant of a site licence
- b. Applications for the transfer of a site licence
- c. Applications for alteration to the conditions of an existing licence
- d. Annual fee payable for an existing licence
- e. Deposit of site rules

3.2 The matters and appropriate costs taken into account in setting each type of fee.

3.3 The method of apportionment of those costs in setting those fees.

3.4 If an annual fee is payable, when it is to be paid.

3.5 How surpluses and deficits are to be treated; and

3.6 Such other matters as the local authority consider to be relevant.

## 4.0 Definition of a Residential Park Home Site

4.1 A static residential site, park home or 'relevant protected site' is defined in the Act as any land to be used as a caravan site *other* than one where a licence is:

4.1.1 Granted for holiday use only.

4.1.2 In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions), for example seasonal use of touring sites.

4.2 Any licensable caravan site will be a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if it has planning permission or a site licence for exclusive holiday use or there is a restriction on use as permanent residential.

4.3 A site's exemption will depend on what use the planning permission permits, or if the permission is silent on what the site licence permits. The actual use of the site in those conditions is irrelevant. For example, if the land has planning permission for use as a holiday site and the residents live there full-time, the site will *not* be a relevant protected site.

4.4 There are some sites where the planning permission and/or site licence permits both use for holiday and permanent residential purposes. Such sites *are* relevant protected sites, because the relevant consent is not exclusively for holiday purposes. However, there is an important exemption to this rule, which is that if a holiday site has permission for residential use too, and that use is only by the owner of the site

(including family members) or employees working on the site, their permanent occupation does not make the site a relevant protected site. The caveat to this is that if the residential occupier/employee occupies the home under the agreement to which the Mobile Homes Act 1983 applies, the site will be a relevant protected site.

### 5.0 Fee Types

5.1 Local authorities are able to charge fees for the:

5.1.1 Consideration of applications for the grant or transfer of a site licence

5.1.2 Consideration of applications to alter conditions of a site licence

5.1.3 Administration and monitoring of site licences, by way of an annual fee

#### Deposit of Site Rules

5.2 Fees must be transparent and reasonable. Both the level of fees and how they are charged are, subject to legal restrictions, at the discretion of the Council. They should fairly cover the costs (or part of the costs) incurred by the Council under its functions in Part 1 of the Act, other than the costs of any enforcement action (which may be charged separately).

5.3 All time taken in establishing the information required to make an informed decision will be allowed to be included in the licence fee, whether or not the transfer or new licence is granted.

5.4 Travel time to and from the site, including fuel costs, can be taken into account. Time spent consulting with the site owner and third parties such as Planning, Fire & Rescue, Health & Safety, can also be taken into account when setting fees. Guidance indicates that the following can be considered in terms of officer time:

5.5 For a first *new licence application*:

5.5.1 An inspection of the site, at planning stage or on immediate planning approval, to discuss requirements with the site owner.

5.5.2 A second visit following the issue of a new licence, to check conditions and occupation of site. Note: this has not been included in the calculation of the current fees. If after review at the next fee setting meeting this is deemed appropriate, a variation to the fee to encompass this will be made.

5.6 In the case of an *annual licence fee*:

5.6.1 A pre-programmed full site inspection.

5.6.2 A follow-up inspection to check compliance following programmed inspection. Note: this has not been included in the calculation of the current fees. If after review at the next fee setting meeting this is deemed appropriate, a variation to the fee to encompass this will be made.

5.7 In the case of an *application to amend a licence*:

5.7.1 A site visit to assess the specifics of the application, any implications for the licence or its contents and to assess whether undertakings need to be given.

5.8 In the case of an *application to transfer a licence*:

5.7.1 Generally, no site visit is required as the application is a desk top exercise only.

5.9 In the case of *depositing Site Rules*:

5.9.1 Only officer time can be considered, as this is a desk top exercise.

## **6.0 Factors Not Encompassed in Licence Fees**

6.1 The Council cannot take into account when setting fees the costs incurred in exercising their functions under:

6.1.1 Section 9A-9I of the Act (relating to enforcement due to breach of licence conditions).

6.1.2 Section 23 of the Act (prohibiting the siting of caravans on common land); or

6.1.3 Section 24 of the Act (the provision of caravan sites by local authorities).

6.2 In addition, Section 10A (4)(b) of the Act, prohibits a local authority from taking into account when setting fees costs it incurs under the Act, other than those relating to a relevant protected site. Thus, costs incurred in relation to holiday sites or other non-permanent residential sites cannot be considered.

6.3 Sites which are in mixed use, i.e. partly holiday with some permanent mobile homes fall within the definition of relevant protected sites. Fees can, therefore, be charged. Equally, functions relating to such sites can be taken into account in setting fees.

6.4 Care will be taken not to include costs that have already been charged for by other service areas.

6.5 The Council cannot make a profit. Any charges will be limited to recovering the costs of exercising its licensing functions as they relate to relevant protected sites.

## **7.0 Fee Payment**

7.1 Invoices will be sent to the registered address (as per North Devon Council's Caravan Site Register) of the site owner for applicable sites.

7.2 The period covered will be from April to March. Invoices will be sent out and payment will be required within 30 days, a period which the Council deems reasonable.

## **8.0 Refunds**

8.1 If the Council decides not to approve an application, the applicant is not entitled to a refund of the application fee paid.

### **9.0 Enforcement Action**

- 9.1 The Act allows the Council to charge for enforcement which includes the cost to the local authority of taking formal action leading up to and including any enforcement. This is one reason why the cost of enforcement action against site owners cannot be taken into account when setting annual licence fees. It would also be unfair to include such costs when many site owners are not likely to require enforcement action.
- 9.2 Under Section 9C of the Act, the Council is entitled to recover its 'expenses' in relation to the service of a Compliance Notice. This includes costs incurred in inspections, preparing the notice and obtaining expert advice on it (including legal costs) and any interest the authority intends to charge. The demand for recovery is served with the Compliance Notice and that demand must break down the costs, so that the site owner knows what he is being asked to pay for, and why.
- 9.3 A site owner may not pass on costs of enforcement action to residents through the pitch fee.
- 9.4 The fees charged are based upon a fixed hourly rate, and are included in the Fees listed at Section 14.
- 9.5 Following completion of a Compliance Notice or Emergency Action, the Council will issue an invoice to the licence holder to recover its expenses incurred in deciding whether to serve a Compliance Notice or take emergency action, in preparing and serving any notices and where relevant in carrying out the work. The demand for expenses will be registered as a local land charge which will be removed once the full amount has been recovered.
- 9.6 The Council may require certain works to be undertaken to remedy a situation by the service of a legal notice on the owner, occupier or other person considered responsible. Under Section 9F of the Act, this will include the expenses, the interest rate to be charged, and an explanation of the site owners legal right of appeal.
- 9.7 In certain circumstances, these works are undertaken by the Council, to remedy such a situation, for which reasonable charges are made.
- 9.8 The charges would include the actual cost of the works, by a third party if necessary, an appropriate sum for officer time, based upon the hourly rate stated, and the costs of the administration.

### **10.0 Surpluses and Deficits**

- 10.1 Section 5A (2) of the Act provides that the Council in setting annual fees must advise the site owner of the extent to which they have had regard to deficits and surpluses from the previous year.
- 10.2 The Council will not make a profit and can only pass on to the site owner, its costs incurred in carrying out the licensing function. Equally, the Council is not expected to make a loss in carrying out its licensing functions. Overall, licensing can be a self-financing function which local tax payers are not required to subsidise.
- 10.3 Each year the Council will assess its previous costs to determine if they were accurate. Where they spent less than predicted for that year, there will be a deficit of expenditure

and the excess monies need to be reflected in the fee charged to the site owner in the next year.

- 10.4 Considering this year (2024/25) is the first year for which the fees are to be imposed, there are no previous surpluses/deficits to consider as part of this policy, albeit it should be noted that the Council has under-recovered fees from licence holders since the amendments to the Act came into effect in 2014. It will not however encompass these deficits in any future calculations and in moving forward any surplus or deficit will be considered for a one year period only.

### **11.0 Register of Fit and Proper Persons**

- 11.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, require the owner/manager of a residential site to be a Fit and Proper Person. A registration application must be accompanied by such fee as the local authority may fix (Regulation 10). A single fee for registration is encompassed by way of this policy.

### **12.0 Fee Calculations**

- 12.1 Calculations of the fees encompass different tasks for each of the different fees. Average times estimated to undertake tasks are then multiplied by the officer rate with on-costs. In line with the Regulators Code, the Council's desire is to exert a minimal regulatory burden. As such, it should be noted that whilst guidance indicates that up to two inspections can be included in the fee calculations, a decision has been made not to include a doubling up of inspections in this way. Albeit, if after next cycle this is deemed appropriate, then an additional inspection may be added to the future, and if joint inspections were undertaken this is likely to be included as a deficit.
- 12.2 There are a number of different options available to authorities in setting a fee structure, such as banding by risk or size of a flat rate charge, but it is important not to target individual sites because they require greater action in terms of enforcement.
- 12.3 The Mobile Homes Act 2013, A Guide for Local Authorities on Setting Site Licence Fees' (paragraph 2.2) states that in assessing annual fees an authority will need to take account of their overall costs in respect of their licensing functions and/or base such fees on a "typical" site (or where banding typical within the category). The document also cites a number of different options available in setting a fee structure, such as banding by risk or size or a flat rate charge. The current policy is to comprise a structure based upon the size of a mobile park home site. This is deemed to be a fair and transparent approach, and the most proportionate manner in which to impose fees.
- 12.4 The main cost associated with the fees calculated is in respect of officer time. Officer time includes direct and indirect costs. Direct costs include wages, employers' pension contributions, employers' National Insurance contributions, etc. On-costs include the reasonable costs of providing heating and lighting in the office, general IT, photocopying, and other administrative services. They include business support such as Customer Services, Legal Services and HR. It is believed that using staff rates with on-costs is the fairest way to recoup these costs. Licence applications that take very little time will pay less and the more complex applications will pay more. Financial

Services have advised on hourly rates of staff and these have been used in preparing the calculations.

