

**NORTH DEVON COUNCIL**

Minutes of a meeting of Executive held at Barum Room - Brynsworthy Environment Centre on Monday, 4th March, 2019 at 10.00 am

PRESENT: Members:

Councillor Brailey (Leader)

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

Officers:

Chief Executive, Head of Corporate and Community Services, Head of Resources, Head of Operational Services, Lead Officer - Planning Policy, Parking Manager, Head of Place, Housing Services Manager, Estates Officer, Contract Delivery Manager and Project and Procurement Officer

Also Present:

Councillors Chesters, Edmunds, Moore, Spear and Worden

**115. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Barker.

**116. TO APPROVE AS A CORRECT THE MINUTES OF THE MEETING HELD ON 4TH FEBRUARY 2019 (ATTACHED)**

RESOLVED that the minutes of the meeting held on 4<sup>th</sup> February 2019 (circulated previously) be approved as a correct record and signed by the Chairman.

**117. LEADER'S ANNOUNCEMENTS**

**(a) Housing Keeping Procedure Rules**

The Leader reminded the Executive, Councillors and public in attendance of the housekeeping procedure rules.

**(b) RMB Chivenor**

The Leader advised he was pleased that RMB Chivenor was staying open following a decision by the Secretary of State for Defence which was a positive step for the area.

**118. DECLARATIONS OF INTERESTS**

There were no declarations of interest announced.

**119. RESPONSES TO CONSULTATION: REVIEW OF THE OFF STREET PARKING ORDER.**

The Executive considered a report by the Parking Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding responses to the consultation on the review of the Off Street Parking Order.

The Parking Manager highlighted the following:

- Amendments to the North Devon (Off Street Parking Places) Order were recommended at Executive on 3<sup>rd</sup> December 2018.
- The notice of proposals were advertised on 13<sup>th</sup> December 2018 with the closing date of 10<sup>th</sup> January 2019. This year, the option of submitting consultation responses via email was provided.
- No objections had been received from Braunton Parish Council, Instow Parish Council, North Devon Council or South Molton Town Council.
- Combe Martin Parish Council had requested during the consultation period an amendment to presentation in the Order to avoid ambiguity as detailed in paragraph 4.6.
- 59 emails of objection had been received with regards to changes proposed to the North Devon (Off Street Parking Places) Order for Lynton and Lymouth Town Council. The analysis of responses received were detailed in Appendix 1 of the report.
- Lynton and Lymouth Town Council had met on 9<sup>th</sup> and 31<sup>st</sup> January 2019 to discuss the objections received. Following consideration, the Town Council have requested to withdraw the original recommendation for the amendment to the North Devon (Off Street Parking Places) Order to add condition to Lower Lyndale car park N17.
- Update provided regarding Lynton and Lymouth as detailed in paragraph 4.12 of the report.

In response to questions, the Parking Manager advised:

- That subject to the approval by the Executive, a charge would be introduced to the lorry park at South Molton on Saturdays which would be included within the North Devon (Off Street Parking Places) Order.

**DECISIONS**

- (a) That all amendments to the Off Street Parking Order as outlined in the Executive report dated 3<sup>rd</sup> December 2018, excepting the recommendation requested for withdrawal as stated in paragraph 2.5 be approved;
- (b) That it be noted that no objections were received regarding the amendments to the North Devon (Off Street Parking Places) Order

for Braunton Parish Council, Combe Martin Parish Council, Instow Parish Council, North Devon District Council and South Molton Town Council;

- (c) That the change to presentation of information in the Order as recommended by Combe Martin Parish Council, as detailed in paragraph 4.6 be incorporated into the Off Street Parking Order;
- (d) That it be noted that 59 Objections were received regarding recommendations from Lynton and Lynmouth Town Council and that Lynton and Lynmouth Town Council have considered each objection at meetings held on 9<sup>th</sup> January 2019 and 31<sup>st</sup> January 2019;
- (e) That Lynton and Lynmouth Town Council's request to withdraw the original recommendation for the amendment to the North Devon (Off Street Parking Places) Order to add condition to Lower Lyndale car park, N17 '*Means maximum stay in car park during the day is 4 hours*' as detailed in paragraphs 4.11 – 4.14 be approved;
- (f) That Lynton and Lynmouth Town Council's request to remove the original recommendation to withdraw Guest house permit £3.50 from the North Devon (Off Street Parking Places) Order as detailed in paragraphs 4.15 – 4.20 be refused.

