

**NORTH DEVON COUNCIL**

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 1st July, 2019 at 10.00 am

PRESENT: Members:

Councillor Worden (Chairman)

Councillors Leaver, Lofthouse, Patrinos, Pearson, Prowse, E. Spear and Wilkinson

Officers:

Chief Executive, Head of Resources, Service Lead - Environmental Protection, Acting Regeneration Manager, Head of Environmental Health and Housing, Head of Operational Services, Parking Manager, Head of Place and Project and Procurement Officer.

Also Present:

Councillors Jenkins and D. Spear

**8. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Lane.

**9. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 3RD JUNE 2019 (ATTACHED).**

RESOLVED that the minutes of the meeting held on 3<sup>rd</sup> June 2019 (circulated previously) be approved as a correct record and signed by the Chairman.

The Chief Executive clarified that the draft Corporate Plan would be presented to the Policy Development Committee on 18<sup>th</sup> July 2019, the Strategy and Resources Committee on 5<sup>th</sup> August 2019 and Council on 25<sup>th</sup> September 2019. It was anticipated that a notice of motion would be presented to Council on 24<sup>th</sup> July 2019 requesting Council to adopt the Devon Climate Change declaration.

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

**(a) Devon and Somerset Fire and Rescue Service**

The Leader advised that the Devon and Somerset Fire and Rescue Service had commenced public consultation today regarding future service delivery.

Councillor Patrinos advised the Committee that he had recently received an email from the Chief Fire Officer advising that the Fire Service was reviewing its services and seeking to redeploy under-utilised resources to other areas to provide better protection for communities. However, it had since transpired that the reason for the review was to make budget savings of £8.4m. The consultation was for a 12 week period and included options to close stations at Porlock and Woolacombe, the removal of the second fire engine at Lynton, change of status of second fire engine to on call at night only at Ilfracombe and change of status to day crewing at Barnstaple. It appeared that the provision of services would be concentrated on the more populated areas in South Devon. There was a need for the Council to engage with the public on the proposals and arrange a meeting with the appropriate stakeholders to obtain a better understanding of the proposals.

RESOLVED that the Council Procedure Rules of the Constitution be waived to enable former Councillor Mike Edmunds to address the Committee as he was a previous Member of the Devon and Somerset Fire Authority.

Mr M. Edmunds addressed the Committee. He expressed concern that the six options contained within the Devon and Somerset Fire Authority's public consultation were not costed. There were many co-responders who were also Fire Officers.

RESOLVED that the Chair of the Policy Development Committee be requested to convene a public meeting of the Committee and that the appropriate stakeholders be invited to attend to obtain a better understanding of the six options contained within the Devon and Somerset Fire Authority's public consultation

**11. DECLARATIONS OF INTERESTS.**

There were no declarations of interest announced.

**12. RECYCLE MORE: UPDATE**

The Committee received a presentation by the Head of Operational Services regarding the Waste and Recycling trial. He highlighted the following:

- The presentation provided background in relation to the trial prior to a report being presented to the Committee at its next meeting regarding a proposed extension of the trial.
- The purpose of the trial of the new recycling and waste collection service to 3,400 households with unlimited recycling and a 3 weekly residual waste collection service.
- The trial area which covered Forches, Bratton Fleming, Stoke Rivers, Landkey and Whiddon Valley.
- How the trial area was selected.
- Communication and stakeholder engagement.
- Photographs of recycling collections in Forches pre trial and during the trial.
- Pre-trial recycling performance.
- Six month recycling performance.

- Overall performance of the trial.
- Performance by each area pre-trial and during trial. Whiddon Valley recycling levels had the highest increase.
- Results of the customer satisfaction survey. The full consultation responses were available and could be circulated to the Committee.
- Conclusions of the trial.
- The trial was still continuing and had run for almost two years. The trial area still produced substantially higher amount of waste that customers recycle however the levels had reduced slightly since the initial first six months of the trial.
- The number of Recycling Advisors had reduced from five to one.

In response to questions, the Head of Operational Services advised the following:

- Information regarding the types of plastic that were recyclable were published. The Council was not able to recycle black plastic, cling film, bags or hard plastic.
- The contamination levels collected kerbside were quite low.
- There was not currently a market to recycle vegware products.
- The Plastic Free North Devon Consortium was a community group and would need to communicate with businesses that prior to changing the types of plastic used for products, there was a need to ensure that there was market for the recycling of the products.
- Data on the level of decrease of recyclable materials collected in the trial area would be reported to the Committee.
- The report on the proposed extension of the trial would include the financial costings, benefits and performance and recommend that the trial area be rolled out to other areas on a phased approach.
- Prior to the start of the trial, all Ward Members, Devon County Councillors and Parish Councillors were invited to a number of events. Weekly updates were provided to Councillors and regular updates were provided at the Parish Forum and full Council.