- 12.5 It is worthwhile noting that a local authority cannot charge separately for its advice or work in advance of receipt of a caravan site licence application. However, the above guidance indicates that it can build into its fee structure for such applications the costs or likely costs, it incurs as a result of such pre-application advice, including where no formal application is subsequently submitted. Pre-application advice has been built into the proposed fee calculations.

### 13.0 Exemptions

- 13.1 There is a possibility to exempt certain types of site, and in this instance it is not proposed to charge sites with single units. The rationale for this exemption being that such sites are low risk; the fact they tend to be family run; rarely for business purposes, and rarely if ever are they subject of complaints. The costs of inspection in these instances are likely to be outweighed by the costs of administering charges. Moreover, the Fit and Person Registration does not relate to non-commercial family-occupied sites, and the Council's approach mirrors this regime.

### 14.0 Fees and Charges

TYPE OF FEE PROPOSED	FEE
GRANT OF A LICENCE UNITS 2-50	£376.71
GRANT OF A LICENCE 51-100	£506.61
GRANT OF A LICENCE 101-150	£636.51
GRANT OF A LICENCE 151+	£766.41
ANNUAL FEE UNITS 2- 50	£239.02
ANNUAL FEE UNITS 51-100	£342.94
ANNUAL FEE UNITS 101-150	£446.86
ANNUAL FEE 151+	£550.78
TRANSFER FEE	£164.71
DEPOSIT OF SITE RULES FEE	£34.81
VARIATION WITH INSPECTION	£255.64
VARIATION WITHOUT INSPECTION	£60.79
ENFORCEMENT CHARGES	£51.96 PER HOUR
FIT AND PROPER PERSON APPLICATION	£200.05

*\*There are no fees payable where the Council deems it necessary to alter site licence conditions.*

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Caravan Sites and Control of  
Development Act 1960  
(as amended)

Policy on the Licensing and Compliance  
of Residential Park Home Sites

Approved by:  
Date:  
Review date:

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### **1.0 Introduction**

- 1.1 The Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) ('the Act') provides a structure for all matters involved in the licensing and control of 'relevant protected caravan sites', more commonly referred to as residential park home sites, by local authorities.
- 1.2 North Devon Council will act in line with the relevant legislation and associated guidance, for example the Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime, issued by the Department for Communities and Local Government.

#### *Residential Sites*

- 1.3 The Mobile Homes Act 1983 gives a number of rights and protections to park home owners who occupy a caravan as their own or main residence if it is situated on a protected site. A protected site is a privately owned park where the relevant planning permission or site licence allows the land to be occupied wholly, or in part, for year round residential use. In this situation, the home owner will have the protection of the Act.

#### *Holiday Sites*

- 1.4 Where the planning permission permits only holiday use or restricts occupation for a specified period e.g. 11 months of the year, the occupiers will not be protected by the Mobile Homes Act 1983. The site owner is still required to obtain a site licence by applying to North Devon Council.

#### *Mixed Use Sites*

- 1.5 A mixed use site is one which is licensed for both residential and holiday use, in other words it is a permanent residential site, on which residence is permitted throughout the year, but which also includes holiday home pitches. It may be regarded as a protected site if there are no restrictions concerning its use.
- 1.6 This policy describes the procedures adopted by North Devon Council when dealing with matters relating to licensed residential park home sites. The policy has been developed in accordance with the provisions of the Act.

### **2.0 Definition of a Caravan**

- 2.1 Section 29 of the Act defines a 'caravan' as any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include:
  - any railway rolling stock which is for the time being on rails forming part of a railway system, or
  - any tent.

- 2.2 The Caravan Sites Act 1968 defines a 'twin-unit caravan' for the purposes of Part I of the Act as a structure designed or adapted for human habitation which:
- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
  - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),
- 2.3 It shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Act by reason only that it cannot lawfully be so moved on a highway when assembled.
- 2.4 For the purposes of Part I of the Act, the expression 'caravan' shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) above if its dimensions when assembled exceed any of the following limits, namely:
- (a) length (exclusive of any drawbar): 65.616 feet (20 metres);
  - (b) width: 22.309 feet (6.8 metres);
  - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

### **3.0 Approach to Enforcement**

- 3.1 The Council intends to focus its enforcement on poorly managed, badly run sites. Such risk based enforcement will serve to deliver a fair and level playing field for businesses operating in the industry.
- 3.2 The Council will look to work with site operators in a fair, consistent, and transparent way as underlined in the principles of the Regulators' Code where possible.

### **4.0 Fees**

- 4.1 North Devon Council's 'Fees Policy for Licensing of Residential Park Homes Sites' provides details of how the Council's fees are determined, their review, and the associated payment procedures.

### **5.0 Publishing Information**

- 5.1 The Act requires a local authority to publish information relating to licensed caravan sites. To comply with the provisions of the Act, the Council makes the following available on its website:
- Fees policy
  - Register of site licences
  - Site rules if provided.

### 6.0 Licence Applications

6.1 Application forms for a new site licence, the transfer of a site licence, and to vary conditions of an existing site licence are available on the Council's website.

Applications should be made in writing, and accompanied by:

- A site plan
- A site layout plan (with full details of electrical points, water supply, refuse points etc.)
- Proof of right to occupy (e.g. Land Registry Deeds)
- Public Liability Insurance
- Electrical Test Certificate
- Gas Certificate
- Fire Certificate
- Fire Risk Assessment
- Planning Permission
- Proof of financial standing (residential sites)
- Information relating to the management structure of the site (residential sites)
- The appropriate fee (residential sites)

If submitting an online application, payment should be submitted to North Devon Council after the application has been made, in line with the instructions detailed on the form.

*Application for a new licence:*

6.2 Following the submission of an application, North Devon Council may request additional information in order to determine whether an application should be granted.

6.3 The licence and conditions of licence will be issued within two months of receipt of all information required unless a longer period of time is agreed with the applicant. An annual licence fee is then required, payable on the *(date to be confirmed)*.

6.4 An application can be rejected for a number of reasons:

6.4.1 The applicant has failed to provide information reasonably required of them. A full application including the appropriate fee has not been submitted. The land subject to the application has not been granted permission for use as a caravan site.

6.4.2 Where North Devon Council decides not to issue a licence, it will notify the applicant of the reasons for its decision, and information will be provided regarding their legal right to appeal.

*Application for the transfer of a licence:*

- 6.5 Following the submission of an application, the Council may request additional information in order to determine whether an application should be granted. It may also seek undertakings from the applicant where deemed appropriate.
- 6.6 North Devon Council will notify the applicant and the proposed licence holder of its decision to approve the transfer or not. Where the transfer is approved the new licence and existing conditions will be provided. Where the transfer is refused, North Devon Council will notify the applicant and the proposed licence holder of its decision and its reason for the decision.

### *Application to vary the conditions of an existing licence:*

- 6.7 Following the submission of an application, the Council will consider the variation requested and may opt to consult residents or the Resident's Association of the site in question. North Devon Council may choose to agree to the variation, recommend a variation of the applicant's proposal and enter consultation with the applicant, or refuse the application.
- 6.8 North Devon Council will notify the applicant of its decision. If its decision is to agree to vary the licensing conditions in accordance with the application, licence conditions will be issued reflecting the variation.

## **7.0 Conditions**

- 7.1 Local authorities have powers to attach licence conditions under Section 5 of the Act. A local authority does not have to wait until it grants a new licence to change the site licence conditions.
- 7.2 The Council will allow a period of 28 days for the site owner's proper consultation of any proposed change.
- 7.3 In formulating site licence conditions, the Council will have regard to the Model Standards published by Government. The most recent being Model Standards 2008 for Caravan Sites in England: Caravan Sites and Control of Development Act.
- 7.4 The Council will be mindful when drafting conditions of the principles set out in the guidance in terms of their reasonableness, clarity and enforceability.

## **8.0 Fit and Proper Person Requirements**

- 8.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, require the owner/manager of a residential site to be a Fit and Proper Person.
- 8.2 From 1 July 2021, site owners operating a relevant protected site must apply for the relevant person (themselves or an appointed manager) to be included on the Council's register of fit and proper persons. A site owner may only apply if they hold, or have applied for a site licence for the site. Once fit and proper person status is granted, the applicant will be included on the register for up to five years. In some

circumstances applications will be granted subject to conditions, which will be determined on a case by case basis.

