

NORTH DEVON COUNCIL

Minutes of a meeting of Executive held at Barum Room - Brynsworthy Environment Centre on Monday, 7th January, 2019 at 10.00 am

PRESENT: Members:

Councillor Brailey (Leader)

Councillors Barker, R Cann, Edgell, Jones, Lane, Meadlarkin, Moores and Yabsley

Officers:

Head of Resources, Service Lead Housing Market Balance, Chief Executive, Head of Corporate and Community Services and Regeneration Manager

Also Present:

Councillors Biederman, Edmunds, Moore, Prowse and Worden

84. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Luggar.

85. TO APPROVE AS A CORRECT THE MINUTES OF THE MEETING HELD ON 3RD DECEMBER 2018 (ATTACHED)

RESOLVED that the minutes of the meeting held on 3rd December 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

86. LEADER'S ANNOUNCEMENTS

(a) Order of agenda

The Leader requested that due to the number of members of the public in attendance that item 10 be considered prior to item 6 on the agenda.

RESOLVED that item 10 be considered prior to item 6 on the agenda.

(b) Happy New Year

The Leader wished Councillors and Officers a happy and healthy new year.

87. DECLARATIONS OF INTERESTS

The following declarations of interest were announced:

Councillors Barker, Brailey, R. Cann, Edgell, Jones, Lane, Meadlarkin, Moores and Yabsley declared personal interests in item 10 “Compulsory Purchase – the White Hart, Bratton Fleming” as Mr Milton was a member of the Conservative Association.

Councillor Lane declared a prejudicial interest in item 11 “Approval and Release of Section 106 Funds – Greenways Play Area and Blakes Hill Road Play Area” as a Member of Landkey Parish Council.

Councillor Prowse declared a personal interest in item 10 “Compulsory Purchase – the White Hart, Bratton Fleming” as he shared a Great Grandfather with Mr Milton.

88. COMPULSORY PURCHASE - THE WHITE HART, BRATTON FLEMING

The Executive considered a report by the Head of Corporate and Community (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the request for the Council to consider the use of compulsory purchase powers in respect of The White Hart, Bratton Fleming.

The Head of Corporate and Community highlighted the following:

- The Localism Act 2011 introduced the regime relating to Assets of Community Value (ACV). Under this system, community groups can nominate assets that they feel have a community value. If the local authority agree, the asset is included on a list for a period of 5 years. During that time, if the freeholder owner wished to sell the asset, the community group must be given an opportunity to be treated as a bidder.
- The legislation does not impose a duty on the freeholder to sell the asset to the community group and nor does it specify the consideration for any sale.
- The White Hart had been listed as an ACV as a result of its past use as a public house providing community use.
- The freeholder had indicated his intention to dispose of the asset. In turn, the community group indicated that it wished to be treated as a potential bidder. It was unclear what actual negotiations have taken place between the two parties however it was clear that no agreement was likely to be reached on the value of the premises and so it was highly unlikely that a sale to the community group would take place.
- Over the past few years, the owner had submitted planning applications involving elements of residential development which have been refused. The community group remain concerned that the community use would be lost through development at some stage. The latest application had been refused and the owner had submitted an appeal.
- There were various legislative provisions that give a local authority power to compulsorily purchase land and buildings. Guidance on the use of compulsory purchase powers had been issued and this set out some expectations for the exercise of such powers.
- A statement had been received from Mr Milton which had been tabled in relation to the item. The statement referred to “It would seem an inappropriate use of Rate-payers’ money especially as it could turn into a

costly white elephant and I regret that unless members of the community committed real money to the project from inception, I cannot see the “Community” ever stepping forwards to put hands deeply enough into their pockets to meet the cost of purchase, the refurbishment and working capital demanded”. The Head of Corporate and Community confirmed that other Local Authorities such as South Cambridgeshire District Council had considered compulsory purchase to ensure that an asset remained for community use.

