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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, 2ND SEPTEMBER, 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 Committee Councillor Clayton (Chair)

Councillors Bell, Crabb, Hunt, D Knight, R Knight, Lane, C Leaver, P 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 5 August 2024 (attached) (Pages 5 - 14)
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. **Abandoned Vehicles - Devolved Power Partnership DVLA** (Pages 15 - 28)
Report by Lead Environmental Health Officer – Environmental Protection (attached)
7. **CCTV Annual Report** (Pages 29 - 52)
Report by Place Manager (Town Centres) (attached).
8. **Pavement Licensing Legislative Amendments and Variation to Fees** (Pages 53 - 68)
Report by Lead Commercial Regulation (attached)
9. **Rural England Prosperity Fund, Programme Changes** (Pages 69 - 74)
Report by Place Manager Economic Development and Regeneration (attached)
10. **Local Authority Housing Fund Round 3** (Pages 75 - 80)
Report by Head of PMO and Environmental Health and Housing (attached)
11. **Material Recovery Facility Infrastructure update**
Head of Environmental Enhancement to report

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

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

22.08.24



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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.

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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.

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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 in the Barum Room - Brynsworthy on Monday, 5th August, 2024 at 10.00 am

PRESENT: Members:

Councillor Clayton (Chair)

Councillors Bell, D Knight, R Knight, C Leaver, Maskell, Milton, Prowse and Wilkinson

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Senior Solicitor and Monitoring Officer, Head of Customer Focus, Head of Environmental Enhancement, Finance Manager and Housing Manager

Also Present in person:

Councillors Haworth-Booth and Walker

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crabb, Hunt and P. Leaver.

33. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 1 JULY 2024

RESOLVED that the minutes of the meeting held on 1 July 2024 (circulated previously), be approved as a correct record and signed by the Chair.

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

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

35. DECLARATIONS OF INTERESTS.

The following declarations of interest were announced for transparency:

Councillor Maskell – item 12 Devon Housing Commission Report, non- registrable interest as owned a second home for holiday letting.

Councillor Prowse – item 12 Devon Housing Commission Report, non- registrable interest as owned a property which was privately let.

36. TO AGREE THE AGENDA BETWEEN PART 'A' AND PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION).

RESOLVED to change the order of the agenda and move this item to item 13, immediately preceding the item in Part B.

37. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 1 OF 2024/25

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously), regarding Performance and Financial Management Quarter 1 of 2024/25.

The Finance Manager highlighted the following:

- The revenue budget for 2024/25 was approved at Council on 21 February 2024 at £16,432,690.
- As at 30 June 2024, the latest forecast net budget was £16,419,690, which produces a budget surplus of £13,000. Details were shown in Appendix A – Variations in the Revenue Budget of the report.
- The original budget for 2024/25 included a forecast to achieve £250,000 worth of salary vacancy savings. The current position forecasted that the Council would achieve £143,000 based on known vacancies to date, but it was anticipated that the budget of £250,000 would be achieved by the end of the financial year.
- The National pay award was currently being considered by the Unions; however if the 2024-25 pay award exceeded the budgeted 4% included in the original budget then the Council would look to fund any shortfall from the Budget Management reserve, which currently had a balance of £528,627.
- As at 1 April 2024 the Collection Fund reserve balance held was £1,790,180. This earmarked reserve was created to deal with the timing impacts of the Collection Fund (Business Rates), which ensured the revenue budget was not unduly affected in the year the taxes were collected. Collection Fund deficits/surpluses were reversed out to bring the revenue account back to the budgeted figure for the year; the deficits/surpluses were recovered/distributed in the following financial years. This reserve included a £1,246,078 balance that would be utilised in 2024/25 (£1,012,856) and 2025/26 (£233,222) to mitigate timing differences of business rate reliefs awarded in 2023/24 that from an accounting perspective impact over the next two financial years; thus leaving the fund reserve with a residue balance of £544,105 protection against future volatility.
- At the 30 June 2024 total external borrowing was £6,000,000. The timing of any future borrowing was dependent on how the Authority managed its treasury activity.
- Due to project spend slippages in the Capital programme and using the cash flow balances for internal borrowing, an estimated reduction in borrowing

costs and a potential underspend of £100,000 on the interest payable revenue budget.

- The Budget and Financial Framework report to Full Council 21 February 2024 outlined the Capital Programme for the 2024/25 financial year of £20,258,368. Project underspend and further variations of £4,356,379 were approved as part of the performance and financial management report to Strategy and Resources Committee, to produce a revised 2024/25 Capital Programme of £24,614,747.
- The Programme of £30,905,987 is funded by Capital Receipts / Borrowing (£13,411,234), External Grants and Contributions (£15,417,968) and Reserves (£2,076,785).
- Release of Funds – Capital Programme:
 - S106 Anchorwood Bank £11,170.
- Section Five of the report detailed a summary of updates on the Corporate Plan, Key results and performance indicators.

In response to a question on the impact to the Council if the pay award were settled at a half percent or full percentage higher than currently budgeted for, the Director of Resources and Deputy Chief Executive explained that the majority of staff were on a pay scale that if the current pay offer was accepted by the Unions, would attract £1,290 pay increase and that this would have no material variance on the overall provision built into the budget. However, a 1% variant to this would impact the budget by an additional £180,000.

In response to a question on the cause of the reduced recycling collection figures stated in section 5, on page 33 of the report, the Director of Resources and Deputy Chief Executive advised that due to a time lag in reporting the June 2024 figures were not included in the report and that when these are added in it was anticipated that the totals would look in line with expected figures.

In response to a question about when to expect an update on the Rough Sleeper future funding. The Director of Resources and Deputy Chief Executive replied that funding was expected to be similar to previous years and would be announced in the autumn.

In response to a question on what KR 12b LPI 192 was (as seen on page 33 of the agenda), the Director of Resources and Deputy Chief Executive explained that this was a reference to the Key Performance Indicator given in more detail in Appendix E of the report (as seen on page 74).

In response to a question about whether, there would be an increased cost to the Council in relation to building more homes and the new Biodiversity Net gain levy. The Chief Executive confirmed it was likely there might be issues regarding the impact on developers in relation to the Biodiversity Net Gain measures.

RESOLVED:

- (a) That the actions being taken to ensure that performance was at the desired level be noted;

- (b) That the contributions to/from earmarked reserves be approved as detailed in section 4.2 of the report;
- (c) That the movement on the Strategic Contingency Reserve as detailed in section 4.3 of the report be noted;
- (d) That funds be released for the capital schemes listed in section 4.4.8 of the report;
- (e) That the sections dealing with Treasury Management, Debt Management and General Debtors as detailed in sections 4.5 to 4.7 of the report be noted;
- (f) That section 5 of the report, dealing with the Corporate Plan, Key results and Performance indicators be noted.

RECOMMENDED:

- (g) That Council approve the variations to the Capital Programme 2024/25 to 2026/27 as detailed in section 4.4.3 of the report.

38. HOUSEHOLD SUPPORT FUND

The Committee considered a report by the Head of Customer Focus (circulated previously) in relation to the Household Support Fund.

The Head of Customer Focus highlighted the following:

- The first Household Fund opened in October 2021 and North Devon Council (NDC) was currently administering the fifth version of the fund. The amount of funding provided for this latest scheme, running from April 2024 to September 2024, was £253,000. Since 2021, NDC had awarded over £1.6million to the most vulnerable households in North Devon.
- For the current scheme, NDC had deployed almost 90% of the funding meaning we have needed to suspend our application scheme over the summer weeks to allow us to re-open for September for the colder autumn period.
- Taking note of our situation, Devon County Council had awarded an additional £20,000 to allocate to our application scheme from the wider household fund they had available.
- As NDC administers in-house using existing resources, the direct administrative costs were kept minimal. Due to this there was an un-allocated administration grant of approximately £30,000.
- To allow the Council to be able to guarantee the application scheme was able to remain open until end of September and to maximise the benefit of the scheme to the most vulnerable households in North Devon, we are requesting this £30,000 un-allocated administration grant was made available for further applications.

Councillor C Leaver thanked those officers involved in the administration of the grants.

RESOLVED:

- (a) That re-allocation of up to £30,000 of admin grant funding to the application scheme be approved and

- (b) That the additional £20,000 grant allocated to North Devon Council from Devon County Council to support the scheme within North Devon be noted.

39. MATERIAL RECOVERY FACILITY INFRASTRUCTURE UPDATE

The Committee received an update on the Material Recovery Facility Infrastructure project.

The Head of Environmental Enhancement gave the following update:

- There was nothing exceptional to report which was positive news as this meant nothing untoward had cropped up.
- The programme was on track in terms of budget and programme.
- Environmental Agency had carried out a site visit and were pleased with the works and the drainage plans.
- The new machinery was due to arrive in pieces in December 2024 to be put together in January 2025.

The Chair thanked the Head of Environmental Enhancement for the update.

40. SETTING UP A CAR PARK CHARGES WORKING GROUP

The Committee received an update from the Chief Executive on the setting up of a Car Park Charges Working Group.

The Chief Executive highlighted the following:

- The purpose of setting up this working group was to get ahead of issues that might need discussion before budget setting commenced.
- Members should consider if they wanted the group to be politically balanced or whether just nominating three members from each of the three political parties was sufficient.

In response to a question about the title of the group, the Chief Executive advised that primarily this was a task and finish group whose aim was to feed into the budget and any incidental issues, such as size of car parking bays, could be looked at but the main focus would be review of charges.

RESOLVED

- (a) That group leaders to be emailed requesting three members from each party to make up the task and finish car park charges review;
- (b) That the Car Park Strategy would be emailed to members as a good resource; and
- (c) That monthly meetings would be set up for September, October, November and December.

41. HOUSING UPDATE (REFLECTING CURRENT CHALLENGES)

The Committee received an update on Housing from the Service Manager (Housing Team).

The Service Manager (Housing Team) highlighted the following:

- There were currently 24 rough sleepers in North Devon, 4 of whom had no local connection to North Devon.
- The Freedom Centre had seen an increase of people approaching them. They were currently seeing 65 people a day at the Freedom centre for food, not all of these were homeless people, which highlighted the difficulties being faced by people.
- There was an increase in single homelessness with a priority need.
- 75 units of temporary accommodation currently being used, 25 of those single homelessness.
- The priorities that were being seen were from those suffering with physical or mental health issues.
- The reasons for this increase had been identified as a result of changes in the social care system. A change in thresholds meant more people were not meeting the supported accommodation threshold but still met the priority needs threshold and therefore became the Council's responsibility to accommodate.
- There was lack of socially rented properties available to move those in temporary accommodation to and this blockage meant fewer temporary placements were available.
- The cost of private rentals in the area were significantly higher than the Local Housing Allowance (LHA) rate. For example, the cost to rent a room in a shared house was £550 to £650 per month whereas the LHA rate for such a property was only £425.
- This deficit in people being able to afford private rental meant they were remaining in temporary accommodation longer as the Council had accepted a duty to house them into suitable long-term accommodation.
- Further changes that would have an impact on the need for single person accommodation were due to take place regarding the contract with Devon County Council for those living in supported care.
- As of March 2025 DCC would be ending funding to supported accommodation.
- The reduced budget of £500,000 was to be shared amongst the 8 districts in Devon with Local Authorities bidding for funding from this budget.
- Ways to distribute this funding fairly were being looked at. One possibility was basing funding on the number of people who had approached the Council for help with housing.
- Rental reforms were proceeding for Royal Assent and this would mean the end of section 21 no fault evictions, however current landlords' had concerns over this and would be looking to sell their properties.
- A lot more people were in debt, low-income workers struggling to live would be unable to find a new rental based on their low income.
- Devon Home Choice currently had 2300 live applications on their system.
- There were 4800 properties with Social Landlords in the area but only 250 vacancies in a year so only 11% of people on the Devon Home Choice list would be rehoused within a year.
- The majority of properties being requested, 51%, were for one bed properties.

- The Council was in communication with local landlords looking to lift age restrictions. Most single person properties were limited to those over 55 or 65 years of age.
- Clearsprings, who were employed by the home office, managed refugee resettlement. The type of property they secured for this purpose was Houses in Multiple Occupation.
- Mears were a similar company but employed by the MOD for those refugees who had a connection with the armed forces.
- There were currently 2800 refugees in transit accommodation in Pakistan and other parts of the UK.
- The NHS were looking for accommodation for overseas staff working in the area.
- There were now increased demand for housing for 18 year olds leaving care.
- Early prison releases beginning in September 2024 would affect the housing needs in the area especially as HMP Exeter was nearby.

In response to whether this type of update could be provided as a written report, the Chief Executive explained that normally it would be but as so many changes were coming through at the moment a verbal report was the only option.

The information presented today could be made available to Members and emailed to them.

The Committee noted the update.

42. DEVON HOUSING COMMISSION REPORT

The Committee considered a report by the Chief Executive (circulated previously) regarding the Devon Housing Commission Report.

The Chief Executive highlighted the following:

- The Devon Housing Commission was created following discussions between Devon Local Authorities at the Devon Housing Task Force.
- The Devon Housing Commission was chaired by Lord Best who had considerable knowledge of housing matters.

The Chief Executive handed over to the Lead Member for Housing.

The Lead Member for Housing highlighted the following:

- This recently published report set out how to try to resolve issues being faced by Local Authorities across Devon.
- Ilfracombe had its own section in the report as seen on page 141 of the report.
- Eviction was discussed on page 158 of the report with a recommendation to Government to end section 21 no-fault evictions.
- A table on page 163 of the report detailed the number of non-decent dwellings in Devon, North Devon ranked 12th out of 297 local authorities with 11,724 properties out of 44,357 deemed as non-decent.

- The table on page 164 of the report showed the proportion of non-decent homes by tenure.
- In Annex One, on page 188 of the report, a table showed North Devon Tourist Accommodation figures for towns and villages. Top of this table was Morteohoe with 47% of the village's properties being used as second homes and holiday lets.
- Annex Two, on page 190 of the report, showed a case study carried out in South Hams in relation to data on short-term lets in the area.
- It was hoped data on this could be collated for North Devon and used in a future report.
- Lord Best would be visiting with local MP's in mid-September.

