

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held as a Virtual - Online meeting on Monday, 12th April, 2021 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Knight, Lane, Patrinos, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Environmental Health and Housing, Solicitor, Public Protection Manager, Graduate Environmental Health Officer, Service Lead – Environmental Protection, Contracts Delivery Manager

Also Present:

Councillors Ley and D. Spear

1. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE

To mark the death of His Royal Highness Prince Philip a minutes silence was observed.

The Chair outlined the virtual meeting procedure and etiquette to the Committee and Attendees. The Corporate and Community Services Officer confirmed the Members who were present.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crabb and Lofthouse.

3. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 1 MARCH 2021 (ATTACHED)

RESOLVED that the minutes of the meeting held on 1 March 2021 (circulated previously) be approved as a correct record and signed by the Chair.

4. 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.

5. DECLARATIONS OF INTERESTS

The following declaration of interest was announced:

Councillor L. Spear declared a personal interest in item 13, Review of North Devon Council Off-Street Parking Places Order as she was the Chair of Braunton Parish Council.

6. BATSWORTHY CROSS WINDFARM

The Committee considered a report by the Service Lead – Environmental Protection (circulated previously) regarding Batsworthy Cross Windfarm.

The Service Lead – Environmental Protection gave the Committee the following highlights:

- Noise monitoring at the site confirmed compliance with Planning conditions at five of the six locations
- The non-compliance at the sixth location occurred at a wind speed of seven miles an hour only
- The Operator had proposed a strategy to mitigate this problem
- Calculations undertaken by the Council's acoustic consultant to verify the potential effectiveness of the strategy utilised data gathered in previous noise monitoring exercises associated with the site
- Officers were satisfied that the proposals would provide compliance and proposed advising the Operator to implement the solution in full
- The exceedance of 1.5 decibels of noise was not an audible sound to the human ear
- The final report had been circulated more widely than normally to ensure all stakeholders had the opportunity to present their comments
- Rose Ash Parish Council had submitted late comments on the final report to the Service Lead – Environment Protection Officer who requested to share their response
- In summary the Parish Council advised that all they wanted was for North Devon Council to carry out recommendations that ensured compliance with the Planning Inspectorate's conditions
- Officers had secured the co-operation of the Operator to implement this strategy – which would result in compliance – as well as the highest level of environmental protection it was currently possible to obtain

In response to the unanswered questions raised by the Batsworthy Noise Group. The Service Lead – Environment Protection Officer responded that North Devon Council were in compliance with the Planning Inspectorate requirements and that detailed responses had been given to the numerous requests for information. Although there were further questions in the consultation response, these had been reviewed and it was considered that there was no relevant details to warrant amending the proposed course of action as set out in the Officer report. All questions and further comments, however, would be answered/addressed in the fullness of time.

The Chair invited Jane Faust to address the Committee.

Jane Faust addressed the Committee.

In response to the first question raised by Jane Faust the Chief Executive advised that the question did not relate to the report being considered and would be addressed outside of this Committee as a separate matter.

Jane Faust asked about the compliance issue as the Inspectorate stated that compliance was binary not suggestive and if there was a non-compliance on site then further investigation of this should be undertaken. The Service Lead – Environment Protection Officer responded that the assessment of noise compliance had been undertaken in relation to guidance from Planning.

The Chair invited David Morgans to address the Committee.

David Morgans addressed the Committee.

In response to Mr Morgan's comments. The Service Lead – Environment Protection Officer advised that it was not appropriate to discuss the technicalities of the noise level readings but that the findings in the report were correct. The challenge of taking measurements against background wind noise would not give viable readings. The Senior Solicitor/Monitoring Officer had reviewed the report being presented to the Committee by the Service Lead – Environmental Protection Officer and had not raised any issues with it from a legal perspective.

The Chair invited Bob Davis, independent noise consultant, to address the Committee.

Mr Davis addressed the Committee.

RESOLVED that under delegated powers, officers ask the Operator, to implement the proposed mitigation strategy in full, and provide written confirmation to the Council (within 21 days of the request having been made of them) that this has been done.

7. SECTION 19 BARNSTAPLE FLOODING UPDATE

The Committee considered the Section 19 Barnstaple Flooding update report (circulated previously).

The Chair invited Martin Hutchings from Devon County Council to address the Committee.