8.3 Applications should be made online using the specified application form and should be accompanied by the required supporting documentation. The following will be considered:

- Whether the applicant is competent to manage the site
- Whether the management structure and funding arrangements are suitable
- Whether the applicant has:
  - offences relating to fraud, dishonesty, violence, firearms, drugs or any offence listed in Schedule 3 of the Sexual Offences Act 2003
  - contravened any provision of the law relation to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law
  - contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
  - harassed any person in, or in connection with, the carrying on of any business
  - within the past 10 years, been personally insolvent
  - within the past 10 years, disqualified from acting as a company director.

It will also consider whether the applicant:

- has the right to work in the United Kingdom and
- is a member of any redress scheme enabling complaints to be dealt with in connection with the management of the site

### *The management structure of the site*

8.4 The Council will request information regarding whether the relevant person has arrangements in place covering issues such as pitch fee collection. It will also examine the availability of those involved in the day-to-day management of the site; their contact details for residents (including out of office or emergency contact details); how complaints about the condition of the site are dealt with, alongside routine and cyclical maintenance, etc.

8.5 The Council will also assess whether the management structure in place gives the person the necessary authority and independence to manage the site effectively and make timely decisions and actions in carrying out their responsibilities. The Council recognises that the management arrangements for sites may differ depending on the size of the business, and it will take this into account.

8.6 Details of the relevant persons experience in managing sites will also be considered.

8.7 The Council will also request right to occupy documentation to determine the site owners interest or legal estate in the land.

### *The funding arrangements in place for managing the site*

- 8.8 The Council will consider whether the site owner has sufficient funds to manage the site. Documentation highlighting how the funding arrangements are sufficient should be submitted alongside the application.

The Council will consider whether the relevant person has the budget and financial authority to spend and make decisions in relation to the management and maintenance of the site. It is recognised that the funding arrangements for sites may differ depending on the size of the business, and this will be taken into account.

### *Criminal records basic disclosure*

- 8.9 The Council will require a criminal record certificate issued under section 113A(1) of the Police Act 1997(1) no more than six months before the date of the application in respect of:

- a) where the relevant person is an individual, the relevant person; and
- b) each individual in relation to whom the applicant is required to provide information under the Regulations.

- 8.10 North Devon Council will consider the application and notify the applicant of its decision, and the relevant notices will be issued accordingly. The Council will make one of three possible decisions:

- To include the relevant person on the register unconditionally
- To include the relevant person on the register subject to certain conditions
- Not to include the relevant person on the register

- 8.11 The Council will establish and keep up to date a public register of persons who they are satisfied are fit and proper persons to manage a relevant protected site in their area.

## **9.0 Annual Inspections**

- 9.1 Annual inspections will be carried out at each residential caravan site by Officers of North Devon Council. Notification will be provided to the site owner of the proposed inspection date, and an invitation for the site owner or their representative to attend.

- 9.2 Where a breach of licence conditions is identified during the inspection and it is considered that there is an imminent risk of serious harm to the health or safety of anyone on-site, emergency action may be taken by North Devon Council.

- 9.3 Where minor breaches of site licence conditions are identified:

9.3.1 The breaches will be listed in a schedule which will be sent to the site owner. The schedule will give a reasonable timeframe within which remedial works must be carried out. Once that timeframe has expired, a re-inspection will be carried out.

9.3.2 Where remedial works have not been carried out within the timeframe given, consideration will be given to issuing Compliance Notices.



9.4 Where breaches of site licence conditions are identified during an inspection, consideration will also be given as to whether the licence conditions are adequate to control the matter in question. It may be decided that a variation to the licence conditions is required, in which case North Devon Council will enter consultation with the site owner.

### **10.0 Complaints**

10.1 Complaints relating to a residential park home site must ordinarily be communicated to the site owner by the complainant before being considered by North Devon Council, unless the complaint highlights a significant risk of harm to the health or safety of any person or property of site.

10.2 Where a complainant has raised their issue with the site owner and no action has been taken to resolve it, North Devon Council will consider taking steps to intervene and/or investigate where:

- The issue represents a breach of the site licence conditions
- The matter has been addressed at the previous annual inspection but has not been rectified
- The matter has safety implications for the complainant or the residents generally
- The issue indicates that a criminal offence may have been committed e.g., contravention of health and safety requirements.

10.3 Where a complaint does not fall within the scope of these issues, it is likely to be considered a civil dispute between the complainant and site owner. The complainant will be advised to seek civil advice.

10.4 Where it is determined that steps can be taken to intervene and/or investigate, North Devon Council will bring the matter to the attention of the site owner. Alternatively, where an annual inspection is approaching, North Devon Council will consider whether it would be more appropriate to raise/address the issue during this inspection.

10.5 Where the matter is not resolved/addressed by the site owner within the period specified by North Devon Council, consideration will be given to formal action appropriate to the situation e.g., issuing a Compliance Notice or Improvement Notice, or varying conditions on the licence to bring the matter under control.

### **11.0 Compliance Notices**

11.1 The legislation provides a local authority with the power to intervene where they consider there has been a breach of a site licence condition on a relevant protected site, on the basis of a 'risk of harm'. Section 9A of the Act provides powers for local authorities to serve Compliance Notices on the site operator where a breach of a site licence condition has occurred.

- 11.2 Where appropriate, and in situations described within the Policy, Compliance Notices may be issued to the site owner requiring remedial works within a set time-frame. A Notice will:
- Set out the licensing condition breached
  - Detail how the condition has been breached
  - Require the site owner to take specified appropriate steps in order to comply with the licensing condition
  - Specify a time period within which to take those steps
  - Explain the site owner's legal right of appeal.
- 11.3 An invoice will follow the Compliance Notice to recover the expenses incurred by North Devon Council in deciding whether to serve the notice and in preparing and serving the notice. This demand for expenses will be registered as a local land charge which will be removed once the full amount has been recovered.
- 11.4 If North Devon Council decides to revoke or vary a Compliance Notice, it will notify the site owner of that decision.
- 11.5 Once the time limit set in a Compliance Notice has expired, North Devon Council will take steps to ascertain whether or not the requirements of the Notice have been undertaken so as to satisfy the licence conditions. Where a site owner fails to take the specified steps within a Notice, consideration will be given to further formal action i.e. instituting legal proceedings. Where formal action is deemed appropriate, this will be communicated to the site owner.
- 11.6 Following the conviction of a site owner for failing to take the steps required by a Compliance Notice, consideration will be given as to whether the work should be undertaken by North Devon Council. Where this is deemed appropriate, a notice will be served on the site owner which:
- Identifies the land and the relevant Compliance Notice
  - Informs them that the Council intend to enter the land
  - Describes the intended action
  - Notifies them of the name of the person carrying out the work, if it is not North Devon Council
  - Informs them of the dates and time when the action will be taken.
- 11.7 Once these works have been completed, an invoice will be sent to the site owner to recover the expenses incurred in deciding whether to undertake the work, in preparing and serving any notices not already compensated for, and in carrying out the work. This demand for expenses will be registered as a local land charge which will be removed once the full amount has been recovered.
- 12.0 Emergency Action**
- 12.1 Where a condition of a site licence has been, or is being breached, and North Devon Council considers that there is an imminent risk of serious harm to the health or safety of anyone on site, emergency action can be taken by the Council.

12.2 In such circumstances, North Devon Council will contact the site owner notifying them of the situation. If remedial action is not initiated, a notice will be served on the site owner. The notice will:

- Identify the land in question
- Inform the site owner that North Devon Council intends to enter the land
- Describe the intended emergency action
- Notify the site of the name of the person/business instructed to carry out the action where it is not North Devon Council
- Specify the powers of entry under Section 26 of the Act
- Specify the powers to take emergency action under Section 9E of the Act.

12.3 Once emergency action has commenced on behalf of North Devon Council and within 7 days, the Council will serve a notice on the site owner. This notice may be served by fixing it in a prominent place on site or near to the site entrance.

12.4 The notice will:

- Describe the imminent risk of serious harm to the health or safety of anyone on site
- Describe the emergency action taken or which is to be taken by North Devon Council
- State when the emergency action began and when it is expected to be completed
- Notify the site owner of the person/business carrying out the action where it is not North Devon Council
- Explain the site owner's legal right of appeal.

12.5 Following completion of the emergency action and within two months, North Devon Council will issue an invoice to the site owner to recover its expenses incurred in deciding whether to take emergency action, in preparing and serving any notices, and in carrying out the work. This demand for expenses will be registered as a local land charge which will be removed once the full amount has been recovered.

12.6 In circumstances involving action against a site owned by a body corporate where it has been proven that an offence has been committed, all notices and other legal correspondence will be served on an 'officer' of the body corporate (Section 26A(3) of the Act, defines this to mean director, manager, secretary or similar officer).

### **13.0 Varying/Cancelling/Addition of New Conditions of Licence**

13.1 On receipt of an application from a site owner to vary/cancel condition(s) of a site licence or add condition(s) to a site licence, they are required to deliver the original licence and its conditions to North Devon Council. In consideration, North Devon Council will then:

- Ensure that the condition(s) relates to the physical use of the site, its amenities and services, or its management arrangements
- Consult with the Fire and Rescue Authority if necessary
- Consult with the residents if necessary.