The Lead Member for Housing ended his update by giving thanks to Lord Best for this report and his hard work on the issue.

The Chief Executive drew the Committees attention to page 94 of the report and in the second column the following paragraph:

- "The Commission recommends that Devon County Council utilise a significant proportion of receipts from second homes Council Tax to help meet the county's housing and infrastructure needs. (2.8)".

He went on to say that, a letter could be sent to all Devon authorities urging them to use the collected council tax funds for housing.

RESOLVED:

- (a) That the Devon Housing Commission Report be noted and a letter of thanks be sent to Lord Best;
- (b) The recommendations contained within the Devon Housing Commission report be noted;
- (c) A letter of representation to be sent to the MP and Government, in particular to make reference to section 3.4, Ilfracombe of the report; and
- (d) Approve the support of wider monitoring of recommendations through the Combined County Authority and/or Northern Devon Futures of other group.

43. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) That, under Section 100A(4) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item Belles Place, Ilfracombe – Funding Request, as it involved the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of the Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information); and
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

44. BELLES PLACE, ILFRACOMBE - FUNDING REQUEST

The Committee considered a report by the Director of Resources and Deputy Chief Executive, (circulated previously), regarding Belle's Place, Ilfracombe – Funding Request.

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

- The service provided free hot meals each day to people who were disadvantaged/socially isolated. More intensive support was provided to people who presented in crisis. They also operated a school uniform 'swap shop' and provided hot showers to some people who have the meals.
- A number of statutory/ commissioned services made use of the facility to effectively engage with their clients:
 - Together-Devon, drug and alcohol support, three days a week
 - North Devon Council outreach, 1 day a week
 - Dental services, 1 day a week
 - Covid-19/flu jabs, as required
 - Hepatitis Trust, screening, 1 day a month; and
 - GP surgeries
- The community café and centre worked with other voluntary groups to provide support with physical / mental wellbeing and peer support groups. It provided a food bank as well as the hot meals.

RESOLVED:

- (a) That the funding request to provide a one-off financial contribution for the 2024/25 financial year be approved; and
- (b) That a £4,000 grant contribution to Belle's Place, Ilfracombe, from the Economic Financial Hardship Reserve be approved.

Chair

The meeting ended at 11.52 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, 2 September 2024

Topic: Abandoned Vehicles - DVLA, Devolved Power Partnership

Report by: Darren Hale, Lead Environmental Health Officer Environmental Protection

1. INTRODUCTION

1.1. Abandoned vehicles pose significant challenges for North Devon Council, impacting public safety, environmental health, and community aesthetics. This report aims to provide a detailed explanation of the powers, duties, and processes currently involved in dealing with abandoned vehicles within North Devon Council area. Additionally, it will address specific challenges encountered in the removal and disposal of abandoned vehicles in the North Devon area and propose collaborative solutions with the Driving, Vehicle and Licensing Agency (DVLA) as a devolved power partner.

2. RECOMMENDATIONS

2.1. To recommend to Full Council that North Devon Council enters into an agreement with the Driving, Vehicle and Licensing Agency (DVLA) as a devolved power partner.

2.2. To recommend an amendment to the general powers in para 5.18 of Annex 2 to Part 3 Constitution to say:

To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the Council's Environmental Health functions and Licensing functions as well as to remove abandoned vehicles (such term to include, without limitation, untaxed vehicles), on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.

3. REASONS FOR RECOMMENDATIONS

3.1. Entering into an agreement as a DVLA devolved power partner allows the Council to remove untaxed abandoned vehicles promptly and to confirm ownership details. Members are required to approve the adoption of powers from other organisation as part of the constitution.

4. REPORT

4.1. North Devon Council's powers and duties in handling abandoned vehicles are primarily governed by the Refuse Disposal (Amenity) Act 1978. This Act



provides a duty on the council, to remove vehicles deemed abandoned without lawful authority, on any land in the open air or any land forming part of a highway. The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 provides for the Council to recover any removal costs from the owner, should they claim a vehicle and or otherwise dispose of the vehicle. The Clean Neighbourhoods and Environment Act 2005 additionally provides for the Council to levy a fixed penalty notice on the owner of £200, for unlawful disposal. If the owner of a vehicle objects or claims not abandoned, even if untaxed, and causing a determinant to the local amenity the Council cannot remove the vehicle, using its current powers, without significant evidence of abandonment.

- 4.2. North Devon Council already has powers under Regulation 9 of the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 to immobilise or remove untaxed vehicles. However this is only where an offence is committed under Section 29(1) of the Vehicle Excise and Registration Act 1994, in that the vehicle is untaxed. Given that electronic Excise Licences, having direct access to DVLA systems is essential to ensure that there is an offence under the above Act,
- 4.3. The council can gain leverage in a partnership arrangement with the DVLA to streamline the process of identifying and verifying ownership of abandoned vehicles, speed up the removal process and reduce the number of officer visits. By accessing the DVLA's live databases, North Devon Council can expedite ownership verification and notification procedures, enhancing the efficiency of our enforcement efforts.
- 4.4. This DVLA partnership allows the Council to remove a vehicle that does not have a current vehicle excise licence immediately, if the date of expiry is more than one month. This is particularly useful with unregistered vehicles or those in poor condition that are likely to attract vandalism or other environmental impacts, such as leaking oil into drainage systems and eventually to a watercourse. An abandoned vehicle in poor condition significantly detracts from the sense of place and likely to result in further environment decline.
- 4.5. To release a seized vehicle, the Council would require confirmation of ownership, the vehicle to be taxed and properly registered before releasing a vehicle. In addition to a payment for the removal cost and any storage fees. If the vehicle is not claimed and/or fees paid, the Council can otherwise dispose of the vehicle to scrap or force a resale, to ensure the full cost of removal is covered.



- 4.6. Dealing with abandoned vehicles in North Devon involves several procedural steps, including identification, notification, removal, and disposal. However, several challenges specific to the district may further impede this process.
- 4.7. As a rural environment the landscape and dispersed communities make it challenging to identify and locate abandoned vehicles, necessitating a detailed investigation and relying on community reporting. Collaborating with the DVLA can facilitate access to vehicle registration data, aiding in the identification of owners and abandoned vehicles in remote areas.
- 4.8. Establishing ownership of abandoned vehicles can be complex, particularly if vehicles lack registration or identification details. Leveraging the DVLA's resources, the council can expedite ownership verification processes, reducing administrative delays and improving the efficiency of removal and disposal operations.
- 4.9. Limited resources and manpower may hinder the council's ability to respond promptly to reports of abandoned vehicles and carry out removal and disposal procedures efficiently. Collaborating with the DVLA can enhance the council's capacity for data analysis and enforcement, enabling more strategic allocation of resources to address priority areas and mitigate the impact of abandoned vehicles on the community.
- 4.10. Educating residents and visitors about the consequences of abandoning vehicles and the proper procedures for disposal is essential to mitigate the problem effectively. By partnering with the DVLA and Devon and Cornwall Police, North Devon Council can implement targeted awareness campaigns and outreach initiatives to raise public awareness about the issue of abandoned vehicles and encourage compliance with regulations.
- 4.11. In taking advantage of the Devolved Power Partnership the DVLA provides free training for officers and removal contractors. The removal of vehicles is not mandatory and therefore the Council can take action it feels appropriate to address local needs, rather than a DVLA led programme.
- 4.12. The agreement is fully flexible, with the Council not required to carry out DVLA's work, as it is a partnership where the Council can decide the level and method of enforcement.
- 4.13. Research has shown that other Councils take a variety of approaches from large scale targeting of untaxed vehicles, hotspot targeting only and some have rarely used the DVLA powers. None of the authorities in the South West have yet taken up this opportunity, although some initial



discussions have been held with Plymouth, who have yet to move it forward. Similar sized Councils include South Gloucestershire and Bracknell Forest Council have adopted the powers on a similar scale to those proposed in this report.

Analysis of Problem

- 4.14. During 2023/24 there were an average of 2,734 untaxed vehicles each month throughout North Devon District Council area, according to the DVLA records. NDDC received 21 requests to deal with abandoned vehicles so far in July, 34 in June 2024 and 21 in May, with 26 in April.
- 4.15. The number reported each month varies considerably but averages around 25 per month. However, there are a number of external factors that affect truly abandoned vehicles. The current price of scrap is relatively low and vehicles resale prices dropping from their high, at the end of the pandemic. Other social economic factors also impact of vehicles being untaxed and then potentially abandoned, which include pressures on personal finances.
- 4.16. Residents are not able to tax a vehicle if they do not have a valid MOT and insurance. Therefore if a vehicle fails an MOT it may be driven for some time before the vehicle excise licence expires. The intention may be to repair a vehicle after an MOT failure or even breakdown but it is not uncommon for these to left unfinished, due to costs involved and or the feasibility of repair. These vehicles then end up as long-term projects that never gets completed and the vehicle continues to deteriorate. However, the price a scrap is still greater than removal, so residents could still dispose of unwanted vehicles without cost, or even with some additional income but many still just abandon them in car parks, on the road or open land.
- 4.17. The lack of correct registration, MOT and insurance are also a common factor in criminal activity. Whilst these matters are for the police, the swift removal of vehicles is likely to reduce these crimes and potential wider environmental impact. To reclaim a vehicle the owners are required to provide verifiable documents and register details with DVLA. A pool car may be used for criminal activity, anti-social behaviour or just not roadworthy.
- 4.18. Parking enforcement have advised there are currently 102 persistent evaders with 3 or more parking charge notices. Vehicles are often not taxed as they are not registered to the current owner. Therefore, unless the vehicle presents itself, the case is with the bailiffs and they are able to clamp the vehicle, it makes tracing the evaders challenging or almost impossible. These vehicles not only block parking spaces for others, they also avoid payment.



- 4.19. Certain areas of the district such as the Mullacott Cross Industrial Estate attract a relatively high number of apparent abandoned vehicles. This is a result of businesses abandoning their vehicles on the roads, pending possible repairs or long term projects. These businesses using the highway as an extension of their premises, which general undermines from the amenity of the area and reduces parking spaces for other businesses, employees and visitors. The look and feel of the area therefore lessens, which contributes to what is termed 'the broken windows' scenario, where people have less respect and other environmental crimes appear such as littering, fly tipping and the general up keep of premises.
- 4.20. There are no additional resources required in joining the DVLA scheme, which would be within existing budgets. The Council would however need to ensure that a contract is in place to ensure effective removal of vehicles and their storage. The current supplier has indicated a willingness to be involved in future schemes and offers a competitive rate.
- 4.21. The only staffing resource commitment is to attend the free training that is carried out at NDDC premises.

Recommendation

- 4.22. It is recommended that NDDC join the DVLA Power Partner Programme and undertake the free training and system access. It is proposed that NDDC use this initially to focus on reducing the time and resources in removing reported abandoned vehicles, to target problem hot spots and to evaluate the administrative cost and effectiveness of the scheme, compared with the current approach.

Conclusion

- 4.23. In conclusion, addressing the issue of abandoned vehicles in North Devon requires a collaborative and proactive approach, leveraging partnerships with agencies such as the DVLA, to enhance enforcement capabilities and streamline administrative processes. By working closely with the DVLA, North Devon Council can overcome the many of the challenges associated with identifying, verifying ownership, and removing abandoned vehicles, ultimately safeguarding the interests of its communities and preserving the district's environmental integrity.



5. RESOURCE IMPLICATIONS

5.1. The investigation and removal of abandoned vehicles is undertaken by the Environmental Protection Team as part of the neighbourhood duties, with each officer having a designated area of the district to cover. These averaged 42 per officer in the last 12 months. As well as the neighbourhood officers, the administrator and manager responding to certain requests where evidence indicates unlikely to be an abandoned vehicle, such as vehicle licence and MOT online checks.

5.2. No additional resources are required as part of the agreement. Improved processes in the removal of abandoned, untaxed vehicles will reduce officer time investigating reported abandoned vehicles.

6. EQUALITIES ASSESSMENT

6.1. There is no evidence that the adoption of the powers from DVLA would positively or adversely have an effect on any protected group.

7. ENVIRONMENTAL ASSESSMENT

7.1. Working more closely with the DVLA will enable the Council to meet a number of its environmental objectives, particularly preventing pollution and protecting the natural and built environment.

8. CORPORATE PRIORITIES

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

The commercialisation agenda:

There is a minimal contribution to commercialisation but if successful could be considered to be offered as a wider service or consultancy for a fee to other neighbouring authorities in the future.

Improving customer focus is improved by providing a much faster response to environment crimes.

Regeneration or economic development would be enhanced by creating a positive sense of place, which are significantly impacted by environmental crimes, abandoned vehicles and poor built environment.

9. CONSTITUTIONAL CONTEXT

9.1. Save as provided in paragraph 9.2 below, 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 of the Constitution.



9.2. The decision in respect of the recommendations in this report is referred to Full Council pursuant to Article 4.5.1 of the Constitution.

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).

12. STATEMENT OF INTERNAL ADVICE

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

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Commercial Directorate
C2/West
Longview Road
Morrison
Swansea
SA6 7JL

Website: www.gov.uk/browse/driving

Twitter: [@dvlagovuk](https://twitter.com/dvlagovuk)

Date:

Dear Customer,

Letter of Agreement between DVLA and North Devon District Council (Devolved Powers Partner) for the purpose of identifying Vehicle Excise Duty (VED) offences for enforcement of untaxed vehicles.

The purpose of this Letter of Agreement (in conjunction with the Code of Practice issued with this agreement) is to set out the basis upon which DVLA agree to share the devolved powers with the Devolved Powers Partner (DPP).

DVLA agree to share the devolved powers with North Devon Council (the DPP) to facilitate the identification of unlicensed vehicles and undertake enforcement action against offences under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended), section 29 of the Vehicle Excise & Registration Act 1994 (as amended) and Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 (as amended). The DPP, separately from the DVLA, shall be the Data Controller and is directly accountable for any actions it takes under those Regulations.

