

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 5th July, 2021 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Knight, Lane, Lofthouse, Patrinos, Pearson, Prowse, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Resources, Senior Solicitor/Monitoring Officer, Contracts Delivery Manager, Regeneration Manager, Head of Environmental Health and Housing, Public Protection Manager, Accountancy Services Manager, Exchequer Manager, Sustainability and Climate Officer and Graduate Environmental Health Officer

Also Present:

Councillors Hunt, Mackie, Phillips, Topham and York

Devon County Councillor Leaver

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crabb and L. Spear.

30. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON 12 APRIL 2021 AND 17 MAY 2021 (ATTACHED).

RESOLVED that the minutes of the meeting held on 12 April 2021 and 17 May 2021 (circulated previously) be approved as correct records and signed by the Chair.

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

The Chair advised that there would be an informal briefing for Members of the Committee following the conclusion of the meeting.

32. DECLARATIONS OF INTERESTS.

The following declarations of interest were announced:

Councillor Leaver – Items 8 and 10: personal interest as a Devon County Councillor

Councillor Yabsley - Items 8 and 10: personal interest as a Devon County Councillor

33. ROLE OF SUSTAINABILITY AND CLIMATE OFFICER

The Sustainability and Climate Officer advised that she had started in post on 1 June 2021 and outlined her role and priorities for the next six months to the Committee.

(The contact details for the Sustainability and Climate Officer were as follows: email address donna.sibley@torridge.gov.uk and telephone 0777 6693 701).

34. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

(a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as they involved the likely disclosure of exempt information as defined in Paragraph 3, 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

(b) That all documents and reports relating to the items be confirmed as “Not for Publication”.

35. LAND AT WESTACOTT - PUBLIC CONSULTATION RESPONSE AND DECISION ON LAND DISPOSAL

The Committee considered a report by the Head of Resources (circulated previously) regarding land at Westacott – public consultation response and decision on land disposal.

The Head of Resources outlined the commercially sensitive elements of the report and advised the Committee that the rest of the report would be presented and considered in the public part of the meeting.

The Head of Resources provided responses to questions raised by the Committee.

36. RE-ADMITTANCE OF PUBLIC AND PRESS

RESOLVED that the public and press be re-admitted to the meeting.

37. LAND AT WESTACOTT - PUBLIC CONSULTATION RESPONSE AND DECISION ON LAND DISPOSAL

The Chair advised that Mr Horrell who was in attendance had requested to record the meeting and asked whether any members of public present did not wish to be recorded. No members of the public indicated that they did not wish to be recorded.

The Chair advised that three members of the public had requested to address the Committee and that following the presentation of the report, he would invite them to

speak followed by the Ward Members and Devon County Councillor who were present.

The Committee considered a report by the Head of Resources (circulated previously) regarding land at Westacott – public consultation response and decision on land disposal.

The Head of Resources highlighted the following:

- The Committee had a statutory duty to consider the public consultation responses that had been submitted to the Council as set out in paragraph 419, weigh these against the developers offer and the planning need as set out in BAR1 allocation of the Local Plan.
- The commercially sensitive elements had been considered under Part B of the report.
- North Devon Council owned the freehold of the land at Westacott, Westacott Road, Barnstaple (Appendix A). The land was public open space and used as a park.
- The adjacent land currently had Outline Planning Consent for the development of up to 149 residential units including vehicular access across the same public open space at Westacott. The owner of the adjacent land had approached the Council for permission to access their site over the Council's land at Westacott in accordance with the Outline Planning Consent.
- Further to the Strategy and Resources Committee meeting on 17 May, the Council had the power to dispose of land held by them under section 123 of the Local Government Act 1972 but that this was limited by subsection 2A. The Council was required to undertake public consultation for the disposal of the land and advertise the intention in a newspaper for two consecutive weeks. The public consultation process commenced on 18 May and closed on 14 June and the results were contained within paragraph 4.19 and Appendix E of the report.
- The land owned by the developer, along with further land to the east, formed part of a strategic housing site allocated within the council's adopted Local Plan under BAR01. The adopted allocation policy seeks to secure a comprehensive, sustainable, high quality, mixed use development that includes: 950 dwellings, 5 hectares of land for economic development; a neighbourhood hub to include an additional 420 place primary school, open space and recreation and sports facilities; a new park and change facility.
- The developer had submitted a reserved matters planning application on 9 June 2021.
- In March 2020 the Council had obtained an independent valuation from Alder King. Alder King have confirmed in April 2021 that the valuation of the site remained the same.
- The Council's freehold title had a Restrictive Covenant in favour of Devon County Council which restricted development other than residential of not more than 22 dwellings and play area. Negotiations on the release of the restricted covenant have taken place with Devon County Council based on the valuation from Alder King.