Mr Hutchings provided the following update:

- Devon County Council had confirmed that they had a duty to investigate the event that occurred last August 2020 in Barnstaple which was identified as a flooding event
- Devon County Council took the lead in the investigation with

assistance from South West Water, Devon County Highways and the Environment Agency

- A wide area had been affected with no one specific location
- The event happened at a point of the six year agreement with Defra was coming to an end so was a good opportunity to add Barnstaple into their new strategy which was endorsed by Devon County Council's Cabinet at its meeting in February 2021
- It normally took five years from the point of a flooding event taking place to a strategy being put in place but that it was hoped Barnstaple would be included for the 2022/2023 year
- A Section 19 report was a very high level report and the risk areas highlighted would be included in any new strategy drafted

In response to questions Mr Hutchings gave the following answers:

- Other locations not highlighted on the map such as Bishops Tawton were being managed by other Risk Management Agencies such as the Environment Agency
- Due to funding issues their scheme was currently on hold
- The sewage system would be looked at by South West Water who were aware of the issues and were working with consultants to find solutions
- New housing developments had to ensure there was no run off of rain water from their development, Devon County Council had drawn up its strategy for new developments in conjunction with the national strategy so no new development would increase run off and this was taken very seriously
- Retro fitting on established highways was not something Mr Hutchings was aware of but that rain gardens were being created in schools with several schools in Barnstaple identified to take part in this project

The Committee noted the report.

8. CLIMATE ACTION TEAM WORKING GROUP

The Committee considered the resolution from Council to set up a Climate Action Team Working Group.

The Chief Executive reiterated that this motion was to formalise the Climate working group and requested that Group Leaders send him their nominations for the Working Group, and the group was to be made up of ten members although this could be amended if needed.

The Head of Environmental Health and Housing advised that of the 17 who had applied for the post of Climate Change Officer, six had been short listed for interview. The Head of Environmental Health and Housing advised the Committee that a joint post with Torridge District Council was in the process of being filled.

RESOLVED that the Climate Action Team be formally constituted, made up of 10 Members, and to report back to Strategy and Resources within six months.

9. HOME ENERGY EFFICIENCY AND FUEL POVERTY

The Committee considered the Home Energy Efficiency and Fuel Poverty report (circulated previously), by the Head of Environmental Health and Housing.

The Head of Environmental Health and Housing gave the Committee the following highlights:

- This report sets out five programmes of work to support the promotion of home energy efficiency
- This would give the Council the ability to gain Eco grants and offer home efficiency grants to households in the area
- Domestic energy usage accounted for a huge amount of Carbon emissions in the region of 138,000 tonnes per annum and this programme would further support the Council's ambition of becoming Carbon Neutral
- The Carbon Action Team had scrutinised the Home Energy Efficiency report and requested that three comments be brought to the attention of the Committee, firstly the opportunity to maximise the introduction of renewables by offering less carbon intense forms of heating, secondly to maximise using local supply chains and thirdly for the Officers to keep an eye on any unintended consequences of this programme. The housing market was currently very fragile, therefore, any detrimental actions arising as a result of the Council's activities would be kept under review
- Would like the three comments to be addition recommendations put forward to the Committee

The Chair agreed to add the additional points to the recommendations to be voted on. These were (1) the opportunity to maximise the introduction of renewable energy sources, (2) the use of local supply chains and (3) scrutiny of any unintended negative consequences on the Council's programmes within the Housing market.

In response to questions raised by Members. The Head of Environmental Health and Housing provided the following:

- Assurance was given that rural housing pockets would be offered the services and interventions being delivered to make their homes energy efficient
- There are challenges to removing gas boilers and fitting heat pumps but that a programme of retro fitting would be undertaken shortly in conjunction with 361 Energy

RESOLVED:

- (i) that the five point programme be adopted as set out in paragraph 4.5 of the Officers report,
- (ii) that the cross sector framework to address fuel poverty as set out in Appendix A be noted,
- (iii) the opportunity to use renewables was maximised
- (iv) the use of local supply chains, and
- (v) any detrimental outcomes as a result of the Council's programme be

scrutinised

10. PROPOSED EXTENSION OF EXISTING POLICY DEROGATIONS DUE TO COVID 19

The Committee considered the Proposed Extension of Existing Policy Derogations report (circulated previously) by the Public Protection Manager.