- Specific Government guidance had been provided where it was intended to use the powers in order to purchase an ACV.
- Before the Council decided whether to proceed and use its powers, there were clearly a number of issues to consider as set out in the report. In exploring the options, officers would seek further information that would enable any further report to deal with the considerations in full.

In response to questions, the Head of Corporate and Community advised:

- The outcome of the planning appeal would inform any future decision in relation to compulsory purchase. If the appeal was successful, it may change the scope of the decision. The appeal could also affect future valuation of the asset.
- If a decision was made in the future to compulsory purchase the asset, funding would need to be sought from other grant sources or community organisations. This could then be underwritten by the community group.
- The fact that the asset was listed as an ACV was a material planning consideration which the Inspector would consider giving weight to as part of the appeal decision process.

Councillor Prowse addressed the Executive as Ward Member. He advised that the asset was an eye sore and that the situation had been going on for a long time. Mr Milton needed to give access to the property to enable a proper valuation to be carried out. There was a need to take the next step to move the situation forward.

DECISION

That officers explore whether the community group had financial resource to purchase the asset and seek clarification regarding the community use proposals of the asset.

REASON FOR DECISION

To allow officers to seek further information from the community group and to commence preparation for the exercise of those powers in advance of a further report to Executive.

89. COMMUNITY HOUSING FUND - HOUSING NEEDS SURVEYS AND DELEGATED AUTHORITY

The Executive considered a report by the Service Lead Housing Market Balance (circulated previously), the options and/or alternatives and other relevant facts set

out in the report regarding the allocation of funds from the unallocated balance of the Community Housing Fund earmarked reserve.

The Service Lead Housing Market Balance highlighted the following:

- Devon Rural Housing Partnership had been working hard to produce a pipeline of communities that were potentially interested in community-led housing schemes for the future. As part of the initial work with a Parish Council one of the first steps after contact was often to carry out a housing needs survey to make a judgement on the level of affordable housing need in the area and to raise awareness of the issue before work was undertaken.
- For the last three years “Awards for All” funding had been used by Parish Councils to fund Housing Needs Surveys. Unfortunately, due to demand the last three bids have been rejected and it had been confirmed that this source would no longer be available to Parish Councils.
- The Community Housing Fund Board proposed the allocation of the funds from the Community Housing Fund for this purpose. This was essential to establish a pipeline of parishes interested in community-led housing with a proven need for affordable housing. It was proposed that £40,000 from the Community Housing Fund earmarked reserve be allocated to the Community Affordable Housing Grant to fund Housing Needs surveys for the Rural Alliance, Chittlehampton, Georgeham, North Molton, Instow and Westleigh. The remaining amount would cover four to five additional housing needs surveys if necessary.
- The report also recommended that delegated authority be given to the Head of Environmental Health and Housing in consultation with the Executive Members for Health and Wellbeing for the remaining balance of the Community Housing Fund for appropriate revenue or capital items that fit the criteria of the Community Housing Fund that would move forward community-led affordable housing.

In response to questions, the Service Lead Housing Market Balance advised the following:

- All of the outstanding housing needs surveys were ready to be sent out and the whole process would take approximately 3 months. Although the 6 housing needs surveys may need to be staggered.
- The balance of the fund from the Department for Communities and Local Government had been earmarked for sites within the parishes of Morteheo, Lynton and Lynmouth, Parracombe, Combe Martin and Chittlehampton to aid site viability through purchase of land, abnormals or gap-funding to provide social rents. This would take place further on in the process and can take time as community-led rural housing sites can be more challenging to develop due to site value, high levels of site abnormals, protected leaseholds and significant viability issues etc.

DECISIONS

- (a) That £40,000 from the Community Housing Fund earmarked

reserve be allocated to the Community Affordable Housing Grant for Housing Needs Surveys.

- (b) That power be delegated to the Head of Environmental Health and Housing in consultation with the Executive Members for Health and Wellbeing for the remaining balance of the Community Housing Fund for appropriate revenue or capital items that fit the criteria of the Community Housing Fund and move forward community-led affordable housing.