- 13.2 Where North Devon Council agrees to vary/cancel condition(s) or add condition(s) to the site licence, the original site licence and a copy of the new conditions will be issued to the site owner with a request for them to be displayed on site.
- 13.3 Should North Devon Council not agree to vary/cancel condition(s) or add condition(s) to the site licence, formal notification of its decision and reasons for that decision will be issued to the applicant.
- 13.4 Where North Devon Council seeks to vary/cancel condition(s) or add condition(s) to a site licence in situations described within this Policy it will:
- Be able to justify the alteration proposed
  - Consult with the site owner for a minimum period of 28 days
  - Consult with the Fire and Rescue Authority (or other organisation) if necessary
  - Consult with the residents if necessary.
- 13.5 Following consultation, North Devon Council will decide whether or not to vary/cancel condition(s) or add condition(s) to a site licence, and it will notify the site owner of its decision. Where a licence has been varied on North Devon Council's initiative it will provide the site owner with:
- An explanation of its reasons for making the variation
  - A copy of the varied conditions of licence
  - Details of the site owner's legal right to appeal.



## **Summary of Consultation Responses**

The survey ran from 22 January 2024 to 4 March 2024

14 online responses were received.

## Survey Responses

### Q1. Are you answering this survey as (select all that apply)

2 = A Residential Park Home owner

1 = A Residential Park Home resident

1 = A representative of an organisation/residents association

9 = A member of the public

1 = A Councillor

None - Other

### Q2. Postcode (for you/your organisation)

This information has been redacted.

### Q3. Do you agree that North Devon Council should start charging site owners in order to adequately recover the associated costs of processing applications, issuing licences, and ongoing licence maintenance and administration?

8 = Yes

6 = No

### Q4. Please give us any comments you have on the proposal above.

- 1) Please bare in mind any fees charged will not be absorbed by the site operators but will be passed on as increased charges to the individual mobile home residents.
- 2) This type of housing is usually used by those who can't afford a house. Any charges you place on site owners will be passed on to those who live there
- 3) Residential park homes at typically the home for life income older people who can ill afford additional fees.
- 4) Are the council going to start charging for each and every item of work they have to complete as part of their responsibilities? If so why and how many more can be expected?
- 5) The license fee should cover this cost already.
- 6) We feel that the charging for this service is very unfair, we run XXXX and bought the park in 2018, we have a mortgage on the park and still keep the standard very high, that being said if we had to start paying for licence fees this would then reduce our funds to be able to keep the standards of the park so high.
- 7) Paragraph 8.3 of Appendix A states the Park Owner must not pass the fee on to residents via the pitch fee. It should also make clear that this should not be

passed on in any other way and if the Park Owner does try to do this then they should be fined.

8) Seems fair

9) Taxes are the highest they have ever been.

10) My only concern is that the cost is not passed on to the residents, who already pay site fees, and sometimes loans like a mortgage, council tax, lack of energy choice, waste, water, and site maintenance fees. This used to be a very affordable way to live, for elderly, singles, and the disabled. My husband and I lived on a very well maintained official residential site in Surrey for 10yrs, called XXXX. It was a real pleasure, and helped us stay near to family, and save for our future. We were lucky that the owner had inherited it, had a working background in finance, was a decent, kind gentleman, who followed regulations properly. He did not spike the site rent for maximum profit like so many parks can. We moved there because it was affordable, but stayed so long because it was a real pleasure living there. Internal roads were always the parks responsibility and maintained at his own cost. . Fire was always taken very seriously, we were required to have a connected hose on our right side, to assist with any fire emergency, however, like many modern homes the advice was to evacuated immediately. There were no fires in the 10 yrs we were there, before or since. I appreciate that the council needs fair income, so I am in favour of your proposal, but I do worry that residents will somehow be made to pay for it, and struggle with an additional cost. Is there anything the council can do to prevent this from happening?

**Q5. There are a number of different options available in setting a fee structure, such as banding by risk or size or a flat rate charge. A fee based upon numbers of units is deemed to be a fair and proportionate method of charging fees in this instance. Thus, the calculations detailed are broken down into four categories, namely 2-50, 51-100, 101-150 and 151 + units of accommodation. Officers have determined it appropriate to use the same methodology for grant of a licence and the payment of annual fee. Do you agree with the size of the banding categories outlined above?**

9 = Yes

5 = No

**Q6. Please give us comments you have on the proposal above.**

- 1) You do not give any supporting data on the number of existing sites that fall into these categories. Before agreeing to banding we need to see the sizes of the existing parks. If lots of little ones they get the biggest burden which gets passed onto their residents.
- 2) Could be in blocks of 25
- 3) We only have 24 homes on our park

- 4) Reasonable
- 5) I think the wealth of the residents should be taken into consideration. New park homes are very expensive, those with many may be able to afford more than more modest sites with a high number of retired or low income/single residents. The cost of personally maintaining a park home is increasing for older residents who can no longer do the work themselves. Additional fees could push them into debt.

**Q7. Do you believe the overall fees policy is clear and concise?**

9 = Yes

5 = No

**Q8. Please give us any comments you have on the proposal above.**

Never seen do not know where to find them.

**Q9. Do you believe the Council's Policy on the Licensing and Compliance of Residential Park Home Sites is clear and concise?**

9 = Yes

5 = No

**Q10. Please give us any comments you have on the proposal above.**

Never seen do not know where to find them.

**Q11. Do you agree with the principle of the two new policies?**

8 = Yes

6 = No

**Q12. Please give us any comments you have on the proposal above.**

- 1) As stated the fee should already cover all costs.
- 2) It states in the rules that there should only be one fit and proper person but we seem to have 4 or 5. We also believe that they should live in a certain radius of the site but ours do not. Maybe something needs to be put in one of these policies to clarify things and see if the Park Owner is adhering to the rules.



# Agenda Item 6

## Appendix c

- 3) Park homes can be an affordable, ecologically better option to heavily structured estates, for example XXXX. We considered moving there, but found the lack of walking, cycling and public transport to be a barrier.

## Equality Information

Section 149 of the Equality Act 2010 applies to public sector organisations, whereby Local Authorities must have due regard to the 8 protected characteristics (age, disability, sex, gender reassignment, pregnancy and maternity, race, religion/belief, sexual orientation (and marriage and civil partnership in employment) in its decision making.

Not all questions were answered – percentages based on number who did respond

What is your age?

- 19 and under = 0
- 20 to 24 = 0
- 25 to 34 = 1
- 35 to 49 = 5
- 50 to 64 = 3
- 65 to 74 = 5
- 75 to 84 = 0
- 85 and over = 0
- Prefer not to say 0

Do you consider yourself to have a disability (according to the Equality Act 2010)?

- No = 13
- Yes = 1
- Prefer not to say 0

How would you describe your ethnicity?

- White = 12
- Asian, Asian British, or Asian Welsh = 1
- Mixed or multiple ethnic groups = 1
- Other ethnic group = 0
- Prefer not to say = 0

What is your religion or belief?

- No religion = 7
- Christian = 4
- Other religion = 0
- Muslim = 1
- Buddhist = 0

- Jewish = 1
- Hindu = 0
- Prefer not to say = 1

## Sex

- Female = 6
- Male = 7
- Prefer not to say = 1
- Other = 0

Please confirm if this is the same as registered at birth

- Yes = 14
- Prefer not to say = 0
- No = 0

## Sexual orientation

- Straight or Heterosexual = 11
- Prefer not to say = 3
- Bisexual = 0
- Gay or Lesbian = 0
- Other = 0
- Pansexual = 0
- Other sexual orientation = 0

The results of the equality information responses will be considered alongside the census information for the North Devon Council area. Equality and diversity monitoring can help identify current and future needs, possible inequalities including problems accessing or using services and information, as well as checking that a cross-section of people have been reached and given their views. Results have been published in an anonymised way.

Please note that percentage figures provided are approximate and shown to up to two decimal places.

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## Equality Impact Assessment

**Service Area:** Private Sector Housing, Environmental Health and Housing

**Head of Service:** Nina Lake

**Lead Officer:** Wendy Slate

**Date of Assessment:** 16/04/2024

**Person responsible for completing the assessment:** Tanisha Rowswell

**Email address:** tanisha.rowswell@northdevon.gov.uk

**Name of policy/function/project/service area to be assessed:**

Introduction of a Residential Park Home Licensing and Compliance Policy and associated Fees Policy

**Brief description of proposal to be assessed:** Approval on the introduction of a Fees Policy for residential park home sites. The policy is in respect of fees payable for licence applications and annual fees etc. This sits alongside a proposal to simultaneously approve the introduction of a Licensing and Compliance Policy for residential park home sites. The policy is in respect of the Council's approach to the administration, regulation and enforcement of the residential park home licensing regime.

**Proposed implementation date of project/proposal:** The proposed implementation date is May 2024.

**Brief description of the anticipated outcomes of the proposal:**

Provision	Current Arrangement	Proposed Arrangement	Comment
Residential Park Homes Fees Policy.	No fees currently charged or Fees Policy in place.	New Fees Policy and fee structure to come into effect July 2024.	Fees may be charged according to associated legislation in respect of prescribed applications etc. Proposal to solely achieve cost recovery.
Residential Park Homes Licensing and Compliance Policy.	No such policy in existence currently.	New Policy proposed to come into effect May 2024.	Proposal will increase the level of transparency and robustness surrounding this licence type.