The Public Protection Manager gave the Committee the following highlights:

- This report arose from a recommendation that came from Licensing and Community Safety Committee on 9th February 2021
- The recommendation was for a continuation of derogations approved by the Chief Executive last March 2020 in respect of the Hackney Carriage and Private Hire Licensing Policy and are proposed due to the continuing effect of Covid-19 restrictions to business
- The recommendations cover two areas the first being the maximum age of a vehicle and secondly Licence fees, whereby should a driver surrender their licence over concerns due to transporting passengers and the re-applies their fee would be calculated on a pro rata rate up to 1st July 2021

RESOLVED that the proposed derogations from the current North Devon Council Hackney Carriage and Private Hire Licensing policy (as outlined in the report) are made until 1st July 2021, in respect of the following two areas;

(a) Maximum age of vehicle, and

(b) Calculation of fees

11. HOUSES IN MULTIPLE OCCUPATION: AMENITY STANDARDS, MINIMUM ROOM SIZING AND LICENCE CONDITIONS

The Committee considered the Houses in Multiple Occupation: Amenity Standards, Minimum Room Sizing and Licence Conditions report (circulated previously) by the Public Protection Manager and Graduate Environmental Health Practitioner.

The Public Protection Manager introduced a new colleague Tanisha Rowswell, Graduate (Trainee) Environmental Health Practitioner.

The Committee received a joint presentation relating to Houses in Multiple Occupation from the Public Protection Manager and the Graduate (Trainee) Environmental Health Practitioner. The following summary was heard:

- The definition of a House in Multiple Occupation (HMO) was given in the Housing Act 2004
- Mandatory licensing rules were brought in under the Licensing Houses in Multiple Occupation (Prescribed Description) (England) Order 2018. This gave the requirement for a licence to be obtained for all properties with five or more occupants from two or more separate households, who shared a bathroom, toilet or kitchen
- North Devon currently had 43 licensed HMO's with an additional 250

- now falling under the new regime
- Of the five prescribed standards it was hoped to implement locally adopted standards
 - Heating; introduction of fixed heating sources with occupier controlled heating to a minimum of 21 degrees when the temperature outside was below zero
 - Personal washing facilities; to ensure a bathroom was not more than two storeys away from a bedroom
 - Kitchen facilities; depending on whether the accommodation was a bedsit or shared house there were different standards such as the number of appliances and storage units available
 - Waste disposal; the licence holder would be required to provide appropriate external and internal waste storage facilities
 - Due to the volume of applications for licences and the resource implications in processing these the licence period renewal would remain at five years
 - With authorisation from the Committee a six week consultation period would be carried out seeking stakeholders views on the proposals
 - The analysed results would be presented at the July 2021 meeting

The Committee noted the proposed changes to Amenity standards and Room Sizing requirements, the proposed licensing standards and the period of renewal for a licence

RESOLVED that the Graduate Environmental Health Officer carry out a six week consultation on the proposed revisions to amenity standards, minimum room size requirements and licence conditions.

12. REVIEW OF NORTH DEVON COUNCIL OFF STREET PARKING PLACES ORDER

The Committee considered a Review of North Devon Council Off-Street Parking Places Order report (circulated previously), by the Acting Car Parks Manager.

The Chief Executive gave the Committee the following highlights:

- The report showed minor changes and included requests from Parish Councils
- Electric Vehicle Bays should only be in use by electric vehicles which were charging
- The proposed change to the Pier car park had been put forward by Councillor Pearson who was invited to present the rationale for the proposal

Councillor Pearson gave the Committee the following summary:

- The summer of 2020 saw a high number of visitors to the town of Ilfracombe which caused problems with traffic and parking

- The plan to part pedestrianise Quay Road and change the short stay Pier car park to a long stay car park it was hoped would help reduce the number of vehicles travelling down Quay Road and therefore ease congestion
- Ilfracombe Town Council were supportive of this idea and had set aside funds to help implement the changes. To help towards the cost of additional signage and the creation of the pedestrian friendly space along Quay Road

The Chief Executive advised the Committee that the changes proposed could not be implemented at the start of May as at least 21 days' notice was required advertising the proposed changes. Officers were unable to say whether the changes would be beneficial to the Council. In addition the Water Sports construction started in June 2021 and there would be a reduction in parking spaces at Marine Drive car park as a result of this. Signage advertising the change to the Pier car park would be vital as the success on reducing traffic flow along Quay Road depended on this. Changing the nature of the Pier car park would require a public consultation.