#### REASON FOR DECISION

- (a) To approve the changes to the Off Street Parking Order with consideration of the responses following consultation.

#### **120. DERELICT ILFRACOMBE SITES.**

The Executive considered a report by the Acting Growth Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding derelict Ilfracombe sites.

In response to questions, the Head of Place advised the following:

- The Planning Service had served several Section 215 notices over the years requiring the hoardings to be replaced/repainted to keep the site as tidy as possible. Some work had been undertaken with the owners and some had been undertaken by the Council.
- In relation to rear retaining wall of the Montebello site, no structural assessment had been undertaken. Further investigations would be undertaken by Building Control to assess whether any further works were required.

#### DECISIONS

That officers:

- (a) explore the potential for compulsory purchase of the Golden Coast and the Montebello sites in Ilfracombe;
- (b) continue negotiation with the site owners if willing, whilst the potential for compulsory purchase was explored;
- (c) bring a further report to the Executive, once the potential for Compulsory Purchase Order (CPO) had been explored, with a recommendation on the making of CPOs on the Golden Coast and Montebello sites.

### REASONS FOR DECISIONS

- (a) The two derelict sites at Golden Coast and Montebello in Ilfracombe are having an adverse impact on the town's environment and economy, and an impact on the wellbeing of the local community.
- (b) Without intervention from the Council both sites are likely to remain in their current state.
- (c) A compulsory purchase may be the last resort to ensure proposals are progressed, after over ten years of trying to facilitate development through other means, without success.

### **121. LOCAL LETTINGS PLAN - LAMATON PARK, SOUTH MOLTON.**

The Executive considered a report by the Head of Environmental Health and Housing (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Local Lettings Plan in relation to Lamaton Park, South Molton.

The Housing Service Manager highlighted the following:

- North Devon Homes had redeveloped Lamaton Park with Care and Support Specialised Housing funding in conjunction with Housing England and the Ministry of Health.
- The objective of the Local Lettings Plan was to work with the registered housing provider North Devon Homes to create a scheme that has a sustainable community from the outset and to free up social housing that may be in high demand, such as enabling downsizing of existing tenants.
- The breakdown of properties as detailed in paragraph 4.9 of the report.

### DECISION

That the Local Lettings Plan as detailed in Appendix 1 for initial lettings of properties at Lamaton Park, South Molton be approved.

REASON FOR DECISION

This development would benefit from sensitive allocation to enable a sustainable community to be created in accordance with planning, funding and to avoid potential management issues.

**122. ADOPTION OF THE NORTH DEVON COAST AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN 2019/2024.**

The Executive considered a report by the Landscape and Countryside Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the adoption of the North Devon Coast Areas of Outstanding Natural Beauty (AONB) Management Plan for 2019/24.

The Executive noted that the recommendation 2.1 contained a typographical error and should have stated “2019-2024” and not “2014-2019”.

DECISION

That the Management Plan 2019 -2024 for the North Devon Coast Areas of Outstanding Natural Beauty be approved and adopted.

REASON FOR DECISION

To fulfil the Council’s statutory duty to formally adopt a Management Plan for the North Devon Coast Area of Outstanding Natural Beauty.

**123. BUSINESS RATES RELIEF.**

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 revised policy for the granting of Discretionary Non-Domestic Rates Relief.

The Head of Resources highlighted the following:

- Section 47 of the Local Government Finance Act 1988 enabled the Council to exercise discretion to award rate relief in respect of properties occupied by charities and other not for profit organisations. It also allowed billing authorities to grant locally determined discretionary business rate discounts in any circumstances provided it was in the interests of the local taxpayers to do so.
- In the 2018 Autumn Budget, the Chancellor announced a new business rate relief scheme for retail properties with a rateable value below £51,000. The Chancellor also announced an extension of one year to the business rates relief for local newspaper office space.

- The Council's current policy for the Discretionary Business Rate Relief Scheme for Year 3 (2019/20) was to award relief on a case by case basis. A review had identified that this approach was unlikely to award all of the share of the fund allocated by Central Government. The proposal was that the amount of relief awarded for Year 3 was amended from a case by case basis to a formula based award.
- The policy had been amended to incorporate the measures announced in the Autumn Budget and the revised Discretionary Business Rate Relief Scheme.

In response to questions, the Head of Resources advised the following:

- Barnstaple Town Centre Management had not been previously notified of the revised Discretionary Business Rate Relief Scheme, however a copy of the scheme would be forwarded to the Town Centre, Pannier Market and CCTV Manager.