In order to pursue enforcement activity, Automatic Number Plate Recognition (ANPR) equipment is acknowledged as a means of identifying unlicensed vehicles to take enforcement action on. Where agreed, DVLA will provide the DPP with data of unlicensed vehicles in Great Britain via a CD-ROM and the data may be uploaded to in-vehicle ANPR equipment that is operated by the DPP for the purpose of identifying Vehicle Excise Duty offences under the Regulations. Information in relation to this service is contained in ANNEX B of the Letter of Agreement.

The parties agree that action taken under the DPP scheme is for the purpose of the DPP and the DPP is not a processor on DVLA's behalf.

The DPP shall be the Data Controller of each item of data received from the DVLA from the point of receipt of that data by the DPP or a Sub-Contractor acting on the DPP's behalf, and shall be responsible for complying with data protection principles in relation to its further Processing of that data. The DPP shall enter into a written contract with its Sub-Contractor and The DPP will retain Data Controller responsibilities while the Sub-Contractor is a Data Processor. The DPP shall be responsible for the acts and omissions of its Sub-Contractors as though they are its own.

DPP Letter of Agreement V2.0

Agenda Item 6

Appendix a

DVLA can provide no guarantee that a vehicle is still unlicensed at the time of sighting. A secondary check for authorisation must always be made before taking physical enforcement action. The DPP must only use the Vehicle Enquiry Service (VES) or Web Enabled Enquiries (WEE) system to request data relating to enforcement action. If the DPP wishes to access the details required for enforcement action via the Web Enabled Enquiries (WEE) system, the DPP must have a separate valid Data Contract with the DVLA to do so.

This Agreement is valid from the date when both Parties have signed and will remain in force until terminated by either party in writing. Once signed by both parties, this agreement will supersede all prior contracts, representations, writings, negotiations or understandings between DVLA and North Devon Council with respect to the devolved powers. DVLA reserve the right to review this agreement at any time.

This Agreement is opened ended and may be terminated by either party, giving 3 months written notice to the appropriate Point of Contact in Annex A.

This Letter of Agreement and associated Annexes form a legally binding agreement between the parties.

Signed on behalf of the
Agency (DVLA)

Signed on behalf of North Devon District Council

Signature.....

Signature.....

Name.....

Name.....

Position.....

Position.....

Date.....

Date.....

ANNEX A

Points of Contact

1. DVLA Point of Contact:

Name: Paul Davies
Position: National Wheelclamping Manager

Contact Address: Enforcement Centre
D12/West
DVLA
Swansea
SA6 7JL

Telephone: 01792 786076
Email: Paul.Davies5@dvla.gov.uk

2. Devolved Power Partner's Point of Contact:

Name: Darren Hale
Position:

Contact Address:

Telephone:
Email: Darren.hale@northdevon.gov.uk

ANNEX B

ANPR DATA

Legal Basis

DVLA has the legal power to share the Data for the Purpose under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended) and Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002

Description of the Data and Method of Sharing

DVLA agrees to share the data of unlicensed vehicles in Great Britain via a CD-ROM with the DPP to facilitate the identification of unlicensed vehicles and the undertaking of enforcement action.

The DPP, separately from the DVLA, shall be the Data Controller of the data it receives from DVLA and shall be responsible for complying with the principles of any relevant Data Protection Legislation in relation to its processing.

DVLA will regularly produce an updated copy of the Data file and despatch one physical copy of the file on an encrypted CD-ROM to the DPP PoC (as nominated in Annex A). An email will be sent to the DPP PoC with password information to access the encrypted CD-ROM. The encrypted CD-ROM will contain a file with details of vehicles, whose records at DVLA satisfied a specific set of criteria on the date from which the file was generated. This means that the file will normally contain details of vehicles which were either unlicensed or had a Statutory Off Road Notification ("SORN") when the file was generated.

The production and despatch of the data file will normally be fortnightly every other Friday, subject to availability of DVLA resource. Where this falls on a public holiday, it will normally occur on the next working day. DVLA reserves the right to amend this schedule at any time and with immediate effect.

The format, naming and content of the file is specified by DVLA, and DVLA makes no guarantee of compatibility with any specific form of ANPR equipment, nor is it liable for any issues arising from compatibility.

If the DPP experiences difficulties loading or reading the data, they should first follow their usual technical support route for their ANPR equipment. If this shows the equipment to be in order, the DPP should inform the DVLA Point of Contact who will then investigate.

DVLA will despatch the CD-ROM via an approved secure courier and DVLA will be responsible for the costs of despatch.

The DPP will ensure that the chain of responsibility for the data, from its receipt to its secure destruction is documented. The DPP will retain this document for at least 1 year, following destruction of the data, and make it available to DVLA upon request.

The DPP shall not use the data for any other purpose than the purpose described in the agreement.

Accuracy of the Data

DVLA will take reasonable steps to ensure that the data is accurate and up to date before it is transmitted to the DPP. However, DVLA does not warrant the accuracy of the records provided. DVLA does not accept liability for any inaccurate information supplied to it by the vehicle keeper or any other source beyond its control.

DVLA shall not be liable to the DPP for any claim for loss or damage, however caused, through possible inaccuracies in the records supplied.

In practice, the DPP should treat the sighting of a vehicle for which there is a match in the data file only as an indication that the vehicle is potentially unlicensed, as DVLA can provide no guarantee that the vehicle is still unlicensed at the time of sighting. A secondary check for authorisation must always be made before taking physical enforcement action. The relevant procedures are covered in the Devolved Powers training manual provided by DVLA.

Retention of the Data

The DPP shall retain the data only for as long as is necessary, in line with data protection legislation and the purpose for which the data was collected, and shall arrange for the secure destruction or deletion of data in line with data protection legislation.

Audit and Inspection

The DVLA, or an agents acting on DVLA's behalf, reserve the right to carry out a review of the DPP's compliance with the terms of this agreement and compliance with the data protection and processing provisions, contained within this agreement. The DPP shall cooperate fully with any such review and allow the DVLA or an agent acting on its behalf access to its premises, equipment, evidence and staff for the purposes of the inspection. DVLA will give at least 7 working days' notice of such inspection.

Charges

Whilst the current service will be free of charge, DVLA reserves the right to:

- levy a reasonable administration fee for this service; and
- pass on to the DPP any charges incurred in any future system development necessary for the continued provision of the service.

DVLA will give the DPP as much notice as is practically possible before a charge is made for this service.

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North Devon Council

Report Date: Monday, 2 September 2024

Topic: CCTV Annual Report

Report by: Hannah Harrington, Place Manager (Town Centres)

1. INTRODUCTION

1.1. This purpose of this report is to provide members with an annual report for the North Devon Council Public Surveillance CCTV system.

2. RECOMMENDATIONS

2.1. To note the contents of the annual report.

2.2. To consider the outcomes of the Equality Impact Assessment as summarised in paragraph 6 of the report.

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure compliance with the Surveillance Camera Code of Practice to ensure North Devon Council's system remains necessary, proportionate and effective

4. REPORT

4.1. In June 2013 the Home Office published the 'Surveillance Camera Code of Practice' (the code). The code was issued under Section 30 of the Protection of Freedoms Act 2012 and certain operators of surveillance camera systems, which includes the Council, must consider the guidance in the report. An amended code was introduced in January 2022.

4.2. The code requires that regular reports are published and that regular reviews of the CCTV surveillance system undertaken to ensure it remains necessary, proportionate and effective. The review should be on a regular basis, but at least annually. There is an expectation that published reports will contain information about the review of the locations.

4.3. The 2023 annual review was undertaken by the North Devon Council Scheme Manager and CCTV Supervisor and the annual report (attached as appendix 1) contains a list of the camera locations and comments about the appropriateness of their location.

4.4. The report states that the camera locations are all considered appropriate at this time. Subsequent reviews will continue to be carried out regularly and each year as a minimum



5. RESOURCE IMPLICATIONS

5.1. The direct cost of providing the CCTV system in 2023-2024 financial year was £191,000

6. EQUALITIES ASSESSMENT

6.1. CCTV is an effective tool in tackling crime and antisocial behaviour, helping to safeguard anyone living, working or visiting North Devon. The annual review and ongoing monitoring of equality related issues in respect of the CCTV system have not given rise to any concerns and additionally confirm the positive impact / benefits to all protected characteristics as set out in this equality impact assessment.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no anticipated environmental implications arising from the annual 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: there is an opportunity for the CCTV hub to provide an income stream to the Council. Council approved a report setting out the offer and associated fees for the service in March 2023. The opportunity continues to be promoted to Town and Parish Councils.

8.1.2. Improving customer focus: the CCTV service benefits the local community and helping to address some of the key concerns that customers have around feelings of safety.

8.1.3. Regeneration or economic development: the presence of CCTV contributes to people's feelings of safety and encourages them to visit towns thus supporting the regeneration and economic development of those towns.

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 paragraph 1, delegated

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:

- Surveillance Camera Code of Practice
- North Devon Council CCTV Scheme Code of Practice



12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Hannah Harrington (Place Manager, Town Centres)

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**NORTH DEVON COUNCIL
PUBLIC SPACE CCTV ANNUAL REPORT
2023**

Introduction

North Devon Council (NDC) has operated public open space CCTV cameras since 1998 covering Barnstaple Town Centre and surrounding areas. The original scheme in Barnstaple has been added to and there are now 37 cameras operational across North Devon including 1 deployable camera, with the vast majority within Barnstaple Town Centre. The CCTV team also monitor the out of hours period for North Devon Crematorium due to issues of vandalism and ensuring public safety.

Green lanes shopping centre has a further 34 cameras monitored by their own SIA licensed operators. There are 17 cameras that cover Ilfracombe Harbour that are monitored by the Harbour Master. There are 8 cameras in South Molton which are not live monitored and are reviewed on request.

The cameras are grouped in the following categories/locations:

- Barnstaple Town Centre and surrounding areas
- Green Lanes Shopping Centre
- Ilfracombe Harbour
- Ilfracombe Town Centre.
- South Molton.
- North Devon Crematorium

The cameras are permanently recording 24 hours a day, 365 days a year and actively monitored for the majority of that time by fully SIA licensed operators. The operatives are in close contact with the Police at all times and the businesses within Barnstaple Town centre through Storennet.

The principal partners in this CCTV scheme are North Devon Council, Devon and Cornwall Constabulary and Devon County Council.

Background

Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all they reasonably can to prevent:

- a. Crime and disorder in their areas (including anti-social and other behaviour adversely affecting the local environment).
- b. The misuse of drugs, alcohol or other substances, and
- c. Reoffending in their areas.

This will lead to improvements in people's quality of life as a result. To deliver against these requirements, government funding was made available during the 1990s and early 2000s and the Council utilised this to install its initial CCTV scheme.

In 2021, the council, in partnership with the Devon and Cornwall Police and Crime Commissioner (PCC) invested significantly in the scheme to upgrade the monitoring, transmission and camera technology. This has resulted in the

complete overhaul of the current Fibre Optic technology to an internet protocol (IP) system complete with new High Definition (HD) cameras and an improved Video Management System to both reduce costs on the council and provide better performance from the newer technology.

This has also enabled the North Devon CCTV system to become a hub for the whole of North Devon whereby other towns and parishes within the North Devon area can connect to and be monitored. Currently Ilfracombe town centre has two cameras operated by the hub and South Molton 8 cameras.

Management responsibility for the monitoring, operation and technical maintenance of the CCTV scheme is undertaken by the Council's Place, Property and Regeneration services. The system is owned and maintained by North Devon Council and operates the Control Room. Either one or two members of staff, depending on operational requirements, undertake the monitoring. The scheme is operated in compliance with the internal approved North Devon Council CCTV Code of Practice, which has been agreed with the Police and has been prepared as guidance for Council staff and the operators of the system.

In operating its public space surveillance system, North Devon Council's internal Code of Practice supports all the principles contained within:

- The European Directive 95/46/EC
- The Human Rights Act 1998
- The Regulatory and Investigatory Powers Act 2000
- The Protection of Freedoms Act 2012
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)

The Council's system is listed on the Data Protection Register of the Information Commissioner's Office, registration number is Z6207692.

The Protection of Freedoms Act 2012 introduced restrictions on the use of local authorities' surveillance powers, particularly with regards to covert surveillance. The Act also provides for the regulation of CCTV by the Secretary of State and the provision of a Code of Practice. As a result, an amended Code of Practice was introduced in January 2022 which can be accessed via www.gov.uk/government/publications/update-to-surveillance-camera-code.

Under section 33 of the Protection of Freedoms Act 2012, local authorities are under a duty to have regard to the code when exercising any function to which it relates. The Council is committed to the principles of the code and have completed the self-assessment tool. The Data Protection Impact Assessment for the Council's CCTV surveillance has been received and is considered appropriate and up to date.

The Council's Code of Practice, Data Privacy Impact Assessment and Self-Assessment tool are all published on the Council's [website](#).

What is the system used for?

The Surveillance Camera Commissioners code details that the use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

It states that such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others.

The North Devon Council scheme is operated in relation to the prevention of disorder or crime and the reduction of the fear of crime. Additionally it may be used in relation to public safety.

The CCTV scheme is operated within applicable law/guidance and only for the purposes identified above. The scheme will be operated with due regard to the privacy of the individual.

What will the system not be used for?

It will not be used to gather information on people going about their lawful business. To encourage confidence in the system all cameras used by the CCTV operation at North Devon Council are overt and their presence is clearly indicated by signs covering the CCTV area. In addition, the locations of all NDC operated cameras can be found at: <https://www.northdevon.gov.uk/community-safety-and-emergencies/cctv>.

The system will **not** be used to enforce minor breaches of law that do not impact adversely upon public safety or the quality of life. Information recorded will only used by the District Council, Police and other statutory Law Enforcement Agencies. It will not be used for the enforcement of parking regulations.