REASONS FOR DECISIONS

- (a) To allocate the Fund effectively to achieve its stated aims “to enable capital investment, technical support and revenue to be provided to make more schemes viable and significantly increase community groups’ current delivery pipelines”.
- (b) To invest in communities and increase rural affordable housing stock.
- (c) To continue the level of progress made on the original 5 parishes working towards community-led housing and generate a continued pipeline of sites.

90. HOUSING INFRASTRUCTURE FUND PROJECT UPDATE: WESTACOTT

The Executive considered a report by the Head of Place (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding an update on the Housing Infrastructure Fund (HIF) Project in relation to the Westacott site.

The Regeneration Manager highlighted the following:

- Since the HIF bid, the Council had continued to work with Homes England, CBRE, Devon County Council and the land promoters/developers to progress this project.
- CBRE visited the site in October 2018. CBRE have since requested additional information and an updated cost appraisal, which was being prepared.
- A conference call between all parties would take place on 9th January 2019 to gain an understanding of Barwood Land’s position.
- CBRE’s report would be presented to Homes England Panel for consideration and to finalise the grant agreement with North Devon Council.
- A letter had been received from the Minister of Housing, Communities and Local Government confirming that there would be a 12 month extension in the grant funding to 2021/22.

- Discussions continued between Planning, Devon County Council and Barwood Land to ensure that the access required for the Westacott Development and the roundabout that forms part of the Link Road project were compatible. A further meeting would take place on 18th January 2019.

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

- The HIF project only included the Barwood Land.
- Further information would be obtained regarding timescales for the planning decision following the meeting on 18th January 2019.

The Executive requested that an update only be brought back to the Executive when there were any changes to report.

DECISION

That the progress be noted.

REASON FOR DECISION

It was requested that Members be updated on this project on a monthly basis.

91. **HOUSING INFRASTRUCTURE FUND PROJECT UPDATE: ILFRACOMBE SOUTHERN EXTENSION**

The Executive considered a report by the Head of Place (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding an update on the Housing Infrastructure Fund (HIF) Project in relation to the Ilfracombe Southern Extension.

The Regeneration Manager highlighted the following:

- Since the report to the Executive in November 2018, the Council had received clarification from Homes England on the conditions originally recommended and a revised draft set of conditions had now been received.
- The education contributions for the later phases was not known however Devon County Council had advised that they would currently ask for £4005 per family dwelling together with a land contribution. It was likely to be approximately £1.6m. It was confirmed that only the education section 106 contributions could be recouped and not the entire £6.5m.
- Homes England was satisfied that the timetable for the delivery of the conditions had slipped from 31st December 2018. The Council was working with Homes England regarding realistic timescales which were deliverable.

In responses to questions, the Regeneration Manager advised the following:

- That the proposed location of the new school on the site was in the location that had been approved as part of the phase 1 outline planning permission.
- The HIF project included all three sites.
- The timetable included the delivery of infrastructure in March 2020.

- Devon County Council Officers were engaged in the process.

In response to concerns expressed by Councillor Edmunds, Councillor Yabsley advised that as Lead Member he had referred concerns regarding the timescales for the delivery of the project with the Devon County Council Portfolio Holder and Simon Niles of Devon County Council. He advised that he would keep Councillor Edmunds up-to-date.

DECISION

That the progress be noted.

REASON FOR DECISION

It was requested that Members be updated on this project on a monthly basis.

92. COUNCIL TAX REDUCTION SCHEME 2019/20

The Executive considered a report by the Head of Resources (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the adoption of the Council Tax Reduction Scheme for 2019/20.

RECOMMENDED

- (a) That the Council adopts and continues with the same scheme for 2019/20 financial year to include the uprating of applicable amounts, premiums and non-dependant deductions, as shown in the Council Tax Reduction Scheme;
- (b) That the Equality Impact Assessment in relation to the scheme, as set out in Appendix 1 of the report, and the Council Tax Support Scheme Vulnerability/Incentivising Work Statement as set out in Appendix 2 of the report be noted;
- (c) That the Exceptional Hardship Policy in relation to the Council Tax Support Scheme as set out in Appendix 3 of the report be approved.