### **13. BATSWORTHY CROSS WINDFARM**

The Committee considered a report by the Head of Environmental Health and Housing (circulated previously) regarding an update on the current position in relation to the Batsworthy Cross windfarm.

The Service Lead – Environmental Protection highlighted the following:

- The special meeting of the Overview and Scrutiny Committee held on 7<sup>th</sup> March 2019 had examined in detail the Council's regulation of the planning consent relating to Batsworthy Cross windfarm. The Committee had requested that this subject be added as a standing item to all future agenda of the Executive (now the Strategy and Resources Committee).
- Monitoring undertaken by the Operator had confirmed non-compliance at 1 of the 6 monitoring locations resulting in them implementing a mitigation strategy in an attempt to reduce the noise levels in this location. The success of this

mitigation strategy had recently been assessed by the Council by undertaking its own noise monitoring exercise and results confirmed a continuing exceedance of the noise limits in this location.

- The Operator recently advised the Council that in their view, they had now collected sufficient noise data to support a full analysis of the situation and had submitted their detailed report. This report was now in the process of being independently evaluated by officer's and the Council's own acoustic adviser. The outcome would be presented to at a future Committee.

RESOLVED that the current position in relation to the Batsworthy Cross windfarm be noted that a further update be presented to the Committee at its meeting on 7<sup>th</sup> October 2019.

#### **14. WESTACOTT HOUSING INFRASTRUCTURE FUND**

The Committee considered a joint report by the Chief Executive and Head of Place (circulated previously) regarding the Westacott Housing Infrastructure Fund.

The Regeneration Manager highlighted the following:

- The Housing Infrastructure Fund was a Government fund awarded through Homes England which was intended to allow local authorities to front load infrastructure on housing sites where the provision of infrastructure by the developer would mean that the housing scheme was unviable.
- On 23<sup>rd</sup> April 2019, the Council received the offer letter from Homes England confirming that this scheme had received the internal approvals to proceed with the formal award of grant subject to a number conditions as detailed in the report and the grant agreement. The grant award was to fund a roundabout off the A361 to access the development and unlock the delivery of 820 homes. The Council would pay the grant to the developer Barwood Land.
- The infrastructure was required to be in place by March 2022.
- The Council needed to have legally enforceable methods of recovering the funds from the developer.
- There was a clause that stated that if the Council should breach any of the provisions, it must repay the amount granted. As the Council would be funding the provision of the infrastructure, there was a risk that if the Council could not recover the monies from the development, it would still have to repay that amount to Homes England.
- The Council had obtained Counsel's opinion which stated that the only reasonably certain way in which the Council could recover the amounts was to enter into an appropriate agreement with the developer and have a charge placed on land within the ownership of the developer to act as security.
- The Council was currently in discussions with the developers over the terms of the necessary charges and the level and nature of security required.
- There was a need to ensure that the relevant dates in the timetable could be met.
- Concerns had been expressed to Homes England regarding the bureaucratic process in relation to the fund.
- The intention was that once the dwellings start being constructed, the developer would repay the funds under an agreed repayment mechanism

which could then be recycled by the local authority to support further infrastructure which could unlock or accelerate housing development. Homes England had not issued any guidance in relation to the use of the funds following repayment by a developer.

The Head of Resources confirmed that external advice was also being sought on treasury management.

RESOLVED:

- (a) That the contents of the report be noted;
- (b) That the Chief Executive be authorised to enter into relevant agreements with Homes England in order to secure the funding and to enter into legal charges secured on land owned by the developers of the schemes or any other appropriate agreement with developer to recover monies in order to secure repayment of the funds, the terms to be negotiated and approved by the Chief Executive and Head of Resources in consultation with the Leader and Deputy Leader.

**15. ILFRACOMBE HOUSING INFRASTRUCTURE FUND**

The Committee considered a joint report by the Chief Executive and Head of Place (circulated previously) regarding the Ilfracombe Housing Infrastructure Fund.

The Regeneration Manager highlighted the following:

- On 23<sup>rd</sup> May 2019, the Council had received the offer letter from Homes England to award £6,500,000 funding, subject to grant conditions as detailed in the report, in respect of Ilfracombe Southern extension which was to be used to provide roads, drainage and community facilities including a serviced school site. This infrastructure package replaced the original request for the funding to be used to forward fund a school at this site.
- Despite working with Devon County Council it had not been possible to bring forward the school alongside the first phase of housing within the timescale available.
- The school would still be delivered, but not alongside the first phase of housing.