**Impact:**

**Summarise any positive impacts or benefits, any negative impacts (i.e. potential for discrimination, disadvantage or disproportionate treatment) and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.** (NOTE: please refer to the Equality Strategy for the characteristics) Where an impact is unknown, state so, and identify what steps will be taken to address any gaps in data:

Neutral impact. The proposal provides for a level of equality according to the characteristics detailed. Action will be targeted in terms of enforcement on those meeting the criteria to be applied. The policy provides for an increased level of transparency surrounding the Council's approach regarding residential park home licensing procedures, for which the overriding aim is one of proportionality.

**Consideration of Alternatives:**

**Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative effect identified above (attach evidence or provide link to appropriate data, reports, etc):**

The Strategy and Resources Committee have the option to reject the implementation of the new policies.

## **Consultation:**

**Brief description of any consultation with stakeholders and summarise how it has influenced the proposal. Please attach evidence or provide link to appropriate data or reports:**

A six week consultation was approved at the December Strategy and Resources Committee meeting. The consultation ran between, 22 January 2024 to 4 March 2024. Correspondence with details of the consultation was sent to site owners, residents associations (where known), the general public (via a social media release), the British Holiday and Home Parks Association, and the National Association of Park Home Residents.

## **Funding Considerations:**

No funding considerations are relevant in terms of the proposals considering this proposal relates to the introduction of a set of associated licensing fees. These fees are intended to achieve improved recovery of the Council's associated costs in administering and regulating this regime.

**Date approved by Head of Service:** 16/04/2024

## **Reporting and Publication:**

**Equality Impact Assessments will be published on North Devon Council's website.**

**The completion of an Equality Impact Assessment is an ongoing process. Impacts will be continually reviewed during projects and the decision making process and the Assessment will be updated accordingly and published.**

**A further assessment will also be undertaken between 6 to 12 months following the implementation of the policy, project, decision or service change has been implemented.**

**Please also confirm the date on which you will be re-considering the project/report and submitting a further EIA if applicable.**

Revision to this EIA will be considered annually in line with fee monitoring.

## **Monitoring Arrangements:**

**Briefly describe the monitoring arrangements/systems that will be put in place to monitor the effects of this proposal.**

Fee monitoring on a regular and annual basis in terms of the Council's budgets, this will determine any necessary fee amendments over time.

**Date approved by Head of Service:** 16/04/2024

**Corporate and Community Services Use Only:** Date of publication to NDC website: Click or tap to enter a date.

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## North Devon Council

Report Date: Monday, 13 May 2024

Topic: A proposal to reduce the Council's carbon emissions by replacing selected vehicles with Electric

Report by: Donna Sibley, Sustainability and Climate Officer

### 1. INTRODUCTION

- 1.1. North Devon Council has declared a climate emergency, and made a commitment to be net zero carbon as an organisation by 2030. Our carbon footprint for the Council for 2022/2023, reported to this Committee on 8<sup>th</sup> January 2024, shows that our fleet contributes about a third of our total CO<sub>2</sub> emissions.
- 1.2. The majority of emissions from the Council's fleet comes from our larger Waste & Recycling vehicles. There is currently no suitable, practical replacement for these vehicles.
- 1.3. The Council does operate a number of cars and vans which are likely to be suitable for electric vehicle (EV) replacement. A small officer working group set up to consider fleet decarbonisation has identified leased vehicles in the Parks team that could be replaced by EVs. There are cost implications to be considered for EV replacement.
- 1.4. The replacement of vehicles in other council teams is under active consideration.

### 2. RECOMMENDATIONS

- 2.1. That Strategy and Resources Committee agree to replace one Ford Transit 3.5t Tipper and one Mercedes Transit 3.5t Panel Van with Electric Vehicle alternatives.
- 2.2. That further work is undertaken to establish costs for the installation of more EV charge points at Brynsworthy Environment Centre (BEC) and other North Devon Council owned facilities, with a view to switching more of the council's small fleet vehicles from diesel to electric.
- 2.3. That a further report is brought back to Strategy and Resources Committee when the work outlined at point 2.2 above is complete.

### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To comply with the Council's Carbon, Environment & Biodiversity Plan and to help us meet our net zero by 2030 commitment.



## 4. REPORT

### Fleet carbon emissions

4.1. North Devon Council declared a climate emergency in 2019, and made a commitment to be net zero carbon as an organisation by 2030. This means that any carbon emissions after this date will need to be offset, with a corresponding cost to the Council.

4.2. Our carbon footprint for the Council for 2022/2023, reported to this Committee on 8<sup>th</sup> January 2024, shows that our owned transport contributes about a third of our total CO2 emissions.

No. Category	2018/2019	2022/23
<b>SCOPE 1: Direct GHG emissions and removals</b>	<b>1393</b>	<b>1217</b>
1. Stationary combustion	191	192
2. Owned transport	1202	1025
3. Process emissions	N/A	N/A
4. Fugitive emissions	0	0
<b>SCOPE 2: Energy GHG indirect emissions</b>	<b>351</b>	<b>145</b>
5. Electricity	351	145
<b>SCOPE 3: Other indirect GHG emissions</b>	<b>2208</b>	<b>1941</b>
6. Purchased material and fuel	748	641
7. Transport related activities	426	23
8. Waste disposal	0	0
9. Leased assets and franchising, outsourcing	0	0
10. Sold Goods and Services	1034	1277
<b>TOTAL GROSS FOOTPRINT (SCOPES 1, 2 and 3)</b>	<b>3952</b>	<b>3303</b>
11. Offset Emissions	0	0
<b>TOTAL NET FOOTPRINT (SCOPES 1, 2 and 3 and Offsets)</b>	<b>3952</b>	<b>3303</b>

4.3. The majority of emissions from the Council's owned transport comes from our larger Waste & Recycling vehicles. There is no suitable replacement for most of these vehicles at present. Electric heavy goods vehicles are unable to cope with the geography of North Devon and with our lengthy collection rounds. Hydrogen technology for HGVs is still being developed and we do not have access to a source of green hydrogen locally.

4.4. The Council does operate a number of cars and vans which are likely to be suitable for electric vehicle (EV) replacement. In 2023 the Heads of Environmental Enhancement and Programme Management & Performance set up a small officer working group to look at these vehicles in detail and propose alternatives.

### Current leasing arrangements



- 4.5. Since 2022 North Devon Council has had a vehicle leasing arrangement with SFS, who both supply and maintain the majority of our fleet. The vehicles provided are leased for 10 years and use diesel. The length of the lease takes us beyond 2030, the date North Devon Council has set to be net zero carbon.
- 4.6. SFS are able to swap out diesel vans/cars for EVs, but there are cost implications for the Council. We require manufacturers to have Modern Slavery statements.
- 4.7. SFS have provided a number of EVs for the Council to trial, including a Ford E transit in July 2023 and a Maxus e-deliver 3 tipper. These trials have been successful. Those using the vehicles found them easy to drive and charge, charging the vehicles overnight at BEC. The nature of Parks work means the Parks Team could charge vehicles using EV chargers in our public car parks while they work and have charge cards that enable them to do so. This is a logistically practical charging solution, but is comparatively costly (see table at point 5.1 of this report).
- 4.8. Given these successful trials, the Parks team have identified two vehicles which could be replaced by EVs:

Vehicle Type	Lease terms	Annual mileage
Ford Transit 3.5t Tipper	10 years, Jan 2023	10883
Mercedes Transit 3.5t Panel Van	10 years, Jul 2022	Estimated 15000

### Carbon savings from switch to EVs

- 4.9. Based on current mileage figures, there will be a total carbon saving of 10.56 tCO<sub>2</sub>e per year by switching these two vehicles to EVs. This equals 1% of the current carbon emissions from our fleet transport.

Vehicle	Carbon saving (tCO <sub>2</sub> e) per year
Ford Transit 3.5 Tipper	4.44
Mercedes Transit 3.5t Panel Van	6.12

- 4.10. In order to replace the current vehicles with EVs, North Devon Council would have to terminate the lease of the current vans. We would pay a settlement figure, the vehicle is then sold and we would receive a rebate of the sales proceeds. SFS have provided us with indicative settlement figures of between £10,025 and £10, 525 for the panel van and £28, 834 for the tipper. These figures will be offset in the main by resale of the vehicles. Taking these and other factors into account the additional costs of leasing an



EV will be £2-3k per year for the panel van and £4-5k per year for the tipper, vehicles would be leased for 10 years.

- 4.11. North Devon Council currently has one EV charge point at BEC. The Parks team have payment cards allowing them to use public EV chargers such as the Osprey rapid charges we've installed in a number of our car parks. The costs per mile of running a diesel Ford Transit van versus a Ford E-transit with a number of charging options has been calculated using zapmap's journey cost calculator.

Charging option	Estimated cost	
	Per mile	Annual
Diesel	21.4p	£3210
Rapid charger in a public car park at 79p kW/h	34.3p	£5145
Public charger at another location at 48p kW/h	20.9p	£3135
Overnight Charger at Brynsworthy 15p kW/h	6.5p	£975

Note: A cost comparison for the Maxus E-Deliver is not available on the zapmap calculator, it's a more specialist vehicle and less widely used.