### DECISION

That the revised policy for the granting of Discretionary Non-Domestic Rates Relief attached Appendix 1 and Appendices A-K with effect from 1 April 2019 be adopted.

### REASONS FOR DECISION

- (a) It is good practice for the Council to have readily understood guidelines for deciding whether or not to grant relief and for determining the amount of relief. It is also desirable that any criteria by which an individual case is judged should be made public to help interested individuals and bodies.
- (b) In order to stimulate local business growth and retain local businesses and jobs within North Devon, it is proposed the Council applies available powers to offer the extension to Local Newspaper Relief, the new Retail Discount and the amended Discretionary Business Rate Relief Scheme to businesses when it is evident that this would be a real benefit to local taxpayers to do so. The purpose of this new policy is to attract, develop and retain businesses within the District, encouraging them to expand, create jobs and provide economic value to the area.
- (c) To incorporate the new business rate reliefs announced in the Autumn Budget and the amendment to the Discretionary Business Rate Relief Scheme in to the policy for the granting of Discretionary Non-Domestic Rates Relief.

## **124. RURAL SETTLEMENT LIST**

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 approval of the Rural Settlement List for the financial year commencing 1<sup>st</sup> April 2019.

The Head of Resources highlighted the following:

- Schedule 1 of Part 1 of the Local Government Finance Act 1997 made provision for the allowance of mandatory and/or discretionary relief from Non-Domestic Rates for certain properties situated within designated rural areas.
- Rural Settlements are settlements with a population of less than 3,000 within the boundaries of a rural area as set out under the provision of the Housing Act 1996.
- The Rural rate Relief Scheme helped qualifying small general stores, post offices, food shops, public houses and petrol stations. It was intended to safeguard rural communities and preserve the future of village life by supporting the service they provide to local people. To qualify for relief, properties must be situated within a designated rural settlement area of less than 3,000 people.
- The list of rural settlements remained unchanged.

#### DECISION

That, for the purposes of Rural Rate Relief, the rural settlements listed in the appendix to this report be approved.

#### REASON FOR DECISION

To be eligible for Rural Rate Relief the business must be located in a qualifying rural settlement, which has a population of no more than 3,000 and falls wholly or partly in an area designated for the purpose of the Rate Relief Scheme. The Authority is required to compile a list of rural settlement areas for the purposes of the scheme.

#### **125. APPROVAL AND RELEASE OF SECTION 106 PUBLIC OPEN SPACE FUNDS, CROYDE.**

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 approval and release of Section 106 Public Open Space funds towards play equipment in Croyde.

The Project, Procurement and Open Space Officer highlighted the following:

- This contribution would provide match funding to a project that has delivered an entire replacement play area in Croyde. The project took place with a loan from the Public Works Loan Board. Allocation of this contribution would assist with partially repaying the loans board contribution.

- This project was different to other similar projects that the Council has funded in that the scheme has already occurred. A section 106 contribution can only be sought where it meets statutory tests including that it was required in order to make a development acceptable. In this particular case, because the project for which the contribution was sought has already been provided, there was a risk of the developer seeking a repayment. That risk would have to be passed to the Parish Council as part of the funding agreement.
- Following advice of the Monitoring Officer, Pearce Construction (the developer), had been contacted who had confirmed that they were in agreement to approve the use of section 106 of funds for this project.

In response to a question, the Head of Resources advised the following:

- If the section 106 Public Open Space Funds to Georgeham Parish Council was approved, the decision would then be for Georgeham Parish Council to make regarding the repayment of the loan to the Public Works Loan Board.

In response to a question, the Head of Corporate and Community advised the following:

- The Council would not recommend the allocation of section 106 funds retrospectively as a matter of course.

#### DECISION

- (a) That £40,000 of S106 Public Open Space Funds to Georgeham Parish Council be allocated towards the cost of Croyde Play Area;

#### RECOMMENDATION

- (b) That Council vary the capital programme by £40,000 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed Head of Corporate and Community Services.

#### REASONS FOR DECISION/RECOMMENDATION

- (a) To allocate funds in line with the requirement of S106 agreements.
- (b) To protect and enhance public open space, including land and buildings.

### **126. BRAUNTON BMX.**

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 securing a delivery solution for a BMX track at Velator.