RESOLVED:

- (a) That the contents of the report be noted;
- (b) That the Chief Executive be authorised to enter into relevant agreements with Homes England in order to secure the funding and to enter into legal charges secured on land owned by the developers of the schemes or any other appropriate agreement with developer to recover monies in order to secure repayment of the funds, the terms to be negotiated and

approved by the Chief Executive and Head of Resources in consultation with the Leader and Deputy Leader.

**16. ANNUAL TREASURY MANAGEMENT REPORT 2018/19**

The Committee considered a report by the Chief Financial Officer (circulated previously) regarding the Annual Treasury Management report for 2018/19.

The Head of Resources highlighted the following:

- The annual report, would be followed by a mid year treasury update report and an annual treasury management strategy in advance of the financial year. All reports were also presented to the Policy Development Committee prior to consideration by Council.
- The report provided details of the outturn position for the treasury activities and highlighted compliance with the Council's policies.
- The treasury management strategy was based firstly on the security of funds, liquidity of funds and how readily available they were and then the yield and return of investments.
- The Council's borrowing need had increased to fund the capital programme. Recently the Council had internally borrowed using cash reserves and balances rather than borrowing from the Public Works Loan Board.
- The Council's underlying need to finance capital expenditure (Capital Financing Requirement).
- The Council had complied with the borrowing levels and authorised limits prudential indicators for 2018/19.
- Treasury position as at 31<sup>st</sup> March 2019. All investments were for maturities less than one year and during 2018/19 the Council had made no material non-treasury investments in property with a view of generating an income stream.
- Treasury Management Strategy for 2018/19. The interest rates had been predicted for the future. The investment activity during the year conformed to the approved strategy and the Council had no liquidity difficulties.
- The Council sought advice from treasury advisors in relation to interest rates and the timing of taking out loans.

**RECOMMENDED:**

- (a) That the annual treasury management report for 2018/19 be noted;
- (b) That the actual 2018/19 prudential and treasury indicators be approved;
- (c) That the Section 151 Officer be delegated authority to update the Treasury Management Policy and Practices to reflect the recent changes to committee structure and overdraft arrangements.

**17. APPROVAL AND RELEASE OF SECTION 106 OPEN SPACE FUNDS - BICKINGTON, ILFRACOMBE AND NORTH MOLTON.**

The Committee considered a report by the Project, Procurement and Open Space Officer (circulated previously) regarding the allocation of section 106 public open space funds towards four schemes across the district.

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

- Details of the four schemes at: Tomlin Hall, Bickington; shelter at Ilfracombe Cemetery; Oakford Villas play area, North Molton; and North Molton Victory Hall.
- Tomlin Hall had a core user group and the usage would increase following modernisation. The group was proactive and were considering a number of phased schemes.
- North Devon Homes had agreed to undertake future maintenance of the Oakford Villas play area at North Molton.

RESOLVED that section 106 public open space funds be allocated as follows:

- (a) £20,449.70 to Tomlin Hall Committee towards improvements of the hall;
- (b) £1,774.91 towards a Shelter at Marlborough Road Cemetery (NDC);
- (c) £5,000 to North Devon Homes towards Oakford Villas Play Area, North Molton;
- (d) £3,519 to Victory Hall Committee, towards hall improvements at Victory Hall, North Molton.

RECOMMENDED:

- (e) That Council vary the capital programme by £30,743.61 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 for external projects.

**18. ADOPTION OF ROPERY ROAD CAR PARK TO THE OFF STREET PARKING ORDER**

The Committee considered a report by the Parking Manager (circulated previously) regarding the adoption of Ropery Road car park, Ilfracombe to the Off Street Parking Order.

The Parking Manager highlighted the following:

- Ropery Road car park was owned by Ilfracombe Town Council and was currently managed under contract by a private company and enforced using Automatic Number Plate Recognition technology.
- The current contract was nearing conclusion and that following a recent meeting, Ilfracombe Town Council had requested that North Devon Council's parking team undertake the enforcement of the car park in the future. Income from penalty notices issued would cover the cost of enforcement.
- Any representations received from the advertisement of the amended Off Street Parking Places Order would be presented to the Committee at its meeting on 2<sup>nd</sup> September 2019.

