

**NORTH DEVON COUNCIL**

Minutes of a meeting of NORTH DEVON COUNCIL held at Crematorium Meeting Room - North Devon Crematorium on Wednesday, 29th September, 2021 at 6.30 pm

PRESENT: Members:

Councillor Biederman (Chair)

Councillors Bulled, Bushell, Cann, Chesters, Davis, Davies, Gubb, Henderson, Jenkins, Knight, Lane, Leaver, Lofthouse, Ley, Luggar, Mackie, Patrinos, Pearson, Phillips, Prowse, Roome, Saxby, D. Spear, L. Spear, Topham, Wilkinson, Worden, Yabsley and York

Officers:

Chief Executive and Director of Resources, Deputy Chief Executive and Senior Solicitor/Monitoring Officer.

**33. APPOINTMENT OF CHAIR**

The Chief Executive advised that neither the Chair nor Vice-Chair were present and had given their apologies for this meeting. Therefore, Council needed to appoint a Chair for this meeting.

RESOLVED that in the absence of the Chair and Vice-Chair of Council that Councillor Biederman be appointed to Chair this meeting.

**34. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barker, Campbell, Crabb, Fowler, Hunt, Lovering, Mack, Orange, Topps, Tucker and Walker.

**35. TO APPROVE AS CORRECT RECORDS THE MINUTES OF THE MEETINGS HELD ON 21 JULY AND 26 JULY 2021 (ATTACHED)**

RESOLVED that the minutes of the meetings held on 21 July and 26 July 2021 (circulated previously) be approved as correct records and signed by the Chair.

**36. CHAIR'S ANNOUNCEMENTS**

(a) Senior Solicitor and Monitoring Officer Trevor Blatchford – retiring

The Chair advised Council that Trevor Blatchford who was the Council's Senior Solicitor and Monitoring Officer would be retiring from the Council this week. He advised Council that he had 17 years of continuous service with the Council and

undertaken a number of roles including Assistant Solicitor, Head of Contentious, Senior Solicitor and Monitoring Officer. He advised that he was always professional and a pleasure to work with. On behalf of Council, he thanked Trevor for his service to the Council and wished him a long and happy retirement.

Councillor Worden, Leader of the Council echoed the Chairs remarks and thanked Trevor for his service to the Council.

**37. BUSINESS BROUGHT FORWARD BY OR WITH THE CONSENT OF THE CHAIR**

There were no items of business brought forward by or with the consent of the Chair.

**38. REPLIES TO ANY QUESTIONS SUBMITTED BY THE PUBLIC AND/OR TO RECEIVE PETITIONS UNDER PART 4, COUNCIL PROCEDURES RULES, PARAGRAPHS 8 AND 9 OF THE CONSTITUTION**

There were no questions submitted by the Public and/or to receive Petitions under Part 4, Council Procedure Rules, Paragraphs 8 and 9 of the Constitution.

**39. TO CONSIDER MOTIONS OF WHICH NOTICE HAS BEEN SUBMITTED BY MEMBERS IN ACCORDANCE WITH PART 4, COUNCIL PROCEDURE RULES, PARAGRAPH 11 OF THE CONSTITUTION**

(a) To consider the following notice of motion from Councillor Walker

Councillor Worden advised that Councillor Walker was not present and requested that the Chief Executive provide an update on the latest position regarding Public Space Protection Orders in relation to dog control measures.

The Chief Executive advised that at a previous Council meeting, Council had discussed and approved Public Space Protection Orders (PSPOs) in relation to dog control measures. Included within the resolution of Council was to ensure that systems were put in place to enforce the PSPOs such as delegating enforcement powers to other groups such as Parish Councils and the National Trust to issue fixed penalty notices. Officers were currently in process of setting up training to enable such groups to start enforcing the PSPOs.

In response to a question, the Chief Executive advised that if he was unaware that 2 people had already received training but would check that they had been given the appropriate enforcement powers.

(b) To consider the following notice of motion from Councillor Patrinos

Councillor Patrinos presented his notice of motion to Council.