The Project, Procurement and Open Space Officer highlighted the following:

- For a number of years Braunton BMX club had been working to secure a site, planning permission and the relevant funding package to deliver a BMX track in Braunton. Having previously failed to find a suitable self-contained site, a development at Velator offered the club land for a BMX facility.
- Although funding had been secured, in recent months the club had faced a number of challenges in terms of project delivery and as a result had not been in a position to proceed with the project. With these difficulties identified, the club had now folded but the trustees remained owners of the land at Velator. The Trustees had written to the Council with a view to transferring the freehold of the identified site at Velator to the Council, at nil cost. The club trustees had also requested that the Council procure and project manage the construction of this community facility.
- Following the request from the trustees, Officers wished to establish whether there was still a high demand for the facility and during November and December 2018 undertook a consultation exercise to fully understand the requirement and support for this proposed project. The consultation response provided overwhelming support for the project.
- The Council would be responsible for the future maintenance of the facility. The pump track would have minimal maintenance, and the surrounding landscaping could be added to the grounds maintenance contact with grass cutting, litter picks and safety inspections which could be absorbed within existing budgets.

In response to questions, the Project, Procurement and Open Space Officer and the Contracts Delivery Manager advised the following:

- There would be no income generated from the track, as there would be open access to the track.
- Sites were added and removed from the Grounds Maintenance Contract on a regular basis.
- The site was located within the Heanton Punchardon ward which adjoined the Braunton East Ward. Heanton Punchardon Parish Council had been consulted and the consultation response was read to the Executive.
- During discussions with Braunton and Heanton Punchardon ward Members, Members had requested that the views of the Police be sought in regard to the potential of anti-social behaviour at the site. A response was received from Braunton's Police Community Support Officer and was detailed within paragraph 4.8 of the report.
- There was no capacity to upgrade the track to a regional track. A regional track had already been provided in Bideford.
- Insurance would be included within the Council's corporate policy.

## DECISIONS

- (a) That the freehold transfer of the land at Velator be accepted, identified on the annexed plan to the report, at nil value and it be adopted for use as a BMX track, from Trustees of the BMX Club;
- (b) That pursuant to Executive decisions on 6/6/2016 and 5/2/18, that the allocation of S106 public open space funds previously allocated to Braunton BMX Club be re-assigned, totalling £75,616.18 for use by the authority in delivering a BMX pump track, which already forms part of the approved capital programme;
- (c) That NDC procures and manages the project and maintains the facility thereafter.

**RECOMMENDED**

- (d) That Council be recommended to vary the capital programme by a further £25,000 from Investing in Devon external funding (£25,000), and that the full project funds be released.

**REASONS FOR DECISIONS/RECOMMENDATION**

- (a) To support delivery of a community facility and allocate funds in line S106 agreements.
- (b) To provide a solution to the delivery of the BMX track construction.

**127. JOINT LOCAL DEVELOPMENT PLAN WORKING GROUP - DRAFT TERMS OF REFERENCE.**

The Executive considered a report by the Lead Officer Planning Policy (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the draft terms of reference for the Joint Local Development Plan Working Group.

The Lead Officer Planning Policy highlighted the following:

- The Joint Local Development Plan Working Group had been meeting since 2008, its principal purpose being to support the delivery of the North Devon and Torridge Local Plan through joint working arrangements.
- Although the Joint Local Plan had now been adopted, there was still a need for the working party to meet to agree other joint documents such as supplementary planning documents and the housing needs supply.
- In July 2008, Executive had agreed to form a Joint Local Plan Working Group with Torridge District Council and to appoint three members. The Working

Group had requested a review of its terms of reference, however there were currently no formal terms of reference agreed by both Councils.

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

- If the Governance arrangements changed from an Executive to a committee structure, the terms of reference and membership of the working party could be reviewed.
- The next meeting of the Governance Arrangements Working Party would consider the possibility of appointing Lead Members, as this was possible within a committee structure.

### DECISIONS

- (a) That the draft Terms of Reference (Appendix 1) for the Joint Local Plan Working Group be endorsed subject to paragraph 9 being amended to include “at the discretion of the Chairman” at the end of the sentence;
- (b) That consideration be given to how best to keep the wider Membership informed of progress by the Working Group.

### REASONS FOR DECISIONS

- (a) To formalise the Terms of Reference for future operation of the Joint Local Plan Working Group.
- (b) To keep all Members informed in progress with joint planning policy documents and to facilitate transparency for all Members.