Councillor Lane raised the point that Swimbridge did not have a pay and display car park and that the report may need to be amended to reflect that the car park was at Landkey.

The Chief Executive advised that the findings of a public consultation could be brought back to a future meeting to decide on how to proceed.

Councillor Prowse asked for the item to be added to the agenda for a future meeting of Strategy and Resources.

RESOLVED that the recommendations put forward by Parishes and North Devon Council be adopted, with the correction of reference to Swimbridge to Landkey, for inclusion in the revised Off Street Parking Order.

13. LITTERING STRATEGY IMPLEMENTATION

The Committee considered the Littering Strategy Implementation report (circulated previously), by the Service Manager Operational Services and Environmental Protection Service Lead.

In the absence of the Service Manger Operational Services the Service Lead – Environment Protection Officer asked for Group Leaders to email their nominations to this working group to the Chief Executive.

RESOLVED that a working group be set up in order to identify litter problem areas and problem litter behaviours and to identify suitable mitigation measures along with a plan for their implementation.

14. URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

The Committee noted the urgent decisions that had been made by the Chief Executive in accordance with paragraph 3.48, Annex 2, part 3 of the Constitution (circulated previously), regarding officer authorisations.

15. LEISURE CONTRACT PAYMENTS

The Committee considered the Leisure Contract Payments report (circulated previously), by the Contracts Delivery Manager.

The Contracts Delivery Manager gave the Committee the following highlights:

- Due to the enforced closure of Leisure facilities because of Covid-19, North Devon Council had previously made payments to support the Leisure centres and help keep them running
- £217,000 had been paid to Parkwood Leisure with an additional £180,000 in Leisure recovery funding from Sport England
- Having two lockdowns in quick succession of each other had proven to be more expensive for the Leisure Centres
- Despite having received payments from the Council and the Leisure recovery funds the Leisure contractor was still running suffering losses on the North Devon contract
- This further assistance of £59,000 was being sought to cover losses in February and March 2021
- It was very likely a second round of Leisure recovery funding would be announced which would also be applied for when open
- An additional £12,000 had been received from Sport England which was being put towards the £59,000 being requested

RESOLVED that That North Devon Council makes a grant payment of £59,000 to Parkwood Leisure to cover losses experienced in the months of February & March due to Covid-19.

16. ROADMAP OUT OF LOCKDOWN

The Committee considered the Roadmap out of lockdown presentation (circulated previously), by the Chief Executive and the Communications Team.

The Chief Executive gave the Committee the following highlights:

- This roadmap was drawn up to look at how the national lockdown and easement would affect us locally
- Resources had been allocated to respond to local Business's readying for reopening from 8th March 2021
- The Communications Team Explore from your Door had been picked up regionally
- From 29th March 2021 Groups of six could meet up outdoors and with the stay at home message changing it was expected there would be longer day trips out
- From 12th April non-essential Businesses could re-open which included self-contained accommodation, hairdressers, and Zoo's
- An update from the Barnstaple town Manager had indicated that the High Street was very busy

- To help discharge the Council's responsibility to house the homeless holiday accommodation had been used for placements which now meant alternatives had to be found
- If the situation permitted from 17th May 2021 the anticipated next steps would be for B&B's to reopen and hospitality venues could serve inside
- Pop up campsites and car parks were still permitted with no recourse to notifying the local authority
- A review of all activities was due to take place on 21st June 2021 with all legal restrictions being lifted
- The G7 summit event due to take place 11-13 June 2021 could impact North Devon in as much as there could be an increased risk of demonstrations

The Committee noted the excellent roadmap presentation.

17. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (i) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraphs 3 and 4, Part 1 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 information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relating matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
- (ii) That all documents and reports relating to the item be confirmed as "Not for Publication"

18. VEHICLE AND FLEET MAINTENANCE TENDER

The Committee considered the Vehicle and Fleet Maintenance Tender report (circulated previously), by the Operations Manager.

On behalf of the Operations Manager, who was unable to be present, the Chief Executive gave the Committee summary points from the report.

Members asked questions and the Chief Executive and Accounts Manager gave the Committee the necessary responses enabling the Committee to make its vote on the recommendations.

RESOLVED that the contract be awarded to the bidder for a term of seven years with the option to extend for a further seven years.

Chair

The meeting ended at 1.02 pm

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

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