## 5. RESOURCE IMPLICATIONS

- 5.1. The table at point 4.11 above shows an annual £2,235 saving on running costs if the Ford Transit Tipper is replaced with an alternative, electric vehicle and charged overnight at BEC using the existing charge point. This should offset the additional, increased hire costs noted at point 4.10 above.
- 5.2. It has not been possible to provide a similar estimate for the Mercedes Diesel cost savings versus the charge costs for the Maxus E-Deliver vehicle, but any saving will be used to offset in part the additional lease costs outlined at point 4.10 above.
- 5.3. Whilst both EVs could be charged overnight at BEC, it may be more efficient to install an EV charger at Ilfracombe Cemetery. Estimated cost for this is £1200-1500, but this could be funded through the Workplace Charging Scheme. If the Council were to add more EVs to their fleet in the future, we would need to install more chargers and there are likely to be grid constraints at BEC we would need to address (see Recommendation 2.2).
- 5.4. It should be noted that lease hire price increases are a result of industry wide cost increases on all vehicles rather than a result of switching to electric.



Taking out new lease hire agreements for the same diesel or petrol vehicles at this moment in time would incur the same increases as those referenced at point 4.10 of the report.

5.5. There are no additional maintenance costs through leasing EVs.

## 6. EQUALITIES ASSESSMENT

6.1. This is a 'like for like' swap of vehicles, and there is no anticipated impact on any of the protected characteristics.

## 7. ENVIRONMENTAL ASSESSMENT

7.1. Replacing diesel vans with electric vehicles will reduce our carbon footprint.

## 8. CORPORATE PRIORITIES

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

8.1.1. The commercialisation agenda: none

8.1.2. Improving customer focus: none, and/or

8.1.3. Regeneration or economic development: none.

## 9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annexe 1

## 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:  
North Devon Council Greenhouse Gas Emissions report 2022 2023  
(The background papers are available for inspection and kept by the author of the report).

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Donna Sibley, Sustainability & Climate Officer

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## Equality Impact Assessment

**Service Area:** Environmental Enhancement

**Head of Service:** Mark Kentell

**Lead Officer:** Donna Sibley

**Date of Assessment:** 17/04/2024

**Name of policy/function/project/service area to be assessed:** Parks team - fleet

**Brief description of proposal to be assessed:** A proposal to replace two Parks' diesel vehicles with electric

**Proposed implementation date of project/proposal:** Summer 2024

### Brief description of the anticipated outcomes of the proposal:

Proposal	Current Arrangement	Proposed Arrangement	Comment
Provision of 2 electric vehicles to the Parks' team	Diesel vans	Electric vans	In terms of vehicle accessibility it's a 'like-for like' swap, only the powertrain is different.
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Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

### Consultation:

**Brief description of any consultation undertaken with stakeholders and summarise the results and how it has influenced the proposal or not. Please attach a summary of consultation results or other relevant reports:**

Electric vehicles were trialled by the Parks' team to determine usability, including accessibility.

## **Demographic Data by protected characteristic:**

**Please detail the Census 2021 data for protected characteristics for North Devon (as detailed in the EIA Guidance for Managers and on NDC website):**

[Click or tap here to enter text.](#)

## **Equality Data by protected characteristic from consultation:**

**Please detail the equality data obtained as part of the consultation and compare this data to the Census 2021 data (as detailed in the EIA Guidance for Managers and on NDC website) and identify where this data does not reflect the demographics for North Devon and any disparities in outcomes by characteristic:**

[Click or tap here to enter text.](#)

## **Other Data:**

**Please detail any other data that has been obtained and taken into consideration (for example, Council service areas data, other Census 2021 data which is not related to protected characteristics such as no household members having English as main language, vulnerable groups, education, economy, housing, access to transport etc, Public Health and NHS data, deprived neighbourhoods, workforce profile data):**

[Click or tap here to enter text.](#)

## **Impact:**

**Summarise any positive impacts or benefits, any negative impacts (i.e. potential for discrimination, disadvantage or disproportionate treatment) and any neutral impacts and the evidence/data you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic. (NOTE: please refer to the EIA Guidance for Managers or Equality Strategy for the characteristics) Where an impact is unknown, state so, and identify what steps will be taken to address any gaps in data:**

There are not considered to be any impacts on any of the protected characteristics, given this is swapping one vehicle type for the same/similar with a different powertrain. Automatic transmission on electric vehicles can protect eg knee joints of older drivers by limiting leg movement whilst changing gear.



<b>Characteristic</b>	<b>Impact</b> (what information was used to assess impact? Data/feedback etc. Describe whether this is positive, negative or neutral)	<b>Scale of Impact</b> (High/Med/Low)	<b>Can it be mitigated?</b> (what needs to be done to reduce/remove the impact? Have service users been involved in providing this insight?)
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

NOTE: The protected characteristics are: Age, Disability, Gender reassignment, marriage and civil partnership (employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation)

**Consideration of Alternatives:**

**Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative effect identified above (attach evidence to appropriate data, reports, etc):**

N/A

**Funding Considerations:**

N/A

**Monitoring Arrangements:**

**Briefly describe the monitoring arrangements/systems that will be put in place to monitor the effects of this proposal.**

Driver feedback to Parks Officer.

**Date on which you will be re-considering the project/report and submitting a further EIA if applicable.**

N/A

EIA's should be further reviewed for significant changes or projects within 12 months or as part of a project close down. If after completing a review material changes are identified, these should be reported to the Senior Management Team for consideration. This is to assess the true impact in the delivery.

### **Reporting and Publication:**

**As part of the democratic decision making process, Equality Impact Assessments will be published on North Devon Council's website as an appendix to committee reports.**

**For Equality Impact Assessments that are produced which are not part of the democratic decision making process, please forward to [equality@northdevongov.uk](mailto:equality@northdevongov.uk) for publication on North Devon Council's website.**

**Corporate and Community Services Use Only:** Date of publication to NDC Website: Click or tap to enter a date.



## **North Devon Council**

Report Date: Monday, 13 May 2024

Topic: North Devon (Off-Street Parking Places) Order - Variation

Report by: Lena Iliffe, Parking Manager

### **1. INTRODUCTION**

1.1. An oversight has resulted in the incorrect publishing of a permit charge which must be corrected.

### **2. RECOMMENDATIONS**

2.1. To accept variations to charges for Instow Marine car park and include the amendments into the Off Street Parking Order as described below

2.2. To give delegated power to the Head of Place Property and Regeneration, in consultation with the Leader and the Senior Solicitor and Monitoring Officer, to make the necessary Notice of Variation pursuant to section 35C Road Traffic Regulation Act 1984

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

3.1. To vary the Off Street Parking Order to reflect the recommendation from Instow Parish Council to increase the charge for the Annual Instow Permit.

### **4. REPORT**

4.1. Request is made to Strategy Resources Committee to accept and adopt within the North Devon (Off Street Parking Places) Order the variations to the charges for certain Off Street parking places within the management and control of North Devon Council as below;

#### **4.2. Instow**

To accept and adopt the change to the scale of charges in relation to the Annual Instow Permit. The permit will increase to £220 +VAT (from £175 + VAT).

### **5. RESOURCE IMPLICATIONS**

5.1 The change in this resource seeks to utilise the car park most efficiently and reflect the needs of the community.

### **6. EQUALITIES ASSESSMENT**

6.1. There are no equality implications anticipated as a result of this report.



## **7. ENVIRONMENTAL ASSESSMENT**

7.1. There are no environmental implications anticipated as a result of this report.

## **8. CORPORATE PRIORITIES**

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

8.1.1 The commercialisation agenda: The change utilises the car park more efficiently and reflects the needs of the community.

8.1.2 Improving customer focus and/or: parking in Instow is limited, the cost of the permit allows residents the opportunity to park within a reasonable distance of their home, whilst allowing sufficient parking for visitors.

8.1.3 Regeneration or economic development

## **9. CONSTITUTIONAL CONTEXT**

9.1 The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in paragraph 1 of Annexe 1 to Part 3 of the Constitution.

## **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. The following background papers were used in the preparation of this report: North Devon (Off Street Parking Places) Order 2023  
North Devon (Off Street Parking Places) Order 2023 (Amendment)

## **12. STATEMENT OF INTERNAL ADVICE**

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers

Author: Lena ILIFFE (Car Parks Manager)

Date: 16<sup>th</sup> April 2024



## North Devon Council

Report Date: Monday, 13 May 2024

Topic: North Devon Council Biodiversity Duty and Actions

Report by: Mark Saunders, Sustainability Officer

### 1. INTRODUCTION

1.1. This report relates to the Council's Corporate and Planning roles and responsibilities under the Environment Act 2021 for protecting and enhancing biodiversity across the District, and covers how the Council will:

- Respond to the new corporate Biodiversity Duty imposed under the Environment Act 2021 requiring Local Planning Authorities to propose and report on actions for biodiversity within a Biodiversity Report.
- Deliver and monitor Biodiversity Net Gain (BNG) as a mandatory requirement of new development which came into force January 2024 and which must form part of the Biodiversity Report.

1.2. The Government published the 25 Year Environment Plan (25YEP) in 2018 signalling that they would strengthen the Biodiversity Duty and introduce a mandatory system for development of Biodiversity Net Gain (i.e. making sure that the habitats for wildlife associated with a development are on completion of that development in a better state than before the development took place).