- The developers have looked to see if they could secure an alternative access to their site by utilising the adjacent industrial estate at Castle Park Road however this had proved to be unsuccessful to date.
- This alternative access involved private land owners and was therefore outside of the control of NDC's land ownership and also had other constraints, not least the fact that it would pass through a flood zone.
- Paragraph 4.6.4 of the report detailed the summary of the size of the existing park and open space with the proposed park and open space. The size of the open space would increase from 11,994 SQ M to 26,645 SQ M (122% increase). Appendix D detailed the proposed layout of the open space.
- The Council adopted the Torridge and North Devon Local Plan relatively recently in October 2018 following extension consultation and engagement with the public and partners. He outlined paragraphs 4.17.2, 4.17.3 and 4.17.4 in the report.
- In order to ensure that this strategic extension was integrated with Whiddon Valley as required by the adopted policy, a road connection was required to ensure that a bus facility can be planned as well as comprehensive footpath and cycleways. This was proposed to be via the secondary access through the existing park. Without this access the development would become a cul-de-sac served by a single point of access.
- At the time of the adoption of the Local Plan the Council was able to show that the allocated sites and other sites coming forward provided the required 5 year housing land supply. The Council was not currently in that position and was therefore vulnerable to what might be called "hostile" planning applications as the Council could not show a 5 year housing land supply.
- If a secondary access was not provided, the outline planning consent 62187 would not be implementable until such time as the wider allocation was developed, because there would be no access. That would have an impact on the Council's ability to re-establish a 5 year housing land supply.
- The Council had been successful in securing Housing Infrastructure Fund monies to help deliver the 'Landkey' roundabout, which formed the primary access to BAR 1.
- A survey had been created for the community by the local Devon County Councillor. The Committee was advised of corrections to the results as detailed in paragraph 4.19.5 of the report. 466 respondees had stated "No" and "No" to both questions, 5 responses were blank and 10 respondees stated "No" to the first question and "yes" to the second question.
- One email had been received of approval stating existing park was tired and limited, gaining an improved area, MUGA and large space overall was a major positive.
- Although 84% of the responses were responses to the standardised community survey, there was clearly significant opposition to a disposal. The Committee should however consider the reasons for opposition put forward and not simply consider the overall numbers.
- Many of the issues raised by the responses were issues that were taken into account both as part of the process for allocating the site and identifying this route as a potential secondary access, and also dealt with as part of the decision to grant outline consent with a secondary route through the open space.

- Members had a statutory duty to consider the responses that resulted from the public consultation and weigh these against the developers offer and the planning need as set out in BAR 01 of the Local Plan.

Mr Brook, Marcella Priest and Mr Mathews addressed the Committee.

The Chair confirmed receipt of two letters that had been passed to him by Mr Brook from the former MP for North Devon and Devon County Council.

Councillors Hunt, Topham and Phillips (Ward Members) addressed the Committee.

Councillor Leaver, Devon County Councillor for the Division addressed the Committee.