Surveillance Camera Code of Practice – review of cameras

The Surveillance Camera Commissioner Code requires schemes to be used for a specific purpose, which is in pursuit of a legitimate aim and necessary to meet an identified pressing need. In addition, the use must take account of the effect on individuals and their privacy.

The Council recognises the need to have due regard to privacy when installing CCTV cameras and the Councils CCTV system includes privacy setting software that allows for parts of an image to be blanked out. This feature is promoted during public consultation for new cameras, to provide reassurance to residents that the scheme is designed to monitor public open space and to highlight that the Council takes concerns regarding privacy very seriously. In response to privacy concerns, cameras that are situated near to residential

properties have privacy settings that blank out either windows or entire properties.

All the CCTV operatives are Security Industry trained and fully aware of privacy issues.

The Code also details that a scheme has to be managed by an individual and that this individual can be contacted in relation to complaints or queries about the system, including privacy issues. The Place Manager (Town Centres) fulfils this role and this is publicised on the Council's website. The contact details are as follows Email Hannah.Harrington@northdevon.gov.uk

In accordance with the principles of the Code, The Council will review its CCTV system regularly, but at least annually.

The results of this review are shown in **Appendix 1**. The review was conducted by the North Devon CCTV Scheme manager and the CCTV Supervisor.

All locations are currently deemed to be appropriate. Additionally, it is not currently thought that there are any additional privacy issues, however, as stated if any are raised they will be dealt with appropriately.

Highlights from the operation of the System 2023.

The number of incidents and observations for the service in 2023 are shown in **Appendix 2**. The key highlights are as follows:-

- CCTV staff were involved in 1766 incidents / observations (1827 the previous year).
- CCTV staff were involved in 96 arrests by Devon and Cornwall Police (96 the previous year).
- CCTV staff were involved in 438 missing/vulnerable person "events" (316 the previous year).
- 547 incidents were identified by the operators themselves, through their general monitoring.
- CCTV carried out 575 reviews of footage of which 184 incidents were produced for Police enquiries as evidence.

Monitoring details

The images from the Council's CCTV cameras are monitored in a specifically designed secure monitoring suite in Barnstaple. They are monitored by fully licensed SIA staff you have undergone appropriate training to industry led standards.

During the unmanned hours images from all the cameras are recorded and images kept for 28 days before being deleted. Footage can be archived if it is requested by the Police in relation to a specific case, however, this footage is

limited to a further 90 days retention and is deleted either when the 90 day period has expired or the when the footage is no longer needed whichever comes first.

The Code details that access to retained images and information should be restricted and that there must be clearly defined rules on who can gain access and for what purpose such access is granted. The disclosure of images or information should only take place when it is necessary for such a purpose or for law enforcement purposes. The Council's internal CCTV Code of Practice details how and when images and information can be released to the Police or Senior Management from the Council. In addition, exceptionally, authorised bodies, such as insurance companies, can be provided with images/information.

Future plans

Following the successful upgrade of the Barnstaple town Centre CCTV scheme in 2021 the following areas are due to be included into the Scheme.

- Further Barnstaple Town Centre cameras at Boutport street junction with Queen Street and Castle green
- A mobile camera.
- Anchorwood Business park
- Seven Brethren Business park

Maintenance

The Council has a contract with a specialist contractor to provide maintenance to the system. The requirement of the contract is that the contractor responds to faults within certain specified time limits.

Complaints

The Code details that system operators should also record and publish information in relation to any complaints it receives about CCTV. For the period of this report zero complaints were received.

Regulation of Investigatory Powers

During the period in question no covert surveillance took place

Appendix 1: North Devon Council CCTV Camera - Review 2023

Camera Number	Location	Main impact / purpose of camera	Location appropriate
1	Mermaid Cross	Crime and ASB	Y
2	Boutport Street / Joy Street	Crime, ASB and night time economy	Y
3	Queen Street Car Park	Crime, ASB and night time economy	Y
4	Queen Street	Crime, ASB and night time economy	Y
5	Boutport Street / High Street	Crime, ASB and night time economy	Y
6	The Strand	Crime, ASB and night time economy	Y
7	Cross Street	Crime, ASB and night time economy	Y
8	Patenostra Row	Crime, ASB	Y
9	High Street / Butchers Row	Crime, ASB	Y
10	Cattle Market Car Park / Tuly Street	Crime, ASB	Y
11	The Square / Long Bridge	Crime, ASB, night time economy may assist in the recognition of pedestrians/vehicles involved in crime on major access route	Y
12	Pannier Market	ASB, Public Safety, Theft and asset protection	Y
13	Silver Street / Diamond Street	ASB and theft	Y
15	Belle Meadow Court	ASB and Criminal Damage	Y
16	Belle Meadow road and Car Park)	Crime, ASB may assist in the recognition of pedestrians/vehicles involved in crime on major access route	Y
17	Bear Street	Crime, ASB	Y
18	Bear Street Barrow Clark	Crime, ASB	Y
Camera Number	Location	Main impact / purpose of camera	Location appropriate
21	Braunton Road / Pottington	may assist in the recognition of vehicles involved in crime on major access route and missing people	Y
22	Barnhenge / Taw Bridge	Welfare concern / Missing people and may assist in the recognition of vehicles involved in crime on major access route	Y
28	The Square	Crime, ASB, night time economy may assist in the recognition of pedestrians/vehicles involved in crime on major access route	Y
29	Rock Park Childrens play area.	ASB and public safety	Y
30	Rock Park Skate Park	ASB	Y

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Appendix a

31	Railway Station platform	Crime, ASB may assist in the recognition of pedestrians/vehicles involved in crime on major access route	Y
33	Rock Park Town Council Depot	Theft and asset protection	Y
35	High Street	Footcount crime and ASB	
40	Bus Station Internal	ASB, Public Safety Asset protection	Y
41	Bus Station External entrance	ASB, Public Safety	Y
42	Bus Station External approach	ASB, Public Safety	Y
43	Ilfracombe Harbour	Crime, ASB and public safety	Y
44	Ilfracombe High Street	Crime, ASB and public safety	Y
DEPL	Deployable CCTV	Crime, ASB and public safety	Y

New cameras

GL	Green Lanes	ASB, Public Safety Asset protection	Y
SM	South Molton	ASB, Crime	Y
Crem	North Devon Crematorium	ASB, Public Safety Asset protection	Y

Appendix 2: Incidents & Observations Report For North Devon Council Public Space CCTV, 1 January 2023 – 31 December 2023

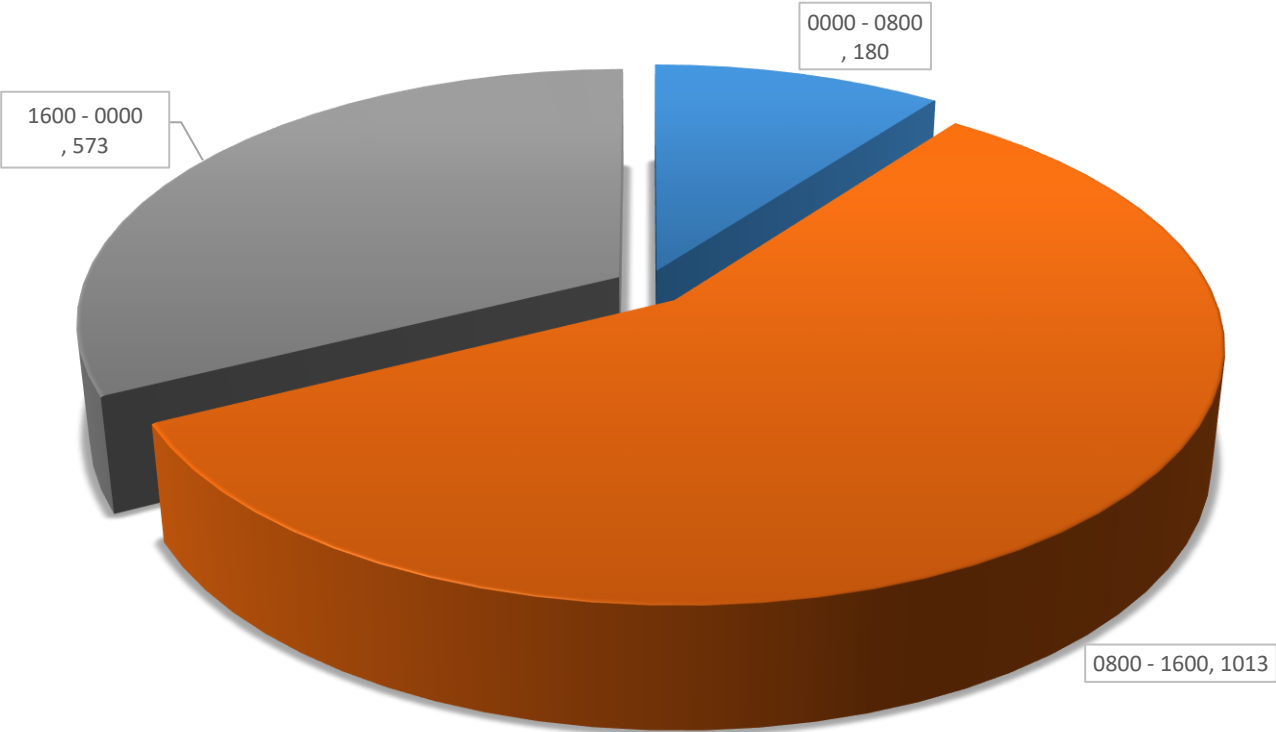
Incidents & Observations by Location - Monthly Table

Camera Number	Camera's detecting incidents	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1	Mermaid Cross	10	6	6	5	2	5	6	5	5	10	7	5	72
2	Joy Street/Boutport Street	12	14	9	16	14	12	9	13	27	17	18	8	169
3	Queen Street Car Park	2	0	4	5	1	8	2	3	5	2	3	1	36
4	Queen Street	12	18	7	18	11	13	11	17	10	10	13	12	152
5	Boutport Street/High Street	10	7	5	8	4	6	8	8	8	10	12	6	92
6	The Strand/Maiden Street	2	1	5	9	3	3	2	6	2	6	3	1	43
7	Cross Street/The Strand	3	0	0	1	1	2	7	3		2	3	2	24
8	Paternosta Row	6	6	2	10	3	5	12	5	7	6	2	3	67
9	High St/Butchers Row	33	37	25	14	17	25	18	26	34	33	26	36	324
10	Tully Street	9	10	7	6	3	11	10	10	9	14	15	8	112
11	The Square/Long Bridge	1	2	1	7	6	7	3	4	3	5	8	6	53
12	Pannier Market/Market Street	1	0	1	2	1	2	1	0	0	0	0	3	11
13	Silver Street/Diamond Street	2	4	7	9	9	4	6	4	7	7	2	3	64
15	Belle Meadow Court	2	2	2	1	0	0	2	1	1	2	0	0	13

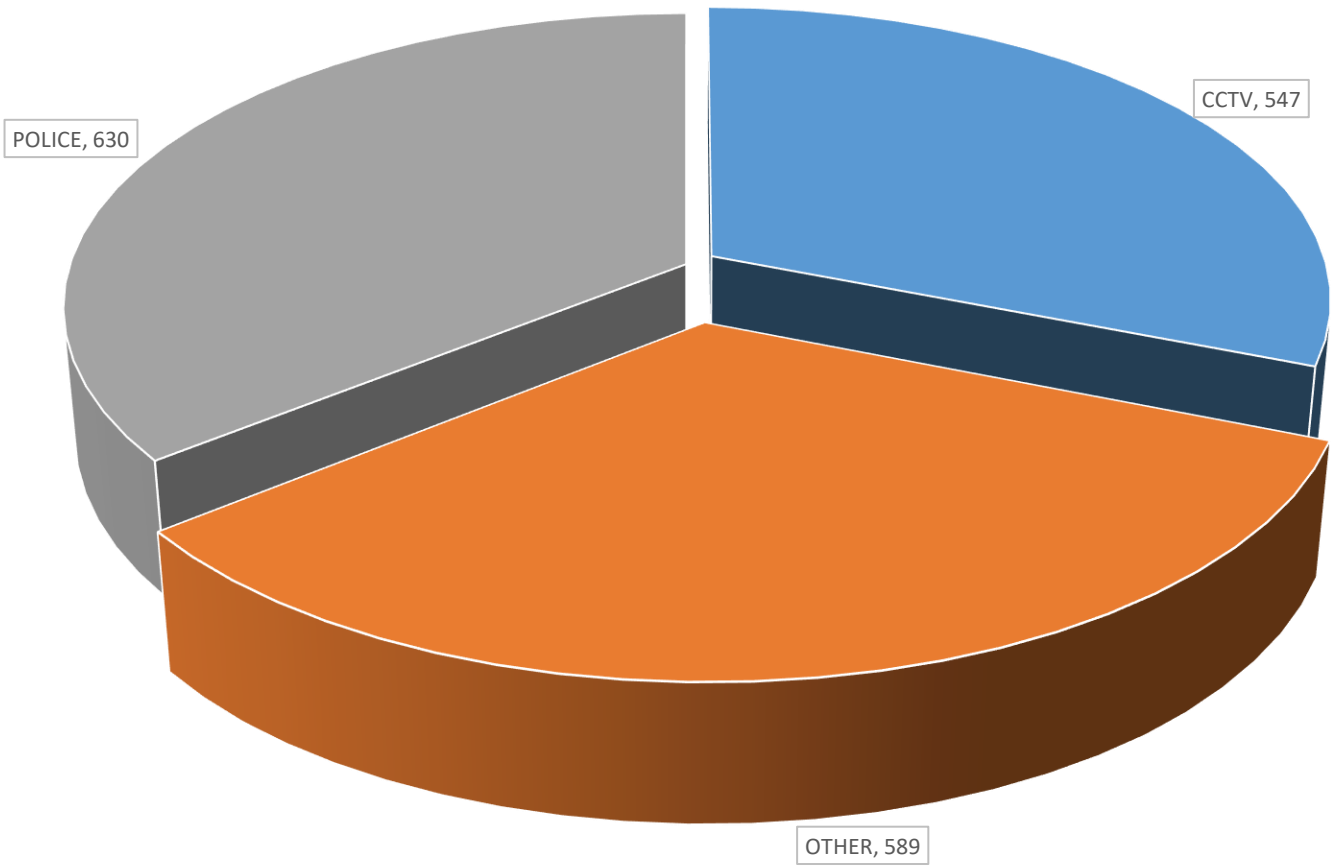
16	Belle Meadow Road & Car Park	1	0	1	0	1	2	0	1	0	0	1	1	8
17	Bear Street	4	1	6	6	3	1	5	3	7	3	5	7	51
18	Bear Street Barrow Clark									1	1		1	3
21	Braunton Road / Pottington	0	0	0	0	0	0	0	0	0	0	0	0	0
22	Barnhedge Roundabout	6	3	1	7	1	3	3	5	6	4	3	5	6
23	High St / Church Walk	1	5	4	3	7	3	3	5	7	6	6	2	1
28	Diamond St/Square	0	3	0	4	2	0	0	1	4	4	0	0	18
29	Rock Park Play area	1	0	2	4	0	2	2	4	1	2	3	0	21
30	Skate Park	0	0	0	0	0	1	0	0	0	0	0	0	1
31	Sticklepath Terrace	0	0	0	0	0	1	0	0	0	0	0	0	1
33	Rock Park Yard	0	0	0	0	0	0	0	1	1	0	0	0	2
35	High Street	0	0	0	0	0	0	0	0	0	0	0	0	0
40	Bus Station Internal	0	0	0	0	0	0	0	0	0	0	0	0	0
41	Bus Station Internal	0	0	0	0	0	0	1	0	0	1	1	1	4
42	Bus Station Internal	0	0	0	0	0	0	0	0	0	1	0	0	1
43	Ilfracombe Harbour	1	0	0	1	1	2	1	2	0	1	1	0	10
44	Ilfracombe High Street	0	4	3	3	2	1	3	4	2	4	3	1	30
GL	Green Lanes	2	0	0	0	0	0	1	1	1	1	0	0	6
GND	Go North Devon	0	0	0	0	2	0	0	0	0	0	0	0	2
SM	South Molton	0	0	0	0	0	0	1	0	0	0	0	0	1