RESOLVED:

- (a) That Ilfracombe Town Council's request to amend the North Devon (Off Street Parking Places Order) 2019 to include car park area known as Ropery Road car park to permit any future enforcement activities by North Devon Council be approved;
- (b) That the Head of Operational Services be given delegated power to decide on the extent of the car park and the terms of use, due to the information not being available from Ilfracombe Town Council at the date of this report.

**19. EXTENSION TO DEVON WAN (WIDE AREA NETWORK)  
PARTNERSHIP CONTRACT**

The Committee considered a report by the Business Information Systems Manager (circulated previously) regarding the extension to Devon Wide Area Network (WAN) Partnership contract.

The Head of Resources highlighted the following:

- The Council had been part of the Devon WAN Partnership since 2011, with Devon County Council taking the lead in terms of procurement and contract management. As part of the contract, seven Devon WAN links were commissioned to deliver connectivity and services across the sites at Brynsworthy Environment Centre, Lynton House, North Devon Crematorium, Woodlands Enterprise Centre, Barnstaple Museum, Ilfracombe Centre and the Amory Centre, South Molton.
- Devon County Council had just entered into another contract with our incumbent supplier Updata and the Council wished to also continue with the arrangement for a further year with an option to add a further year.

The Head of Resources confirmed that paragraph 2.2 was a reason for the recommendation and not a recommendation.

RESOLVED that the requirements to tender in the Contract Procedure Rules (in Part 4 of the Constitution) be set aside and authority be given to enter into an extension to its contract provision for the provision of its Wide Area Network.



**20. BRAUNTON BURROWS SPECIAL AREA OF CONSERVATION  
VISITOR IMPACTS AND MITIGATION.**

The Committee considered a report by the Head of Place (circulated previously) regarding the Branton Burrows Special Area of Conservation (SAC) visitor impacts and mitigation.

The Sustainability Officers highlighted the following:

- Evidence produced since the adoption of the North Devon and Torridge Local Plan concluded that as a result of increasing visitor pressure adverse effects on the integrity of the SAC cannot be ruled out and development which contributed to the harm of the SAC should not be granted without appropriate mitigation measures being in place.
- Natural England had advised that a formal mitigation management plan must be produced to provide certainty on what mitigation measures were required.
- The mitigation plan was due to be completed by September 2019 and therefore interim measures were required. The plan was being produced by an external consultant and would be fully costed for developer contributions per unit. The Plan would be presented to the Committee at its meeting on 3<sup>rd</sup> September 2019.
- There was a need to commence securing developer contributions towards a strategic environmental mitigation strategy for Branton Burrows SAC.
- The North Devon and Torridge Local Plan Habitat Regulations Assessment (HRA) had iteratively assessed the Local Plan at each stage of its development.
- On behalf of the Local Authority, Footprint Ecology had carried out further visitor surveys and identified a robust Zone of Influence. This had been undertaken over several days on Branton Burrows.
- It was anticipated that following the production of the implementation plan, it was anticipated that contributions from developers would increase significantly.

**RESOLVED:**

- (a) That the Local Authority commence collection of developer contributions at a rate of £100 per unit (including administration fees) on any development resulting in a net gain in temporary or permanent residential or holiday accommodation within the identified Zone of Influence (Zol);
- (b) That the rate of contributions be reviewed as soon as reasonably practical following the completion of the formal mitigation management plan.

**RECOMMENDED:**

- (c) That Council be recommended to amend the Scheme of delegations to provide delegated power to the Head of

Corporate and Community to enter into undertaking and obligations under section 106 Town and County Planning Act and/or section 111 of the Local Government Act 1972 to secure contributions.

**21. EQUALITY STRATEGY 2019-2023**

The Committee considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding the adoption of the Equality Strategy 2019-2023.

The Senior Corporate and Community Services Officer advised the following:

- Previously North Devon Council had produced a joint Equality Plan with Torridge District Council. There was now a requirement for the Equality Strategy to be reviewed and updated to ensure that the Council meets its duties under the Equality Act 2010.
- A draft strategy had been produced and subject to public consultation. Only four consultation responses had been received (Appendix B).
- Information that public authorities must publish to show compliance with the Equality duty as part of the decision making process.
- Training on the new strategy would be provided to all Councillors on 17<sup>th</sup> September 2019 which attendance at was mandatory. Training would also be provided to all staff.
- As part of the decision making process, report authors would be required to confirm whether any equalities implications were anticipated as a result of their report and if so would be required to complete an Equality Impact Assessment. An action plan would be published on an annual basis demonstrating the Council's compliance with the equality duty.

RESOLVED that the Equality Strategy for 2019-2023 be adopted.

Chairman

The meeting ended at 12.04 pm

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