In response to questions and the points raised by the members of public, Ward Members, Devon County Councillor and the Committee, the Chief Executive advised the following:

- The consideration of the disposal of land was in response to an offer made by the developer to purchase the land and had not been promoted by the Council. It was not about Council finances.
- He reminded Members of their strategic role in setting the vision and delivering the Local Plan. The Council had a duty to consider the public consultation responses but also had a responsibility for the District.
- The Council had adopted the Joint Local Plan in 2018 following extensive consultation. Approximately 130-140 objections had been made in relation to the allocation of this site in the Local Plan. Most of these objections were in relation to the potential access being provided through the park. The Local Plan set out the long term vision for Barnstaple, provided levels of housing and allocated suitable sites for development following the SHLAA process. The land owned by the developer, along with further land to the east, formed part of a strategic housing site allocated within the Council's adopted Local Plan under BAR1. The adopted allocation policy sought to secure a comprehensive and sustainable development and provide transport links to the A361, a second access to Westacott, highway and pedestrian links and a new bus route to the town.
- There were three options to provide a vehicular access to the site at Westacott. One of which was to provide the access across the open space at Westacott.
- The outline planning application had already been approved which included the access across the open space.
- The Council had not budgeted for the potential capital receipt for the disposal of the land. The Council had a strategic role in place shaping and delivery of the Local Plan and had to consider the impact on the delivery of the 5 year housing land supply.
- If a decision was taken by the Committee not to agree to disposal of the land, the current planning application could not be implemented and would therefore have an immediate impact on the 5 year land supply.

- The current wider planning application that had been submitted recently was based on the vehicular access being provided through Westacott. If the second access was not provided through Westacott then it would be questioned as to whether the wider allocation was sustainable.
- The references made to correspondence with previous Leaders and Chief Executive of the Council regarding promises not to sell the land were not binding as neither would have the power to take that decision.
- This Committee had delegated power to take this decision and it was not appropriate for the decision to be taken by full Council. The decision taken by the Committee could not be overturned by full Council.
- References had been made that residents were not aware of this land being included within the Local Plan. Approximately 130-140 objections had been received for this site as part of the consultation on the Local Plan and the outline planning consent had received approximately 300 objections.
- Air quality and other outstanding reports would be considered as part of the outline planning application process. The application would not be granted until the outstanding issues had been completed.
- The Devon County Council Highways Officer had confirmed in an email that their consultation responses were limited to technical aspects of the road network and did not include sustainability.

RESOLVED that the Council Procedure Rules of the Constitution be suspended to allow Mr Mathews to address the Committee to provide information on a meeting he had held with Planning Policy Officers during his time as a North Devon Councillor.

Mr Mathews addressed the Committee.

RESOLVED that the Council Procedure Rules of the Constitution be re-instated.

In response the Chief Executive advised that:

- Devon County Council had been a consultee during the preparation of the Local Plan. The option of the access being provided through Castle Park Road had been considered as part of this process, however the boundary to the highway was not clear, was owned by third parties, passed through a flood zone and the access would not be appropriate as it was an estate road. All options had been explored over the past 10 years, however further information could be obtained on the options.

In response to a question, the Regeneration Manager advised that the provision of a roundabout at Landkey was subject to the Housing Infrastructure Fund (HIF). The Council had not yet signed the funding agreement with Devon County Council and the current HIF timetable for the delivery of the roundabout was March 2022

RESOLVED that the Council do not proceed with the proposed disposal of land at Westacott.

38. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned for a five minute comfort break.

39. TARKA LEISURE CENTRE UPDATE

The Committee received an update from the Contracts Delivery Manager on the Tarka Leisure Centre project. He highlighted the following:

- This was the second quarterly update to the Committee on the project following the recommendation of internal audit.
- Since the last update to the Committee on 1 March 2021 the project programme had briefly slipped to 3 weeks behind schedule. This lost ground had since been made up and the programme was currently back to where it was previously, which was just 1 week behind schedule for completion in April 2022.
- Both swimming pools had now been excavated and there had been no issues during the excavation works with contaminated land. The pools were currently being concreted and would be water tested over the next few weeks.
- The block work on the ground floor was now almost complete and this would be followed by the high installation of vertical sheeting, completing the external construction of the sports hall. The roof sheeting had now been installed and the building was nearing a stage where it would be weatherproof.
- There were some risks identified on the risk register which were being continually monitored to mitigate risk.

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

The Committee considered a joint report by the Public Protection Manager and Graduate Environmental Health Officer (circulated previously) regarding Houses in Multiple Occupation (HMO): amenity standards, minimum room sizing and licence conditions.