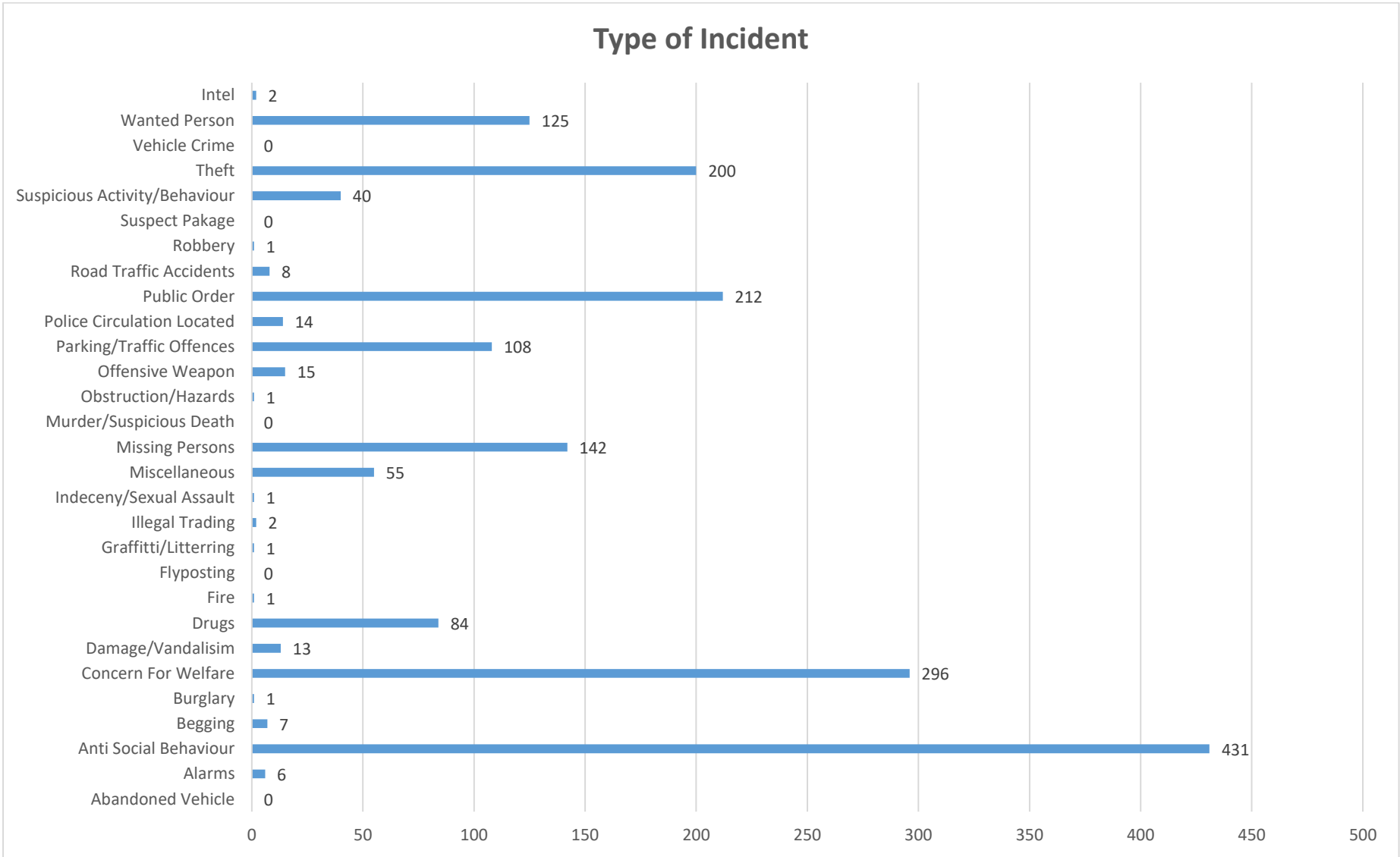
	All Cameras	18	16	21	18	18	26	27	26	44	31	18	20	28 3
	Not Applicable	0	4	2	3	2	2	0	3	5	4	7	0	32
	Total	140	146	109	155	105	142	136	159	195	191	160	128	1766

24 HOUR BREAKDOWN RELATING TO NUMBER OF INCIDENTS

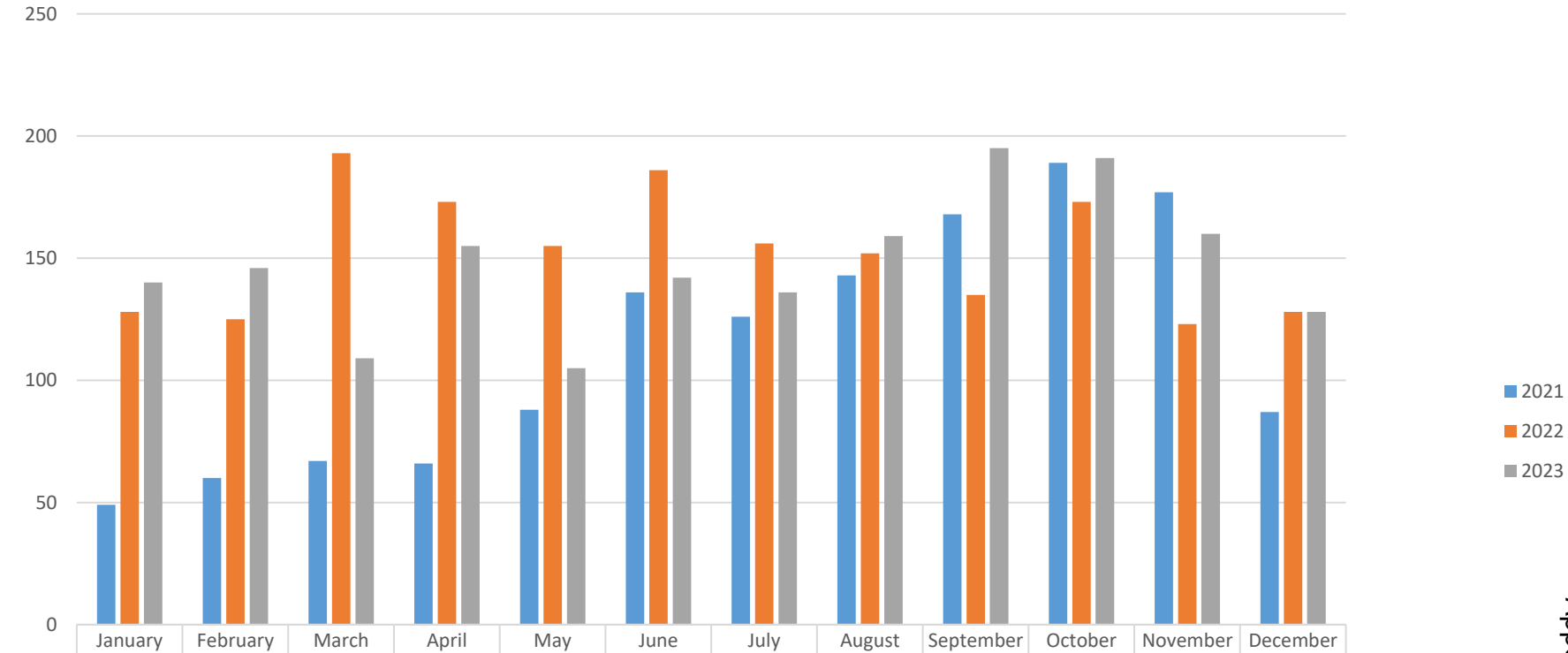


How Incident was made known



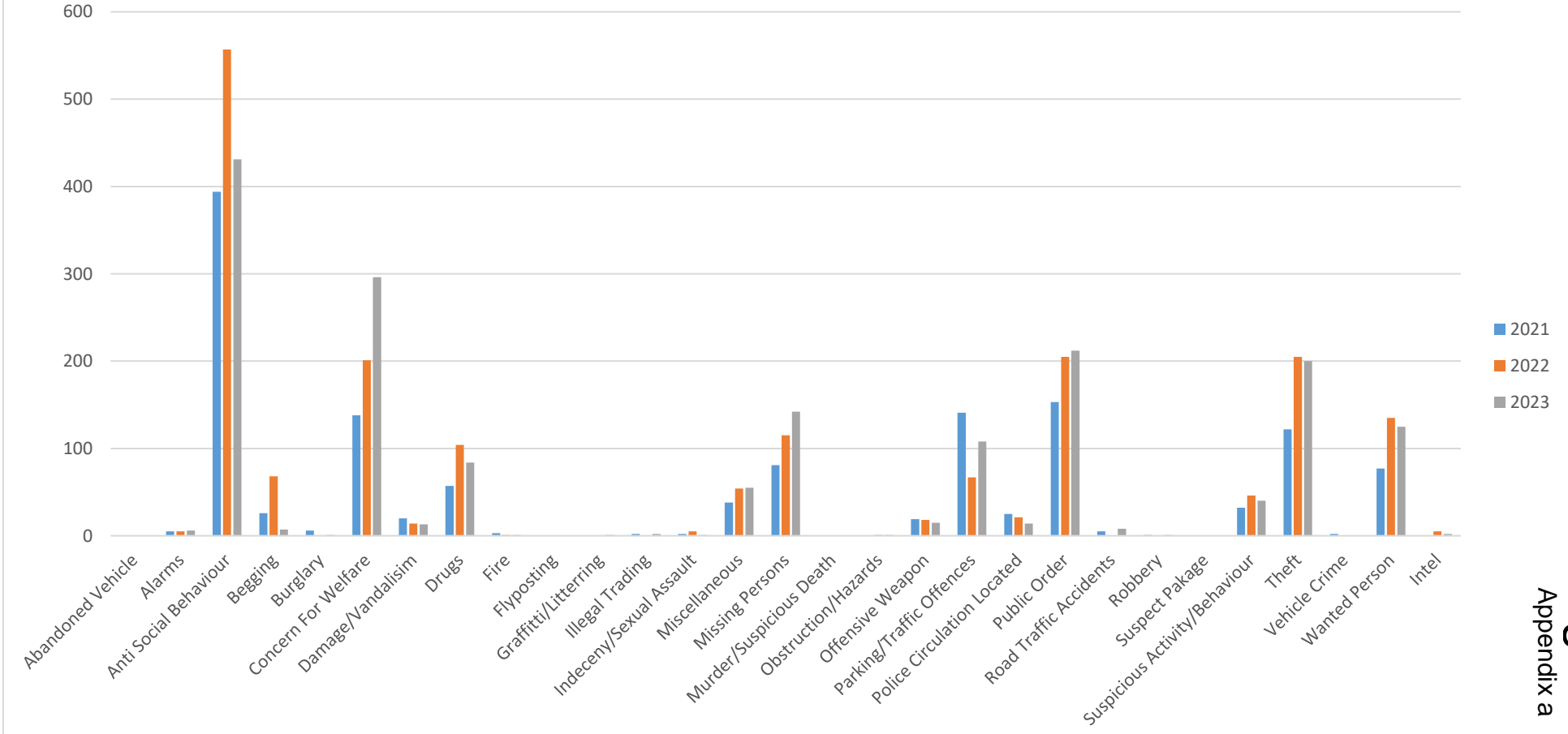


Incidents by Month comparison



	January	February	March	April	May	June	July	August	September	October	November	December
2021	49	60	67	66	88	136	126	143	168	189	177	87
2022	128	125	193	173	155	186	156	152	135	173	123	128
2023	140	146	109	155	105	142	136	159	195	191	160	128

Incidents Comparison by year



Equality Impact Assessment

Service Area: CCTV, Place, Property and Regeneration

Head of Service: SarahJane MackenzieShapland

Lead Officer: Hannah Harrington

Date of Assessment: 21/08/2024

Name of policy/function/project/service area to be assessed: North Devon Public Space CCTV system – annual review

Brief description of proposal to be assessed: Closed Circuit Television (CCTV) is an effective tool in tackling crime and anti-social behaviour, helping to safeguard vulnerable residents and anyone living, working or visiting North Devon. North Devon Council (NDC) has operated public open space CCTV cameras since 1998 covering Barnstaple Town Centre and surrounding areas. The original scheme in Barnstaple has been added to and there are now 37 cameras operational across North Devon including 1 deployable camera, with the vast majority within Barnstaple Town Centre. There are 17 cameras that cover Ilfracombe Harbour that are monitored by the Harbour Master.