## **128. ANTI-FRAUD CORRUPTION AND BRIBERY POLICY.**

The Executive considered a report by the Chief Financial Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the adoption of the Anti-Fraud Corruption and Bribery Policy.

The Head of Resources highlighted the following:

- The Policy applied to both employees and Councillors.
- There had been a small number of updates but no significant changes to the Anti-Fraud, Corruption and Bribery Policy. The main changes were to references to the Whistleblowing Policy within the document.
- The draft policy had been reviewed and recommended by the Audit Committee on 8<sup>th</sup> January 2019.
- The policy incorporated the provisions required of the Bribery Act 2010.
- Suspected cases of fraud, corruption and bribery would be investigated by the Council.

DECISION

That The Council's zero tolerance to fraud corruption and bribery be noted and the updated Anti-Fraud, Corruption and Bribery Policy be approved.

REASONS FOR DECISIONS

- (a) The policy provides a clear statement of the Council's position and response to fraud, corruption and bribery activity.
- (b) The policy provides the mechanisms for detecting and reporting suspected fraud, corruption and bribery activity.

**129. ANTI-MONEY LAUNDERING POLICY.**

The Executive considered a report by the Chief Financial Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the adoption of the revised Anti-Money Laundering Policy.

The Head of Resources highlighted the following:

- The Council had a duty to report to the National Crime Agency areas of suspected money laundering activity.
- The draft policy had been reviewed and recommended by the Audit Committee on 8<sup>th</sup> January 2019.
- The minor amendments that had been made to the revised policy.

DECISION

That the Council's zero tolerance to money laundering be noted and the updated Anti-Money Laundering Policy be approved.

REASONS FOR DECISION

- (a) The policy provides a clear statement of the Council's position and response to money laundering activity.
- (b) The policy provides the mechanisms for detecting and reporting suspected money laundering activity.

**130. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS**

RESOLVED:

- (a) That under the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended), as made under the Local Government Act 2000, the public and press be excluded from the meeting as it involved the likely disclosure of exempt information as defined by Paragraph 3 Part 1 of 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).
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

**131. THE LYNTON COMPLEX**

The Executive considered a report by the Estates Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Lynton Complex.

The Estates Officer highlighted the following:

- The Lynton Community Development Trust was aware that the report was being considered at this meeting and contained confidential information.
- Opportunity for the Council to consider a potential joint venture development in Lynton to enable a community-led affordable housing scheme by Lynton Community Development Trust to meet some of the local housing need identified by a recent housing needs survey in the parish.
- Potential sites available in Lynton.

In response to questions, the Estates Officer advised:

- Lynton and Lynmouth Town Council had been consulted by Lynton Community Development Trust.
- There was a need to achieve best value for the Council.
- Clarification would be sought regarding the funding awarded by national organisations.

In response to questions, the Housing Services Manager advised:

- The Council had been awarded £667,869 sum from the Department for Communities and Local Government which had been placed into the Community Housing Fund earmarked reserve. The purpose of the fund was for the Council to support community-led housing development. Lynton and Lynmouth had been identified as a community to be supported by the Community Housing Fund and they have formed the Trust with a commitment to deliver a housing scheme and have already made progress leading to the report presented to the Executive.

In response to questions, the Head of Resources advised:

- Officers would investigate all the issues raised by the Executive which would include access arrangements and report back on the viability of the scheme.

### DECISIONS

- (a) That officers be supported in ongoing consultations with the Trust and their advisers on the potential release of value from this asset to provide for reconfiguration and redevelopment to include the re-provision of existing facilities;
- (b) That officers be given leave to progress the preparations and structure of draft heads of terms/an agreement with the Trust, with the intention to develop a viable scheme for the entire asset.

### REASONS FOR DECISIONS

- (a) To allocate the Community Housing Fund 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) Thereby the viability of a potential scheme would be fully investigated and funded within the framework and structure set out in the proposed heads of terms. With limited financial implications on NDC for these costs.
- (c) To invest in communities and increase rural affordable housing stock, held truly in perpetuity for local people.
- (d) By using the entirety of the site area we can aim to accommodate the development of a viable residential scheme, which may include open market housing as well as local needs dwellings, as well as providing more appropriate facilities for the existing tenants and wider community.
- (e) That NDC Estates officers and Environmental Health and Housing work jointly in this project with the Trust.
- (f) To potentially gain a capital receipt and improve the property asset.

### Chairman

The meeting ended at 11.21 am

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: Wednesday, 6 March 2019