The Public Protection Manager advised that the purpose of this report was to feedback on the results of the 6 week consultation exercise on a set of updated licence conditions, amenity standards and room sizes under the new HMO licensing regime and to seek approval for their implementation. The consultation ran between 25 April 2021 and 6 June 2021 and was undertaken with key stakeholders including estate agents, management companies and landlords of HMOs.

The Public Protection Manager and Graduate Environmental Health Officer outlined the key themes of the consultation feedback as detailed in paragraphs 4.20 to 4.29 of the report.

In response to questions, the Public Protection Manager advised that suggestions had been received regarding accreditation schemes and that this would be explored further. The Council already requested certifications for electrical and gas safety and would be recommending measures surrounding radon testing and lead in drinking water.

RESOLVED that:

- (a) the feedback on the results of the public consultation exercise, contained within Appendix A be noted;
- (b) the draft Amenity Standards and Minimum Room Sizing requirements in Appendix B be adopted;
- (c) the proposed Licence Conditions in Appendix C be adopted;
- (d) a continued licence period of five years for HMOs be adopted.

41. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 4 2020/21

The Committee considered a report by the Head of Resources (circulated previously) regarding the Performance and Financial Management for Quarter 4 of 2020/21.

In response to a question regarding the inclusion of service performance within the report, the Chief Executive advised that the format of the report would be reviewed with Members to ascertain the types of information to include within the report.

The Accountancy Services Manager highlighted the following:

- The revenue budget for 2020/21 was approved at Council on 26 February 2020 at £13,380,000 and as at 31 December 2020, the Council was reporting a net surplus of £28,000 against the budget.
- As at 31 March 2021, the final out turn position was a budget surplus of £593,000, which was an overall movement of £565,000 from the last forecast at quarter 3. The breakdown showing the movements were shown in Appendix A – Variations in the Revenue Budget.
- The movement from Quarter 3 of £565,000 could be attributed to: £307,000 Additional income from Planning, Building Control and rental income, in particular Butchers Row; £82,000 additional COVID support grant for Environmental Health and Housing and Corporate and Community, where no additional support was bought in and extra duties were covered by existing resources; £123,000 Environmental Health and Housing underspend, from less Temporary Accommodation cost and savings on general supplies and services; and £53,000 other smaller savings from various Heads of service.
- Throughout 2020/21 Central government announced and paid local authorities 4 tranches of support funding totalling £1,575,000 for North Devon. We have also claimed £160,000 in respect of the job retention scheme and received £251,000 New Burdens grant for Small Business Grants and Retail, Housing and Leisure Grants. Central government also supported local authorities for lost income by paying 75% of any lost income after Councils incur the first 5% variance. This lost income and additional costs have been factored into the above figures in Appendix A along with the anticipated government support.
- As at 31 March 2021 the Collection Fund reserve balance was £9,810,252 as detailed in paragraph 4.1.7 of the report.

- From the revenue budget surplus of £593,000, it was proposed to set aside this amount into earmarked reserves as detailed in paragraph 4.1.8 of the report.
- Appendix B – Movement in Reserves and Balances detailed the movements to and from earmarked reserves in 2020/21.
- Full details of the Strategic Contingency Reserve movements and commitments are attached as Appendix C – Strategic Contingency Reserve.
- The 2020/21 Capital Programme was detailed in Appendix D – Capital Programme 2020/21. Project under spends of £917,121 from 2020/21 year were brought forward to produce a revised Capital Programme for 2021/22 year of £23,337,037; 2022/23 financial year of £1,924,488.
- Further variations of £11,357,807 were proposed to the 2021/22 to 2024/25 Capital Programme as detailed in paragraph 4.4.8.
- The Capital Programme of £36,619,332 was funded by Capital Receipts / Borrowing (£18,866,483), External Grants and Contributions (£15,511,561) and Reserves (£2,241,288).
- The release of funds required for capital schemes as detailed in paragraph 4.4.14 of the report.
- Treasury Management as detailed in paragraph 4.5 and Debt Management as detailed in paragraph 4.6 of the report.
- Service plan actions as detailed in Appendix F of the report.