The cameras are permanently recording 24 hours a day, 365 days a year and actively monitored for the majority of that time by fully trained SIA (Security Industry Authority) licensed operators. The operators are required to adhere to security measures put in place such as secure access to systems and maintaining appropriate audit trails. The CCTV Supervisor carries out regular inspections, thereby mitigating the risk of misuse of data.

North Devon Council's code of practice for CCTV sets out how the Council and its partners ensure the operation of our CCTV systems comply with the law, including the Data Protection Act 1998, Regulation of Investigatory Powers Act (RIPA 2010) and the Protection of Freedoms Act 2012. The code also describes the rules that will be followed so that the system is operated in a way that ensures privacy, integrity and fairness.

CCTV is primarily used to facilitate crime detection and reduction, however it is also known to assist in; reducing the fear of crime, supporting the prosecution of offenders through the provision of CCTV evidence and the Criminal Justice System; supporting key stakeholders such as Devon and Cornwall Police in their day to day activity, physical presence of the cameras throughout our town centres also acts as a deterrent.

The operatives are in close contact with the Police at all times and the businesses within Barnstaple Town centre through Storenet. The principal partners in this CCTV scheme are North Devon Council, Devon and Cornwall Constabulary and Devon County Council.

For the reasons outlined above, it is clear that CCTV has an overall positive impact on all the protected characteristics contained within the Equality Act 2010.

The CCTV team is currently fully resourced to ensure effective management and delivery of the service and any associated contracts with its providers. This EIA has considered the impact of general and targeted surveillance on members of the public from the protected groups.

Proposed implementation date of project/proposal: Ongoing

Brief description of the anticipated outcomes of the proposal:

Proposal	Current Arrangement	Proposed Arrangement	Comment
The ongoing provision of a public space CCTV service	There are 37 cameras in North Devon operated by NDC to prevent disorder or crime and to reduce the fear of crime	Ongoing	Ongoing overt public surveillance

Consultation:

Regular reviews (at least annually) of CCTV are undertaken including protocols, procedures and information sharing agreements to ensure the council remain fully compliant. As a result of these, no issues relating to equalities have been identified as areas of concern. An annual review is undertaken to identify and action any changes to the system, this includes reviewing the justification for each camera, in each locality to ensure they are still necessary and proportionate; and do not have an adverse or negative impact on any community or individual – for example all site inspections and reviews consider privacy intrusion.

Demographic Data by protected characteristic:

Within the North Devon District area the population is: 48.7% Male and 51.3 % Female.

Age: 16.7% aged 15 and under; 4% aged 16 to 19; 31.4% aged 20 to 49; 35.6% aged 50 to 74; 12.3% aged 75 and above

Race: The population of North Devon identifies as: Asian, Asian British, or Asian Welsh 1.2%; Black, Black British, Black Welsh, Caribbean or African 0.3%; Mixed or Multiple ethnic groups 1.2%; White 97%; Other 0.3%

Religion or Belief: According to the 2021 Census, 46.7% stated they were Christian, with 45.1% stating they were not of a specific religion. 6.5% did not answer the question. The remainder (1.7%) include Buddhist, Muslim, Jew, Hindu, Sikh and 'other'.

Sexual orientation (*asked of those over 16): 90.3 % identified as Straight or Heterosexual, 1.1% Gay or Lesbian, 1% Bi-sexual, 0.3% Pansexual or Asexual, 7.4% did not answer.

Gender (*asked of those over 16): 94.1% identified as the same sex as registered at

birth. 0.3% identified as a different sex to that registered at birth, 5.6% did not answer.

Disability / Long term health: 72.7 % stated they were not disabled under the Equality Act – with no long term physical or mental health conditions. 11.6 % stated they were disabled under the equality act –with day-to-day activities limited a little. 8 % stated they were disabled under the equality act –with day-to-day activities limited a lot. 7.8 % stated they were disabled under the equality act – having a long term physical or mental health condition but day-to-day activities were not limited.

Impact:

CCTV has the ability to have a positive impact across all equality groups as its main purpose is to prevent and reduce crime; and reduce the fear of crime for anyone living, working in North Devon.

Characteristic	Impact	Scale of Impact (High/Med/Low)	Can it be mitigated?
All	The annual review and ongoing monitoring of equality related issues in respect of the CCTV system have not given rise to any concerns and additionally confirm the benefits to all protected characteristics as set out in this impact assessment. The impact of the service is therefore considered to be positive.	Medium	Continue to deliver a fully functioning CCTV system, which will protect all residents and visitors to North Devon.

Consideration of Alternatives:

The alternative is to not provide a service which would have a negative impact on all characteristics

Funding Considerations:

Funding for the service is within the Council's revenue budgets

Monitoring Arrangements:

The Scheme Manager will regularly review the EIA, in line with legislative changes or good practice. The system is reviewed at least annually to ensure the system remains necessary, proportionate and effective.

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

Annually

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:

Corporate and Community Services Use Only: Date of publication to NDC

Website: Click or tap to enter a date.



North Devon Council

Report Date: 2 September 2024

Topic: Pavement Licensing Legislative Amendments and Variation to Fees

Report by: Lead Officer Commercial Regulation

1. INTRODUCTION

- 1.1. The [Levelling Up and Regeneration Act 2023](#) has created a series of amendments to the [Business and Planning Act 2020](#) which are of significance to the Council's pavement licensing regime. The legislative amends are in respect of pavement licence duration; a new renewal process; consultation periods; enforcement powers; and fees.
- 1.2. Consideration of the legislative amends is required, and there is a proposal to vary fees for the grant of Pavement Licence and introduce a new fee for the renewal of such a licence.

2. RECOMMENDATIONS

It is RECOMMENDED that Strategy and Resources Committee:

- 2.1. Consider the changes made to the Business and Planning Act 2020 by way of the Levelling Up and Regeneration Act 2023.
- 2.2. Instruct officers to update current pavement licence procedures to meet legislation set out in the Levelling Up Act 2023 and to issue licences for the maximum two year period (it is noted that web amends have already been undertaken to reflect the amended provisions).
- 2.3. Recommend to Full Council the approval of the following new/amended pavement licence application fees:
 - 2.3.1 £500 for the grant of a pavement licence (with a refund of £207 if a licence is not granted).
 - 2.3.2 £350 for the renewal of a pavement licence (with a refund of £207 if a licence is not renewed).
 - 2.3.3 Enforcement fees for removing and storing furniture: reasonable charges will be made in line with cost recovery, and invoiced directly based upon furniture size, weight, and quantity.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To keep abreast of legislative changes.
- 3.2. Changes to the Council's procedures are required, namely to bring into effect a new renewal process; extend the consultation time for licences; and to



amend the standard conditions to be reflective of the fact there is no need to reference the impact on a Public Space Protection Order re the consumption of alcohol (webpage amends have already been made).

- 3.3. The introduction of a new renewal fee and amendment of the Council's fee for the grant of a Pavement Licence will better enable the Council to recover its costs associated with the administration and regulation of the pavement licensing regime. Additionally for circumstances where the new enforcement provisions under the amended legislation are to be utilised, there is a need for clarity to those involved over the charges that will be made for the removal or storage of any furniture.

4. REPORT

- 4.1 The Council is responsible for the administration and regulation of Pavement licences under the Business and Planning Act 2020. Pavement Licences are issued for movable furniture on part of a relevant highway for a licence-holder to sell or serve food or drink and allow customers to consume such food/drink in connection with the relevant use of a premises.
- 4.2 Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.
- 4.3 Licences can only be granted in respect of highways listed under [section 115A\(1\) Highways Act 1980](#). Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.
- 4.4 The provisions in part 1 of the Business and Planning Act 2020 (BPA 20) were initiated in response to Covid-19 and designed to allow businesses to gain licences quickly. These provisions were only originally intended to remain in place for a temporary period. Section 10 of the Act originally stated that the provisions would expire at the end of 30 September 2021. The Levelling Up and Regeneration Act 2023 made permanent the provisions set out in the BPA 2020, these changes came into effect as of 31 March 2024.
- 4.5 The Department for Levelling Up, Housing and Communities issued [guidance](#) pertaining to the amended pavement licensing regime on 2 April 2024.
- 4.6 The main amendments made to the pavement licensing provisions include the following:
 - 4.7.1 [Section 115E \(5\)](#) of the Highways Act 1980 no longer facilitates a licence being granted under that Act for anything which is capable of being authorised by a Pavement Licence under section 1 of the Business and Planning Act 2020. As such, Devon County Council has now stopped issuing pavement licences.



- 4.7.2 There is now the provision of both a grant and renewal process (previously no renewal process existed under the BPA 2020). For the purposes of the amended provisions an application is a renewal application if it is made by a person who already holds a Pavement Licence; it is in respect of the premises to which the existing licence relates, and it is for a licence to begin on the expiry of the existing licence and on the same terms.

There is no definition of 'terms' in the legislation, but the area of the Pavement Licence, the nature of furniture and its position will likely be of relevance with this regard.

- 4.7.3 Amending the maximum fee councils may charge applicants from £100 to £350 for premises which already hold a pavement licence, and £500 for new applications.
- 4.7.4 Extending both the public consultation period and the Council's determination period from 7 days to 14 days for applications received.

This will give officers more time to inspect proposed areas and ensure that the no-obstruction condition is met, this condition ensures that the licence must not have the effects set out in section 3(6) of the 2020 Act. Section 3.2 of [Inclusive Mobility](#) A Department for Transport Guide to Best Practice on Access to Pedestrian and Transport Infrastructure sets out a range of recommended and minimum widths to allow safe passage on pavements.

- 4.7.5 Extending the maximum duration of Pavement Licences from one year to two years (for those granted under the new amended legislation).

It is proposed to issue licences for this longer period.

- 4.7.5 Amending legislation relating to the consumption of alcohol. This will now allow alcohol to be consumed in a pavement licenced area (granted under the new provisions) where restrictions in respect of public drinking are in place by way of a Public Space Protection Order.
- 4.7.6 Inserting a new enforcement schedule providing powers to North Devon Council to remove furniture if a premises is not abiding by its Pavement Licence conditions or hours.

If a person puts removable furniture on a relevant highway for which a licence would be required and there is a lack of compliance with the legislative provisions, the Council may now serve a notice to require the person to remove the furniture before a set date, and refrain from putting furniture on the highway unless authorised. If the person then leaves or puts removable furniture on the relevant highway in contravention of the notice, North Devon Council may (Section 7A(4b)):

- 4.7.6.1 Remove the furniture and store it.



- 4.7.6.2 Require the person to pay the authority's reasonable costs in removing and storing the furniture, and refuse to return the furniture until those reasonable costs are paid.
- 4.7.6.3 If within the period of three months beginning with the day on which the notice is given the person does not pay the reasonable costs, or does not recover the furniture, North Devon Council may dispose of the furniture by sale or in any other way it thinks fit, and retain any proceeds of sale to help recover storage costs.
- 4.8 There are currently 12 Pavement Licences issued by North Devon Council. Those granted prior to 30 March 2024 (11) will remain valid until their expiration date of 30 September 2024 (the remaining one expires April 2026). Businesses will now be able to renew their licences under the amended provisions. Records indicate that 8 licences were issued by Devon County Council under the former Section 115(E) Highways Act 1980 provisions, albeit it cannot be predicted with any level of accuracy the number of these businesses which will make application. When undertaking fee calculations an estimated licensed community of 20 has been used.
- 4.9 The application fee is currently charged at £100 per application (the maximum). The new changes will increase the maximum capped fees to £500 per grant and £350 per renewal. As such, the Council must determine and approve new fees in order for it to achieve better cost recovery.
- 4.10 To ensure that the Council is reimbursed for the administration and regulation of this service a cost analysis has been undertaken. A breakdown of the predicted costs in granting and renewing Pavement Licences and their associated regulation is contained in **Appendix A**. It is suggested that the fees for the renewal of a licence, the grant of a licence and any enforcement action is set in line with those fees outlined at Paragraph 2.3.
- 4.11 When setting the fees, local authorities should have regard to the 'Levelling Up and Regeneration Act 2023', '[Open for Business: LGA Guidance on Locally Set Licence Fees](#)'; the '[BEIS Guidance for Business on the Provision of Service Regulations](#)'; and principles in the [Regulators' Code](#) which sets out the steps that must be taken to set fair and reasonable fees. These documents have been considered when formulating those fees recommended for approval.
- 4.12 The above LGA Guidance on Locally Set Licence fees detail the type of costs that may be included in the calculation of a fee. The examples include administration, initial visits, third party costs, liaison with interested parties, local democracy costs, management costs, on-costs, development, determination and production of policies, web material, advice and guidance, setting and reviewing fees including committee costs.
- 4.13 The main cost associated with the fees calculated, is in respect of officer time. Officer time includes direct and indirect costs. Direct costs include salaries,



employer's pension contributions, employer's National Insurance, etc. Indirect costs include the reasonable overheads incurred from providing associated administrative services. It is believed that using staff rates with on-costs is the fairest way to recoup these costs. The Financial Services team have advised on hourly rates of staff and these have been used in preparing the calculations.