REASON FOR RECOMMENDATIONS

To ensure that the Council adheres to the legislative requirements to provide a Council Tax Reduction Scheme for 2019-20.

93. COUNCIL TAX DISCOUNTS

The Executive considered a report by the Revenues and Benefits Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding determination of Council Tax Discounts for the financial year commencing 1st April 2019.

The Head of Resources advised that there was only one change to the scheme for 2019/20. This was in relation to properties that had been unoccupied and substantially unfurnished for over two years. New regulations allowed Local Authorities to increase the empty home premiums and it was proposed that the premium be increased to 200% for 2019/20. For future years, it would be recommended that for 2020/21 that the premium be increased to 300% and for 2021/22 to 400%.

RECOMMENDED

- (a) That the Council makes the following determinations in relation to the classes of dwellings set out below for the financial year commencing 1 April 2019:-
- (i) Class A and Class B

Unoccupied and furnished properties
Set a 0% discount, thereby levying full council tax
 - (ii) Classes A and B do not include any dwelling –
Which consists of a pitch occupied by a caravan or a mooring occupied by a boat
Where a qualifying person in relation to that dwelling is a qualifying person in relation to another dwelling in England, Wales or Scotland which is job related
Which for a qualifying person is job related where that person is a qualifying person in relation to another dwelling in England, Wales or Scotland
 - (iii) Class C
Unoccupied and substantially unfurnished properties
Set a discount of 100%, for up to three months.
 - (iv) For the purpose of Class C, in considering whether a dwelling has been unoccupied for any period, any one period, not exceeding six weeks, during which it was occupied shall be disregarded.
 - (v) Properties which have been unoccupied and substantially unfurnished for over two years, levy the empty home premium of 200% of the normal liability.

REASON FOR RECOMMENDATIONS

To approve the level of discounts to certain properties for the financial year commencing 1 April 2019.

94. APPROVAL AND RELEASE OF S106 FUNDS - GREENWAYS PLAY AREA AND BLAKES HILL ROAD PLAY AREA

The Executive considered a report by the Principal Parks Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the allocation of section 106 public open space funds to two projects in Ilfracombe and Landkey.

The Head of Corporate and Community advised that Councillor Lane did not have to declare a prejudicial interest in this item as Landkey Parish Council was not the applicant for the scheme at Blakes Hill Road Play area, Landkey.

DECISION

- (a) That Executive allocates £38,005.22 towards the following schemes:

Greenways Play Area, Ilfracombe £15,664.80
Blakes Hill Road Play Area, Landkey £22,340.42

RECOMMENDED

- (b) That Council vary the Capital Programme by £38,005.22 as detailed in 2.1 above, and that funds be released, subject to funding agreements upon such terms and conditions as may be agreed by the Head of Corporate and Community Services.

REASONS FOR DECISION/RECOMMENDATION

- (a) To ensure that appropriate funding is transferred into and released from the capital programme.
- (b) To improve public open space facilities for children and young people within the community.

95. APPROVAL AND RELEASE OF SECTION 106 FUNDS - BRAUNTON

The Executive considered a report by the Project, Procurement and Open Space Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the allocation of section 106 public open space funds towards a project in Branton.

The Project, Procurement and Open Space Officer confirmed that Heanton Punchardon Parish Council had supported the section 106 contribution from a development in Heanton Punchardon being used in the parish of Branton.

DECISION

- (a) That £8,990 be allocated towards enhancement of the village green, Braunton.

RECOMMENDATION

- (b) That Council be recommended to vary the capital programme by £8,990 and that funds be released, subject to Funding Agreements upon such terms and conditions which may be agreed by the Head of Corporate & Community.

REASONS FOR DECISION/RECOMMENDATION

- (a) To allocate funds in line with the requirements within the S106 agreement.
- (b) To protect and enhance public open space.

Chairman

The meeting ended at 10.59 am

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: Wednesday, 9 January 2019