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

- The total of the Capital Programme of £36,619,332 was made up of the 4 totals as detailed in Appendix E of the report.
- The Works and Recycling Reserve Contribution was an earmarked reserve for procurement of trade waste bins and recycle bins containers. The Works and Recycling Bulk haulage costs included collecting and transporting the processed material. The £5,000 underspend was an improvement on the original estimate in Quarter 3.
- The Planning Inquiries fund was used to pay for appeals and it would be prudent to increase the reserve in the future.
- The quarterly and annual recycling rates would be included within future reports.
- The Environmental Initiatives reserve was for all environmental related projects.

RESOLVED that it being 1.00 pm the meeting continue in order for the remaining business to be transacted.

In response to questions, the Chief Executive advised that further investigations would be undertaken to ascertain the reasons for the reduction in the recycling rates. It was difficult to quantify the reduction in time taken by operatives collecting recycling since the introduction of the glass collection containers however there had been a positive impact. The Committee would discuss the full impact of the Government's recent consultations on collection of recycling materials at a future meeting.

RESOLVED:

- (a) That the actions being taken to ensure that performance was at the desired level be noted;
- (b) That the contributions to/from earmarked reserves be approved (as detailed in paragraph 4.2 of the report);
- (c) That the movements on the Strategic Contingency Reserve (as detailed in paragraph 4.3 of the report) be noted.
- (d) That funds be released for the capital schemes listed in paragraph 4.4.14 of the report;
- (e) That the sections dealing with Treasury Management (paragraph 4.5), and Debt Management (paragraphs 4.6 and 4.7) be noted

RECOMMENDED:

- (f) That the variations to the Capital Programme 2021/22 to 2024/25 as detailed in paragraph 4.4.8 be approved.

42. TREASURY MANAGEMENT ANNUAL REPORT 2020/21

The Committee considered a report by the Head of Resources (circulated previously) regarding the Annual Treasury Management report for 2020/21.

The Exchequer Manager highlighted the following:

- This report provided details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved.
- The Council's Capital expenditure and financing as detailed in paragraph 4.1 of the report.
- The Council's overall borrowing need as detailed in paragraph 4.2 of the report.
- The Treasury position as at 31 March 2021 as detailed in paragraph 4.3 of the report.
- The strategy for 2020/21 as detailed in paragraph 4.4 of the report.
- The Borrowing Outturn as detailed in paragraph 4.5 of the report.
- The Investment Outturn as detailed in paragraph 4.6 of the report.

RECOMMENDED that:

- (a) the annual treasury management report for 2020/21 be noted;
- (b) the actual 2020/21 prudential and treasury indicators be approved.

43. AFGHAN LOCALLY EMPLOYED STAFF (LES) RELOCATION SCHEME

The Committee considered a report by the Head of Environmental Health and Housing (circulated previously) regarding the Afghan Locally Employed Staff (LES) Relocation Scheme.

The Head of Environmental Health and Housing highlighted the following:

- The Government had now offered participating Local Authorities a more generous offer to support individuals. The council would now receive £10,500 per person and £850 per adult to improve English language skills.
- It was recommended that 2 households could be relocated to North Devon. This was based on the supply of available accommodation at this current time due to the holiday season.
- The Home Office had booked large hotels in the Midlands area for families to stay prior to being moved into accommodation.

The Chief Executive advised that Council's position in supporting additional households could be kept under review.

RESOLVED that:

(a) the Home Office be advised of the Council's willingness to participate in the relocation scheme.

(b) delegated authority be given to the Head of Environmental Health and Housing to relocate up to 2 households in north Devon, subject to:

(i) The Head of Resources' agreement on the acceptability of the level of financial risk; and

(ii) There being robust arrangements in place to provide support for the families' wellbeing and integration over the short and medium term.

(c) the position be reviewed in 3 months time and a further report be presented to the Committee.

44. 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 funding for the Northern Devon Foodbank, Rough Sleeping grant and Royal Mail contract.

Chair

The meeting ended at 1.15 pm

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