1.3. The Environmental Improvement Plan (EIP23) published in January 2023, builds upon the foundation of the 25YEP and sets out government plans for significantly improving the natural environment by working with landowners, communities and businesses towards the joined vision:

- By the end of 2030, we will halt the decline in species abundance.
- By the end of 2042, we will increase species abundance so that it is greater than in 2022 and at least 10% greater than in 2030.
- By the end of 2042, we will restore or create in excess of 500,000 hectares of a range of wildlife-rich habitats outside protected sites, compared to 2022 levels.
- By the end of 2042, we will improve the GB Red List Index for species extinction compared to 2022 levels.

1.4. The Planning authorities considerations, actions and reporting on those actions are required by the Environment Act to be set out in a Biodiversity Report and the legislation and accompanying guidance sets out the timescale



and required content of the report which includes reporting on Biodiversity Net Gain.

1.5. Mandatory 10% Biodiversity net Gain (BNG) for all Major development came into force in January 2024. For the remaining non-exempt development mandatory 10% BNG will come into force in April 2024. Using the Council's 2018 adopted Local Plan Policy ST14: Enhancing Environmental Assets 'providing a net gain in northern Devon's biodiversity where possible, through positive management of an enhanced and expanded network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital' and the National Planning Policy Framework (NPPF) paragraphs 174(d) and 179(b) the Council ensures all new development contributes towards biodiversity.

1.6. The Council has formally recognised the need for urgent action on Biodiversity through a declaration of a climate and biodiversity emergency and the adoption of the Carbon, Environment and Biodiversity Plan in October 2023.

1.7. The 2011 Natural Environment White Paper announced Defra's intention to trial an approach to biodiversity offsetting. A two-year national biodiversity offsetting pilot began in April 2012. Devon was one of six areas taking part in this pilot and Strategies were produced for South Devon and the North Devon Biosphere Reserve.

1.8. This report is intended to set out what the Council currently does to deliver biodiversity and how the Council will meet the new challenges posed by the Environment Act 2021. The Council will continue to build on its existing policies, partnerships and actions setting out a clear strategy that will maximise biodiversity within the resources and influence available to the Council.

## 2. RECOMMENDATIONS

2.1. That the requirements of the Biodiversity Duty be noted.

2.2. That the actions taken be noted.

2.3. That this report provides a basis for discussion for members on our way forward

## 3. REASONS FOR RECOMMENDATIONS

3.1. To enable members to ensure North Devon Council continues to enhance its biodiversity in line with The Environment Act 2021.



## 4. REPORT

4.1. The Environment Act 2021 amends section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act). The original duty was “so far as is consistent with the proper exercise of [the public authority’s] functions, to the purpose of conserving biodiversity” and this has been replaced by a more proactive duty (new section 40(1)) to “from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective”.

4.2. Public authorities must also under section 40A of the NERC Act evidence the action it takes by the publication of a Biodiversity Report which must also report on the outcomes of mandatory Biodiversity Net Gain.

4.3. This is a corporate responsibility that goes across all Council departments, actions and decision making. The Government guidance specifically requires Local Authorities to publish biodiversity reports which contain:

- a summary of action which the authority has taken over the period of the report
- a summary of the Authorities plans for the 5 years following the report
- quantitative data and any other information the authority considers is appropriate is include in the report”.

4.4. In complying with the biodiversity duty, all public authorities must agree policies and objectives they consider appropriate to comply with the biodiversity duty. In making the consideration and taking any subsequent action, public authorities must have regard to:

- any relevant local nature recovery strategy, and
- any relevant species conservation strategy or protected site strategy prepared by Natural England.

4.5. The Guidance on reporting your biodiversity duty actions stipulates that the end date of the first reporting period should be no later than 01 January 2026 which means that the first review or reporting period will be far less than the 3 years maximum allowable. This report will form a record of actions, plans and strategies taken to date in order to inform the first Biodiversity Report.

### **Current policies and actions**

4.6. The Council has declared a Climate and Biodiversity emergency and has taken decisive action by being an early adopter of Biodiversity Net Gain in 2013. In line with the declaration, the Council engages in projects and takes



initiatives to protect our most important sites, inclusive of but not limited to significant parks, woodlands and nature reserves, which improve all habitats for wildlife across the District and build in resilience to climate change.

4.7. The Council has a series of policies in the adopted Joint North Devon and Torridge Local Plan 2018 for biodiversity, habitats and ecological management:

- Policy ST02: Mitigating Climate Change
- Policy ST03: Adapting to Climate Change and Strengthening Resilience
- Policy ST14: Enhancing Environmental Assets
- Policy ST23: Infrastructure
- Policy DM02: Environmental Protection
- Policy DM08: Biodiversity and Geodiversity
- Policy DM09: Safeguarding Green Infrastructure
- Policy DM10: Green Infrastructure Provision

4.8. The Council collaborates with all Devon Authorities on the Devon County Council hosted BNG guidance which contains planning guidance, validation statements, offsite habitat bank criteria, monitoring fees and draft s106 agreements.

4.9. The Council also participates in the Devon Local Nature Partnership in developing the emerging the Local Nature Recovery Strategy due for publication in March 2025 and the Devon Nature Recovery Network (NRN) Map

4.10. The Council has been involved in a number of key longstanding partnerships that support biodiversity:

- [North Devon Biosphere Reserve Partnership](#)
- [North Devon Coast National Landscape](#)
- [Devon Local Nature Partnership](#)
- [North Devon Biosphere Nature Recovery Plan](#)
- [Devon Wildlife Trust](#)
- [Devon Biodiversity Records Centre](#)

### **Work to develop the first Biodiversity Report**

4.11. Whilst the Council is proud of its work and achievements for biodiversity it views the production of the Biodiversity Report as an opportunity to undertake a review of what it currently does and to consider how it might improve outcomes for biodiversity.





- 4.12. Planning and the Estates team play a key role in the protection and improvements to biodiversity across the District but through reporting on its biodiversity duty the Council will raise awareness of biodiversity across the whole organisation.
- 4.13. Set out below are the actions the Council will take in order to inform the first Biodiversity Report:
- The Council will continue to apply Local Plan environmental policies to planning applications and will continue to review and update guidance and practice to inform the emerging Local Plan.
  - The Council will review and report on BNG achieved since 2019 both on and off site and monitor mandatory BNG as it develops.
  - The Council will consider opportunities to identify and develop sites for the provision of offsite BNG on council owned and third party land.
  - The Council will work with DCC and landowners to secure the provision of offsite BNG through appropriate legal agreements.
  - The Council will continue to support and work with relevant partnerships to deliver wildlife conservation activities, environmental education, landowner advice, community engagement and conservation volunteering.
  - Through internal discussions the Council will review procedures and practices across the Council to ensure that any reasonable opportunities to protect and enhance biodiversity are identified and actioned.
  - The Council will engage with key stakeholders to review current partnership working on biodiversity and look to new opportunities to improve outcomes for biodiversity.
- 4.14. One of the main elements of the Council's biodiversity duty is delivering Biodiversity Net Gain (BNG) through new development. The Council also has a role as landowner because it has land that could potentially receive and benefit from BNG delivered away from a development site. If the Council doesn't offer sites, then other landowners, perhaps in other Districts will.
- 4.15. An assessment of the need and supply generated by future development would be difficult to quantify. However, the Council will continue to explore opportunities to deliver habitat improvements on its own Estate in order to benefit from offsite BNG contributions and deliver added value to communities and wildlife.



- 4.16. The Council has continued to work on developing internal skills, providing formal and informal training and knowledge sharing across departments:
- Building with Nature Approved Assessor accreditation
  - Devon County Council BNG Training for Development Management Officers
  - Devon County Council BNG Presentation to all Councillors
  - Planning Agents Forum BNG soft launch for agents
  - Strategy and Resources presentation
  - Freeths Legal BNG training for NDC/TDC/ENPA Planning and Legal Officers
  - BNG Metric training for Development Management Officers and Validation teams
  - BNG Development Management Process Mapping
  - BNG Legal requirements for Habitat Banks and developer owned sites
  - Discussion with Mastergov DEF regarding BNG functionality and future monitoring module
  - BNG Monitoring and Enforcement with Development Management Officers
  - BNG Monitoring discussions with third party software solutions e.g. Verna, AiDash, Joesblooms, Map Info
  - Collaboratively funded Strategic BNG officer co-ordinating the Devon Local Authority BNG Steering Group
  - Successfully secured DLUHC funding for use of specialist BNG monitoring software
- 4.17. The Council has continued to participate in and contribute to strategic partnership meetings to develop strategies and local actions:
- Devon Local Nature Partnership Working Group
  - Devon Nature Recovery Network Mapping Steering Group
  - Local Nature Recovery Strategy Warm-up Webinar - Nov 11th 2022
  - Local Nature Recovery Strategy Conference - June 13th 2023
  - Pledge for Nature Steering Committee
  - Devon Landscape Policy Group
  - Publication of Trees for Devon: Devon's Tree and Woodland Strategy Jan 2024
  - Nature Improvement Working Group – Nature Recovery Plan progress
  - Nature Recover Plan - Towns and Villages Action Plan
  - Devon Local Nature Recovery Strategy: Marine Webinar Nov 31st 2023
  - North Devon and Torridge Landscape Character Assessment update - Stakeholder Workshops Nov 30th 2022