- 4.14 The LGA guidance on fee setting cited above details the outcome of case law (Hemming v Westminster), whereby the issue of how charges are levied by Councils was considered. The case examined the following two structures:
- 4.14.1 Whereby a council charged a fee upon application (covering the costs of authorisation procedures) and a subsequent fee to successful applicants (covering the cost of administering and enforcing the framework) - the 'type A' approach.
- 4.14.2 Where a council charged a single fee on application covering all costs, on the basis that the relevant proportion of the fee would be refunded to unsuccessful applicants – the 'type B' approach.
- 4.15 The European Court of Justice found the type A approach of charging two fees is permissible under the European Services Directive and the Provision of Service Regulations, but felt that the type B approach of charging a single fee was not compatible with the Services Directive or the Regulations. As such the recommendation at paragraph 2.3 is for a two part fee with Part A being payable on application, and Part B being payable on grant of a licence is proposed.
- 4.16 The [List of Fees and Charges Environmental Health and Housing Services \(2024/2025\)](#) documents are available on the North Devon Council website, which will need to be edited following approval of new fees.
- 4.17 Public consultation on the proposed fees is not proposed to be undertaken, given they are set within capped maximum limits by statute.

5. RESOURCE IMPLICATIONS

- 5.1 North Devon Council currently has no/limited means for storage of furniture or its transport. As such any enforcement fees charged will likely need to be in accordance with those costs invoiced to the Council by way of the hire of a storage facility and vehicle for collecting and moving the furniture. Each set of enforcement circumstances will need to be charged based upon their circumstances and will be dependent upon the size and type of furniture and its quantity.
- 5.2 To give some idea as to the costs involved, van hire from local companies typically starts at £80 per day for a short wheel base van and up to £100 for larger vans. Storage starts at a price of £36.10 per month for internal self-storage and £78.02 per month for external storage containers. Insurance requirements would have to be met.



- 5.3 In light of the legislation facilitating the Council being able to require a person to pay the authority's 'reasonable costs' in removing and storing the furniture, and refusing to return furniture until those reasonable costs are paid for, it is not proposed to set any fixed enforcement fee other than to cite that reasonable charges (based upon furniture size, weight, and quantity) will be made in line with cost recovery for removing and storing furniture.
- 5.4 The staff resources required to amend the website, implement new and varied fees, train officers, administer applications and regulate will be met/partially met by way of the fees to be charged as outlined in paragraph 2.3.
- 5.5 If fees are amended in line with paragraph 2.3 additional income to offset costs will be gained, but in light of the difficulty in predicting when applications will be made and at what fee it is not possible to estimate the income expected per annum.
- 5.6 Members may wish to implement a lower fee than that proposed, but this would ultimately impact the tax payer as a result of not recovering the actual costs of providing the service.
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 An environmental assessment has been undertaken and revealed a neutral impact.
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 Article of Part 3 Annexe 1 paragraph: 4b
 - 9.2 Referred or delegated power?: Delegated
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:
(The background papers are available for inspection and kept by the author of the report).

- Business and Planning Act 2020.
- Levelling-up and Regeneration Act 2023.
- LGA, Guidance on Locally Set Licence Fees, 14 December 2023.
- BEIS Guidance for Business on the Provision of Services Regulations. October 2009.
- Department for Transport. Inclusive Mobility: Guide to Best Practice on Access to Pedestrian and Transport Infrastructure Dec 2021.
- Pavement Licences: Guidance to accompany pavement licensing introduced in the Business and Planning Act 2020. 2 April 2024.

12. STATEMENT OF INTERNAL ADVICE

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

Katy Nicholls, Lead Officer Commercial Regulation
30.07.24

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Equality Impact Assessment

Service Area: Licensing/Environmental Health and Housing

Head of Service: Nina Lake

Lead Officer: Katy Nicholls

Date of Assessment: 24/07/2024

Person responsible for completing the assessment: Katy Nicholls

Email address: kate.nicholls@northdevon.gov.uk

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

Pavement Licensing Fees and Procedures

Brief description of proposal to be assessed: The proposal is in respect of the amendments to the Pavement Licensing regime made by way of the Business and Planning Act 2020/Levelling Up and Regeneration Act 2023 which have resulted in the necessity for the Council to amend its procedures and introduce a new fee for the renewal of a Pavement Licence and an amended fee for the grant of a Pavement Licence and to consider the variation to the licence duration.

Proposed implementation date of project/proposal: 2 September 2024
implementation/approval of a new fee structure for Pavement Licensing.

Brief description of the anticipated outcomes of the proposal:

Provision	Current Arrangement	Proposed Arrangement	Comment
New fee structure and revised licence period	Existing £100 capped fee for grant of a licence. Licence issued for one year.	New fee for renewal of a licence (£350 – in line with cap), and amended fee for the grant of a licence (£500 – in line with the cap). Licence to be issued for a two year duration.	In line with Business and Planning Act 2020

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. This proposal relates to the fees for a Pavement Licence only and not a policy re the determination of a licence. It is worthy to note that the regulation and associated enforcement of the pavement licensing regime does have a positive impact on those with disabilities based upon the consideration made to minimum pavement widths in the Department for Transport Inclusive Mobility Guide to Best Practice on Access to Pedestrian and Transport, Dec 2021.

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):

Fees have been calculated based upon the officer hourly rates with on-costs, these are set. The Council should be in a position to recover costs. Consultation has not been undertaken. The fees under the BPA 20 are capped at £350 and £500 and thus consultation is not deemed proportionate in contrast to those legislative areas with locally set fee regimes. Members of the Committee may wish to consider

alternatives, for example by way of charging a reduced fee, but would need to be mindful that this would impact the tax payer.

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:

See above comments. No consultation has been undertaken due to the BPA 20 having capped fee levels. These fees are unlike those locally set for other licensed areas, where consultation is routine e.g. caravan site licensing, and taxi and private hire licensing.

Funding Considerations:

The staff resources required to amend the website, implement new and varied fees, train officers, administer applications and regulate will be met/partially met by way of the fees proposed to be charged as outlined in paragraph 2.3 of the report. If fees are amended in line with paragraph 2.3 additional income to offset costs will be gained, but in light of the difficulty in predicting when applications will be made and at what fee it is not possible to estimate the income expected per annum for 2024-2025.

Date approved by Head of Service: 24/07/2024

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.

The next consideration will be subsequent to the consultation. A further revision to this EIA may well be necessary after consultation has taken place, particularly if relevant comments are received.

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: 24/07/2024

Agenda Item 8

Appendix a

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

FEES FOR PAVEMENT LICENSING						
Tasks	Time (hrs/mins)	Time (decimal)	Job role	Salary inc oncosts	Sub total	Fee on grant only
Grant pavement licence						
Pre-application advice	10 mins	0.17	LCO	49.23	8.37	
Receive and process licence application/create log on Lalpac/Verso of application, upload photo of notice, map, and any relevant risk assessment	30 mins	0.50	LCO	49.23	24.62	
Acknowledgement email	5 mins	0.08	LCO	49.23	3.94	
Receive and process payment	10 mins	0.17	LCO	49.23	8.37	
Publish consultation on website for the public/redaction of personal	15 mins	0.25	LCO	49.23	12.31	
Initial check re highway, correct purpose and relevant use; ascertain if adjacent to premises, right to occupy and if across road a risk assessment	10 mins	0.17	LO	60.08	10.21	
Consultation with Planning, Highway Authority etc	10 mins	0.17	LCO	49.23	8.37	
Arrange inspection of premises	5 mins	0.08	LO	60.08	4.81	
Inspection time and report by LA officer	1 hr 30	1.50	LO	60.08	90.12	
Travel time to inspection by LA Officer (average)	50 mins	0.83	LO	60.08	49.87	
Upload of consultation responses, consideration of consultation responses and Officer determination of licence	45 mins	0.75	LO	60.08	45.06	
Draft of licence and conditions	10 mins	0.17	LCO	49.23	8.37	
Update licences on website and Lalpac	10 mins	0.17	LCO	49.23	8.37	
Issue licence and conditions (on Lalpac and post/email out)	10 mins	0.17	LCO	49.23	8.37	
Openness Regulations Notice and Publish	10 mins	0.17	LCO	49.23	8.37	
Fee calculation, creation and presentation of fees report/ licenced community (20)	14 hrs	14.00	LOCR	88.12	61.68	61.68
Regulation of licensed community actioning of queries and complaints subsequent to licence issue over a two year period /licensed community (20)	21 hrs	21.00	LO	60.08	63.08	63.08
Advice and regulation of unlicensed community (exclusion of enforcement activity subject of separate fee) over a two year period	20 hrs	20.00	LO	60.08	60.08	60.08
Web and application form and condition updates/licensed community (20)	5 hrs	5.00	LOCR	88.12	22.03	22.03
Enforcement action excluded as covered via fee in line with Section 7A(4)(b)	NI	NI	NI	NI	NI	NI
Defending appeals by way of JR or Magistrates'	NI	NI	NI	NI	NI	NI

TOTAL							516.60	206.88
Grant of a two year licence of £500 (cap) of which £207 refundable if application is refused								
FEES FOR PAVEMENT LICENSING								
Tasks	Time (hrs/mins)	Time (decimal)	Job role	Salary inc oncosts	Sub total	Fee on grant only		
Renewal pavement licence								
Pre-application advice	NI	NI	NI	NI	NI			
Receive and process licence application/create log on Lalpac/Verso of application, upload photo of notice, map, and any relevant risk assessment	30 mins	0.50	LCO	49.23	24.62			
Acknowledgement email	5 mins	0.08	LCO	49.23	3.94			
Receive and process payment	10 mins	0.17	LCO	49.23	8.37			
Publish consultation on website for the public/redaction of personal information	15 mins	0.25	LCO	49.23	12.31			
Initial check re highway, correct purpose and relevant use; ascertain if adjacent to premises, right to occupy and if across road a risk assessment	NI	NI	NI	NI	NI			
Consultation with Planning, Highway Authority etc	10 mins	0.17	LCO	49.23	8.37			
Arrange inspection of premises	NI	NI	NI	NI	NI			
Inspection time and report by LA officer	NI	NI	NI	NI	NI			
Travel time to inspection by LA Officer (average)	NI	NI	NI	NI	NI			
Upload of consultation responses, consideration of consultation responses and associated further emails	45 mins	0.75	LO	60.08	45.06			
Officer determination of licence	10 mins	0.17	LO	60.08	10.21			
Draft of licence and conditions	10 mins	0.17	LCO	49.23	8.37			
Update licences on website and Lalpac	10 mins	0.17	LCO	49.23	8.37			
Issue licence and conditions (on Lalpac and post/email out)	10 mins	0.17	LCO	49.23	8.37			
Openness Regulations Notice and Publish	10 mins	0.17	LCO	49.23	8.37			
Fee calculation, creation and presentation of fees report/ licenced community (2	14 hrs	14.00	LOCR	88.12	61.68	61.68		
Regulation of licensed community actioning of queries and complaints subsequent to licence issue over a two year period /licensed community (20)	21 hrs	21.00	LO	60.08	63.08	63.08		
Advice and regulation of unlicensed community (exclusion of enforcement activity subject of separate fee) over a two year period	20 hrs	20.00	LO	60.08	60.08	60.08		

Web and application form and condition updates/licensed community (20)	5 hrs	5.00	LOCR	88.12	22.03	22.03
Enforcement action excluded as covered via fee in line with Section 7A(4)(b)	NI	NI	NI	NI	NI	NI
Defending appeals by way of JR or Magistrates'	NI	NI	NI	NI	NI	NI
TOTAL					353.23	206.88
Renewal of a two year licence of £350 (cap) of which £207 refundable if application refused						

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North Devon Council

Report Date: Monday, 2 September 2024

Topic: Rural England Prosperity Fund, Programme Changes

Report by: Dominie Dunbrook, Place Manager Economic Development and Regeneration

1. INTRODUCTION

- 1.1. North Devon Council was awarded £1,091,259 as a 'rural top up' to the UK Shared Prosperity Fund in September 2022. The Rural England Prosperity Fund (REPF) will be delivered over 2 years (2023/24 and 2024/25).
- 1.2. There are two strands to the Rural England Prosperity Fund – 'rural business' and 'rural communities' – and North Devon Council chose both of these strands as part of our investment plan.
- 1.3. £798,000 was allocated under the rural business strand to be delivered as a rural grants programme' and to be delivered by North Devon +.
- 1.4. £293,259 was allocated under the rural communities strand to be split between two regeneration projects in Ilfracombe.

2. RECOMMENDATIONS

- 2.1. That Members note the report and approve the principle of moving up to £500,000 out of the rural business strand and into the rural community strand.
- 2.2. That Members note the continued efforts of North Devon + and North Devon Council to promote and spend the remaining rural business strand allocation through the Rural Business Grants scheme.
- 2.3. That Members delegate to the Director of Resources and Deputy Chief Executive and Head of Place, Property and Regeneration, in consultation with the Leader and Lead Member for Regeneration, the approval and processing of related capital projects through the rural community strand using the reallocated funds outlined in 2.1 above.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure the successful spend of all allocated Rural England Prosperity Funds by the Government deadline of March 31st 2025, for the benefit of rural communities and businesses in North Devon.

4. REPORT

- 4.1. The Rural England Prosperity Funds that North Devon Council have been allocated must be spent by March 31st 2025, or any unspent funds returned to Government.
- 4.2. In 2023/24 financial year (year one of allocation/delivery) we spent £107,267.59 on 11 grant awards to rural businesses, from the annual



allocation of £399,000. We were able to carry over the balance of £291,732.41 to the 2024/25 financial year/year two of delivery.