- 4.18. The Council continues to co-ordinate and contribute to habitat and wildlife enhancement projects:
- Yeo Valley woodland creation with 24,000 new trees
  - Braunton Burrows SAC Mitigation Strategy and Access Management Plan
  - RSPB/NT/NE Recreational Disturbance Conference - February 21st 2023
  - Dynamic Dunescapes Project Conference - March 14th 2023
  - NDC/TDC Taw-Torridge Estuary SSSI winter roost signage and marine users guidance
- 4.19. The Council continues to explore opportunities to delivery habitat enhancement on its own Estate and liaise with local land owners and facilitators:
- Discussions with the Biosphere Reserve to utilise the Natural Capital Marketplace
  - Site visits to explore opportunities to develop pilot BNG sites at Hillsborough and Brynsworthy
  - Discussions with the National Trust regarding securing BNG on local estates
  - Discussions with Environment Bank on potential Habitat Bank models
  - Discussions with Biogains regarding Council Estate habitat condition assessments and Habitat Bank models
  - Discussions and site visits with Oxygen Conservation at Mornacott Estate to create a significant Habitat Bank

## Monitoring

- 4.20. As part of the actions noted above the Council will consider how both existing and any new actions will be monitored.
- 4.21. BNG as part of planning has its own monitoring requirements set out in legislation and guidance which the Council will follow. In addition the Council publishes an Annual Monitoring Report (AMR) for the Local Plan policies. The relevant content of these reports will form part of the Biodiversity Report.
- 4.22. Most partnerships that form part of the Councils commitment to biodiversity already have reporting requirements which can be captured for the Biodiversity Report.
- 4.23. In devising monitoring proposals the Council will have to be mindful of the resources available and will seek to avoid duplicating work done elsewhere so that where monitoring is already being done this will be



incorporated into the Biodiversity Report ahead of publication on the Council's web site.

## Next steps

- 4.24. The Council will undertake discussions across the different departments seeking to improve understanding of and response to biodiversity.
- 4.25. Consult with key stakeholders to seek views on the work the Council currently does for biodiversity and how that might be improved in the future.
- 4.26. The results of these discussions and any new proposals will be reported to and discussed with members through the committee procedure for Cabinet reports to agree and finalise the first Biodiversity Report in 2026.

## 5. RESOURCE IMPLICATIONS

- 5.1. All work described in this report has been funded by using existing base budgets and Defra funding aimed at helping local planning authorities (LPAs) in England implement mandatory BNG in the planning system. Funding of £26,807 per annum has been secured for 22/23 and 23/24. Defra have recently confirmed that the same amount will be available covering 24/25.

## 6. EQUALITIES ASSESSMENT

- 6.1. There are no equalities implications anticipated as a result of this report.

## 7. ENVIRONMENTAL ASSESSMENT

- 7.1. This report is neutral with respect to the environment, but it does provide the baseline data on which to act and report.

## 8. CORPORATE PRIORITIES

- 8.1. What impact, positive or negative, does the subject of this report have on:
  - 8.1.1. The commercialisation agenda: n/a
  - 8.1.2. Improving customer focus and/or: n/a
  - 8.1.3. Regeneration or economic development: n/a
  - 8.1.4. Climate & Environment: Positive - This report demonstrates actions to date and those planned for the future that support the council's commitment to protecting and enhancing the environment.



## 9. CONSTITUTIONAL CONTEXT

The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annex 1 paragraph 1.

## 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

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: .....Mark Saunders, Sustainability Officer

.....

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## North Devon Council

### Adoption of Household Support Fund 5 Scheme

Decision requested by decision maker: To approve the Household Support Fund 5 policy and introduce the scheme from 7<sup>th</sup> May or as soon as possible thereafter

#### 1. BACKGROUND / REASONS FOR THE DECISION REQUEST

1.1. The Household Support Fund is now in its 5<sup>th</sup> iteration and DCC have recently approved the scheme for introduction in each District Council. There is some discretion as to how to implement it and the Policy reflects the approach to be adopted by the Council

#### 2. FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

2.1. The Fund is funded by DCC

#### 3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?

3.1. None

#### 4. ANY CONFLICT OF INTEREST DECLARED?

4.1. None

#### 5. DISPENSATION IF GRANTED

5.1. None

#### 6. BACKGROUND PAPERS

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

6.1. Household Support Fund 5 Policy

#### 7. CONSULTATION UNDERTAKEN (Please note all who have been consulted on this decision):

7.1 Leader

#### 8. OFFICER REQUESTING DECISION TO BE TAKEN: (please insert name and job title): Sarah Higgins, Head of Customer Focus



9. NAME OF DECISION TAKER: (please insert name and job title): Chief Executive

10. DATE DECISION TAKEN: 30<sup>th</sup> April 2024

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS: This is a scheme that benefits many people in need and is to be supported



## North Devon Policy Household Support Fund 5

The purpose of this document is to set out the objectives of the scheme and to outline the methods and working practices to meet these.

The Household Support Fund is intended to help individuals and families with rapid short-term financial support to address economic vulnerability and financial hardship from April 2024 until end September 2024. It is designed to ensure that people can access emergency short-term support, for those in most need with regard to food, energy, water bills and wider essential costs.

### **Scheme Eligibility**

The Household Support Fund is intended to help residents who have limited income and are in need of support to help with significantly rising living costs who meet the following criteria;

1. Be over the age of 16; and
2. Live in NDC district (main residence);
3. In need of financial support to meet the immediate short-term needs of themselves or dependents.

### **Award Process**

The scheme is broken down into 3 sections;

- All working age households, who receive an element of council tax reduction as at 1<sup>st</sup> May 2024 will receive a voucher for £40. These payments will be made via the Post Office Payout Scheme which can be exchanged for cash at any Post Office within the district.
- An application scheme will allow agreed 3<sup>rd</sup> party organisations to apply for funds on behalf of their clients. A full list of agreed 3<sup>rd</sup> parties will be available on the NDC website. Awards will generally range from £100 - £300 depending on circumstances. These awards will be made via Post Office Payout Vouchers, supermarket vouchers, white good vouchers and utility pre-payment cards. Dependent on circumstances occasionally payment via BACS may be appropriate. Any payment over £500 would need to be approved by a Head of Service.
- A proportion of the fund will be ring-fenced for Housing Officers to apply on behalf of their clients who are moving from temporary accommodation into settled accommodation. These awards will be made via BACS, supermarket vouchers and white good vouchers and will be dependent on the individual needs and circumstances to assist to purchase essential items.

### Types of assistance that can be provided via 3<sup>rd</sup> party application referral process

The NDC Household Support Fund can be provide assistance for the following items:

- Food
- **Energy and water bills**- support with energy bills for any form of fuel that is used for the purpose of domestic heating, cooking or lighting, including oil or portable gas cylinders. It can also be used to support with water bills including for drinking, washing, cooking, and sanitary purposes and sewerage.
- **Essentials linked to energy and water** - including sanitary products, warm clothing, soap, blankets, boiler service/repair, purchase of equipment including fridges, freezers, ovens, etc.
- **Wider essentials** – support with essential household items and other essential monthly expenditure including broadband or phone bills, clothing, and essential transport-related costs such as repairing a car, buying a bicycle or paying for fuel.
- **Housing Costs** - in exceptional cases of genuine emergency where existing housing support schemes do not meet this exceptional need, the Fund can be used to support housing costs with caveats (see **Appendix A**)

### Consideration of the budgetary provision

- Funding for the North Devon Household Support Fund, totalling £247,718.91, is provided by Devon County Council as part of their allocation of the national Household fund. An additional 15% is provided for the administration of the fund.
- The budget will be monitored and the standard Management Information (MI) reporting template, provided by DWP to record the amount provided or paid to vulnerable households under the remit of this grant, will be completed.

### Repeat Applications

Only one application per household will be considered.

### Data

- North Devon Council will only collect data relevant to an individual's Household Support Fund application via 3<sup>rd</sup> party referrals
- Data will be held in Firmstep (our CRM software) with all appropriate security measures
- Data will be used to make contact about decisions and arrange payment of awards
- Data may be shared within the organisation to support efforts to redirect an applicant to other support that may be available.
- Data will be shared with the Post Office and Black Hawk Network to enable payments to be made
- Personal data will not be kept longer than necessary

## Appendix A

- In exceptional cases of genuine emergency where existing housing support schemes do not meet this exceptional need, the Fund can be used to support housing costs.
- Where eligible, ongoing housing support for rent must be provided through the Housing cost element of UC and Housing Benefit (HB) rather than The Fund. In addition, eligibility for Discretionary Housing Payments (DHPs) must first be considered before housing support is offered through The Fund. The Authority must also first consider whether the claimant is at statutory risk of homelessness and therefore owed a duty of support through the Homelessness Prevention Grant (HPG).
- The Fund should not be used to provide housing support on an ongoing basis or to support unsustainable tenancies. Individuals in receipt of some other form of housing support could still qualify for the other elements of The Fund, such as food, energy, water, essentials linked to energy and water and wider essentials.
- The Fund cannot be used to provide mortgage support, though homeowners could still qualify for the other elements of The Fund (such as energy, food, water, essentials linked to energy and water and wider essentials). Where a homeowner is having difficulty with their mortgage payments, they should contact their lender as soon as possible.
- The Fund can exceptionally and in genuine emergency be used to provide support for historic rent arrears built up prior to an existing benefit claim for households already in receipt of UC and HB. This is because these arrears are excluded from the criteria for DHPs. However, support with rent arrears is not the primary intent of The Fund and should not be the focus of spend

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