- 4.3. At the start of the 2024/25 financial year we had a total of £690,732.41 for the rural grants scheme, which has to be spent by March 2025.
- 4.4. After reviewing the year one performance for the rural grants scheme, we made a few changes where we were able, to try and boost the appeal and take-up, these are a few of the changes bought in for round two which was opened in May 2024:
 - 4.4.1. Increased upper limit to £35,000 for grants
 - 4.4.2. Reduced level of match funding required: Now 10% for grants up to £10,000 and 20% for those over £10,000
 - 4.4.3. Flexibility to look at awarding higher grant awards if the project is showing good outputs and value for money
 - 4.4.4. Continue to have a 'fast-track' advice process through planning for infrastructure projects
 - 4.4.5. North Devon + colleagues working with applicants to provide support for application forms and pre-submission work
- 4.5. Marketing and promotional work has been carried out from the start of the rural grant scheme and this continues to be the case, as follows:
 - 4.5.1. Direct mail-shot to all North Devon + contacts and Advisors promoting/discussing this when they make farm/business visits
 - 4.5.2. Cross-promotion of the rural grants schemes across all other North Devon + programmes, which includes Business Boost and Future Farm Resilience
 - 4.5.3. Regular social media posts, press releases, website coverage across North Devon + and North Devon Council channels
 - 4.5.4. Business bulletins featuring the rural grants scheme – North Devon Council mail-out to over 2,000 businesses
 - 4.5.5. Inclusion in other partners newsletters and networks, such as Biosphere Foundation, other business support organisations, Growth Hub, Visit Devon, other sector focused networks
 - 4.5.6. Presentations given to Business Rates event, Agricultural shows, Agri-tech meetings, council events, Petroc events
 - 4.5.7. Flyers/Posters now being deposited at livestock markets, Mole Valley Farmers and other key locations
- 4.6. Continued efforts are being made to promote and distribute these funds via the rural grants scheme, but since opening in May 2024 for round two, there have been just 16 enquiries, 9 likely to come forward as awards with one already having been submitted. The individual project deadline for spend/delivery is January 2025, to give the team at North Devon + time to close down and evaluate the scheme before the programme deadline of March 2025. It feels very unlikely we are going to be able to allocate the full



£690,732.41 to grants, given the current level of enquiry/application submission.

- 4.7. The rural community grant strand of the REPF had a total allocation of £293,259 that is split between two regeneration projects in Ilfracombe. The Lime Kiln seating/viewing platform has now been completed and £88,000 spent on this. The balance will be used for the new toilets and shelter on Ilfracombe Seafront, and the tender for this project is about to be released. The project will be completed/spent by March 2025.
- 4.8. Under the scheme criteria, we are able to transfer budget between strands approved in our investment plan without needing to trigger a 'change request' process with Government. Therefore we could transfer some budget from the rural business strand into the rural community strand under the two approved objectives:
 - 4.8.1. Capital grant funding for investment in capacity building and infrastructure support for local civil society and community groups, and;
 - 4.8.2. Capital grant funding for creation and improvements to local rural green spaces
- 4.9. If further funds were transferred into the rural community strand, projects would need to:
 - 4.9.1. Demonstrate the ability to deliver and spend by March 2025
 - 4.9.2. Deliver under one of the two objectives above and some associated outputs
 - 4.9.3. Link to a priority for North Devon Council – corporate plan or other regeneration plans
 - 4.9.4. Demonstrate viability or a future income stream for the Council, if we are looking to own the asset through the use of grant towards funding a purchase
 - 4.9.5. Be based anywhere in North Devon except for Barnstaple, as this is classed as urban not rural under Defra's criteria for this scheme
 - 4.9.6. Be capital only – no revenue is attached to this programme

5. RESOURCE IMPLICATIONS

- 5.1. The funds outlined in this report are already contained within the existing approved Capital Programme and this report is asking members to reallocate funding within the approved scheme up to £500,000 out of the rural business strand and into the rural community strand.
- 5.2. North Devon + colleagues will continue to deliver the rural business grants.
- 5.3. North Devon Council staff including Economic Development & Regeneration Officers, Property Officers, Finance Officers, Procurement and Legal Officers and our PMO Officers.



6. EQUALITIES ASSESSMENT

6.1. There are no equalities implications directly anticipated, as the purpose of this report is to present options for the successful spend of the Rural England Shared Prosperity Fund. Individual projects that may be bought forward for funding under this scheme will have regard to any specific equalities impacts they may present.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are not any environmental implications anticipated directly as a result of this report, as the purpose of this report is to present options for the successful spend of the Rural England Shared Prosperity Fund. Individual projects that may be bought forward for funding under this scheme will have regard to any specific environmental impacts they may present.

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 investment in rural grants may bring forward new business premises, raising further business rates income for the area. The investment into regeneration projects may lead to a new income stream for the Council, depending on the type of projects that are approved.

8.1.2. Regeneration or economic development: through the rural business and rural community strands projects supported will contribute to the rural economy via direct grants delivery and regeneration by directly investing in projects in the district.

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:

- Rural England Prosperity Fund submitted Addendum
- Monitoring Reports on the Rural Grants Scheme delivery provided by North Devon +

(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: Dominie Dunbrook, Place Manager Economic Development and Regeneration

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North Devon Council

REPORT TO: STRATEGY AND RESOURCES COMMITTEE

Report Date: 02 September 2024

Topic: Local Authority Housing Fund (LAHF) Round 3

Report by: Nina Lake, Head of PMO and Environmental Health & Housing

1. INTRODUCTION

- 1.1. The Department for Levelling-Up, Housing & Communities (DLUHC) launched Round 3 of the Local Authority Housing Fund in March 2024. North Devon were provisionally identified as eligible for capital grant funding (under section 31 of the Local Government Act 2003), with an indicative allocation of £602,500 in funding.
- 1.2. On 27 March 2024 a report was taken to Full Council seeking approval to enter Local Authority Housing Fund (LAHF) Round 3 (R3).
- 1.3. The report recommended: The submission of an Expression of Interest (EOI) and completion of the Validation Form (VF) as part of DLUHC's review process for DLUHC R3; That Members delegate authority to the Section 151 Officer to enter into a Memorandum of Understanding (MOU); and To note that if we enter a MOU, a further report will come to Members to consider additional capital contributions to match fund R3 plus an indication of the additional revenue resources required to manage these properties both from a housing and property perspective.
- 1.4. The EOI and VF was immediately completed setting out our proposal to deliver 4 new homes over the 2 year delivery period.
- 1.5. This fund was paused for a short while during the election period but the Ministry of Housing, Communities & Local Government (MHCLG) (was DLUHC) has confirmed this fund will continue, they have accepted the Council's plan to provide 4 homes ('the total delivery target') under LAHF R3, of which 4 homes shall be new homes ('the new homes delivery target') and MHCLG will provide a capital grant of £654,350 and a revenue grant of £4,514 with a total grant allocation of £658,864.
- 1.6. The MOU was signed and returned to the MHCLG 08 August 2024, receipt of which has been acknowledged.
- 1.7. This report now seeks to vary the capital programme to acquire the above mentioned 4 new homes to be funded via a combination of LAHF R3 grant and match funding from this Council.



2 RECOMMENDATIONS

- 2.1 That Members approve the use of the allocated Local Authority Housing Fund grant of £654,350 alongside £649,650 of capital match-funding from North Devon Council as laid out in section 5.2 of this report.
- 2.2 That subject to 2.1 above Members recommend that Council vary the Capital programme by £1,304,000 and that funds be released, subject to the Memorandum of Understanding with the MHCLG, upon such terms and conditions as may be agreed by the Director of Resources and Deputy Chief Executive and the Senior Solicitor and Monitoring Officer.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Reduce local housing pressures and use of expensive and unsuitable accommodation, by providing better quality temporary accommodation to those owned homelessness duties by local authorities.
- 3.2 To reduce the financial costs of providing temporary accommodation.
- 3.3 Provide sustainable settled housing to those on ACRS (Afghan Citizens Resettlement Scheme) to that they can build new lives in the UK, find employment and integrate into communities.
- 3.4 Support local housing markets by assisting the delivery of new housing stock of new developments to grow overall housing supply.

4 REPORT

- 4.1 North Devon Council were beneficiaries of Round 1 funding receiving £1,001,081 and purchased 9 properties, match funded using allocated capital programme monies for temporary accommodation to support the purchase of those houses.
- 4.2 The Council declined to take part in Round 2 as due to the design of the scheme it would have been difficult to have utilised the properties for general temporary accommodation.
- 4.3 Autumn Statement 2023 announced that the Department for Levelling Up, Housing and Communities (DLUHC) would be launching a third round of the Local Authority Housing Fund, to the value of £450 million, to run over the financial years 2024-25 and 2025-26. There will also be revenue funding to support delivery of the fund. North Devon Council has received an initial allocation and invited to submit a validation form.
- 4.4 Funding for R3 has initially been prioritised to areas facing the highest housing pressures, with 203 local authorities receiving an initial funding allocation.
- 4.5 North Devon Council are one of those 203 authorities and were provisionally identified as eligible for capital grant funding (under section 31 of the Local Government Act 2003), with an indicative allocation of £602,500 in funding to deliver a specified targeted number of homes. Two homes for general needs temporary accommodation; and two homes for resettlement (one of those



being a large 4+ bed property). These properties should be acquired in our own North Devon area.

4.6 Following the return of our Validation Form this grant has subsequently been increased to £658,864 to deliver the target of 4 new homes.

4.7 This total allocation includes any New Homes Uplift of £21,000 per property.

4.8 For the purposes of the New Homes Uplift a new home is a property that will be delivered in FYs 24/25 or 25/26 as a direct new development, an 'Off-the-shelf' new build property purchased from developers, a property that its use converted (delivering an extra residential unit), or a property that has its use changed (delivering an extra residential unit).

4.9 The total allocation will be provided as £314,914 in 2024/25 ('the Year 1 allocation') and £343,950 in 2025/26 ('the Year 2 allocation'). The Year 1 allocation includes the revenue grant.

4.10 The Council agrees the following targets to deliver at least:

- Two properties to be allocated to households that meet the TA Element eligibility criteria. One in Year 1 and 1 in Year 2.
- One property for households that meet the R3 resettlement element eligibility criteria in Year 1.
- One property (4+ bed) for households that meet the R3 large resettlement element eligibility criteria in Year 2.

4.11 LAHF R3 funding is unlikely to meet all the Council's acquisition/delivery costs. The Council or its delivery partner(s) will fund any outstanding sum required.

4.12 The Council will use its best endeavours to meet the delivery target and to achieve value for money. The Council should ensure it complies with the Code of Practice for Local Authority Accounting.

4.13 The Council may determine how it uses the total allocation and the revenue funding as long as the delivery target and the new home delivery target are met.

4.14 Revenue funding has been provided to the Council for any activities which support delivery of the total allocation, including but not limited to programme/administration resource or professional services (e.g., fees, conveyancing). Revenue funding will be paid in full alongside the Tranche 1 allocation.

5 RESOURCE IMPLICATIONS

5.1 The agreed funds will be issued to the Council as grant payments under section 31 of the Local Government Act 2003.

5.2 The capital funding will be provided by MHCLG in four tranches with the revenue funding paid in full in 'Tranche 1'. The 'Tranche 1 allocation' is 30% of the year 1 capital allocation and 100% of the revenue allocation. The 'Tranche 2 allocation' is 70% of the Year 1 capital allocation. The 'Tranche 3



allocation' and the 'Tranche 4 allocation' are both 50% of the Year 2 capital allocation.

- Tranche 1 = £97,634 (including £4,514 of revenue)
- Tranche 2 = £217,280
- Tranche 3 = £171,975
- Tranche 4 = £171,975
- Total = £658,864**

5.3 Staff time to complete the submission and future purchase of the houses.

5.4 The Council has seen increased cost pressures within the revenue budget for the provision of temporary accommodation and this trend is worryingly continuing. This Council previously approved in February 2018 the capital acquisition of properties to the value of £1.2million and in February 2023 a further £2million to hold solely for the provision of temporary accommodation.

5.5 The benefit behind this approach enables the team to house clients in their own house rather than within bed and breakfast accommodation. This is a much better solution for the client and their wellbeing and also a much more cost effective solution for the Council as the B&B accommodation is expensive and costing the Council between £75-£80 per night. Having clients in their own homes also always NDC to recover the housing benefit element of the time that property is occupied.

5.6 Even with current borrowing level costs; to match fund the above capital acquisition of the properties (additional NDC borrowing of £649,650), the estimated net saving to the temporary accommodation revenue budget would be around £10,000 per unit of property annually compared to the costs of housing clients in the current B&B accommodation.

5.7 The added benefit is the Council also owns and controls these additional properties which will be growing in capital value and provide a much needed asset for our future use.

5.8 Our allocation is based on the median property price in North Devon of £305,000. Each TA unit delivered as new supply would attract a grant of £134,200 (44% of the median property price); and each large resettlement unit delivered as new supply would attract a grant of £167,750 (55% of the median property price).

6 EQUALITIES ASSESSMENT

6.1 If as an outcome of this report we enter into a MOU then there will be positive impacts for our residents and anyone falling under the ACRS scheme as accommodation for those most in need will be provided. However, for the submission of an EOI and VF this is not considered to have any relevance.



7 ENVIRONMENTAL ASSESSMENT

7.1 There are no environmental implications from submitting the EOI and VF.

8 CORPORATE PRIORITIES

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

8.1.1 + The commercialisation agenda: adding to our property portfolio and reducing revenue costs

8.1.2 + Housing: providing a suite of properties that we can closely manage, understand their availability and manage voids to maximise use

8.1.3 + People: enables NDC to house homeless households in accommodation that we know will need the meets of that household

8.1.4 + Regeneration or economic development: purchasing new properties supports local housebuilding.

9 CONSTITUTIONAL CONTEXT

9.1 Save as provided at paragraph 9.2 below, the decision in respect of the recommendations in this report can be made pursuant to paragraph 1 of Annex 1 to Part 3 of the Constitution.

9.2 As noted above, the power to decide on one or more of the recommendations in this report is reserved to Council pursuant to Article 4.4 of the Constitution.

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:

Local Authority Housing Fund: Round 3 prospectus and guidance

[Local Authority Housing Fund: Round 3 prospectus and guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

(The background papers are available for inspection and kept by the author of the report).

12 STATEMENT OF INTERNAL ADVICE

The author Nina Lake Confirms that advice has been taken from all appropriate

Councillors and Officers:

Council G Bell Lead Member for Housing

Ken Miles Chief Executive

Jon Triggs Director of Resources and Deputy Chief Executive

SarahJane Mackenzie-Shapland Head of Place, Property & Regeneration



Simon Fuller

Senior Solicitor & Monitoring Officer