It was moved by Councillor Patrinos and seconded by Councillor Lofthouse that “The NDC planning department has recently been the subject of unjustified criticism and unsubstantiated allegations. Council wishes to express its support for the planning department as well as all the Council’s other officers in the way they carry out their duty in trying circumstances.”

The Chief Executive advised that it had been a particularly challenging time during the pandemic in relation to staffing. There had been media coverage recently regarding HGV vehicle driver shortages, however it was also difficult to recruit professional officers to the Council as previously the Council had relied on people relocating to the area, however as many were now working from home, this was no longer the case. Therefore, it was important that the Council as a whole continued to present the positives of the Council to make it easier to recruit staff in the future. There was currently a shortage of professional planning officers as many were moving into a consultancy role. It was anticipated that in the future that the Council may need to consider recruiting agency staff. During the pandemic, the planning team had dealt with a substantial increase in the number of planning applications received with less members of staff which had resulted in planning income received being over £100,000 over budget. The planning team was still one of the best performing teams in the region.

RESOLVED that as the NDC planning department had recently been the subject of unjustified criticism and unsubstantiated allegations that Council wished to express its support for the planning department as well as all the Council’s other officers in the way they carry out their duty in trying circumstances.

(c) To consider the following notice of motion from Councillor Tucker

In the absence of Councillor Tucker, Councillor Worden presented the notice of motion to Council.

It was moved by Councillor Worden and seconded by Councillor Davis “that the notice of motion be referred to the Policy Development Panel meeting in October 2021 for consideration.”

RESOLVED that the notice of motion be referred to the Policy Development Panel meeting in October 2021 for consideration.

**40. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**41. CHAIR'S REPLIES TO ANY QUESTIONS TO COUNCIL BY MEMBERS SUBMITTED UNDER PART 4, COUNCIL PROCEDURES RULES, PARAGRAPH 10 OF THE CONSTITUTION**

There were no questions received by Members submitted under Part 4, Council Procedure Rules, Paragraph 10 of the Constitution.

**42. NORTH WEST DEVON POLICE COMMANDER UPDATE**

Council received a presentation by Superintendent Toby Davies, Local Police Area Commander for North and West Devon regarding an update on the work of the police in the area. He advised that it had been a challenging past 18 months which include G7 planning and summer policing. There had been a lot of pent up demand during this period. 18 new Police Officers would be in post across the area prior to Christmas, some of these officers were students and others had transferred from other Police force areas. The new officers would be located within every sector across the force such as Beat Manager, neighbourhood, responsive and investigative teams. Compared to 2019, the number of calls made to 999 had increased considerably, however the level of crime had decreased by 8%. In terms of crime per head of population, this area had the lowest level of crime in the South West force area. The level of detections was amongst the highest for the area and region. The force had the best detection rates for domestic abuse. The focus for the next 12 months was the Police and Crime Commissioner's Plan and the Community Safety Partnership. Road safety initiatives would be delivered through the partnership and road policing was being carried out both overtly and covertly. Operation Snap was another initiative where the public could submit dashcam evidence of dangerous driving through the website. The driver would then receive a notice of intention to prosecute. There would be an additional 2 speed detection officers and 2 vans in the North Devon area. If communities were experiencing problems with speeding, the police website included details on how to set up community speed watches. Anti-social behaviour was having a bigger impact on some communities and it was important that it was tackled. The Government was piloting a "Street Aware" campaign where the public could report anonymously areas where they did not feel safe. This evidence would then result in partnerships being developed in those areas to address the issues. Anti-social behaviour needed to be addressed by the police working in partnership with the local authority, health authority, parents etc. The Community Safety Partnership would be tackling those types of issues that were being identified within communities.

There then followed a question and answer session. Superintendent Davies advised that the 18 new police officers would be located across the North and West Devon area. In relation to Domestic Abuse and Domestic Violence, the police dealt with all incidents robustly and there was no bias on gender. There were no towns that did not have drugs within communities. From the information provided by communities, the police targeted the most dangerous first. In relation to the police crime reports that were provided to communities, he would look into how this information was presented in future to make sure that it was meaningful. A Rural Affairs team was located in the area who understood the rural area and the importance of neighbourhood watch. The South Molton rural team were very aware of the issues of crime within rural areas. He advised that a joint Crime and Disorder Sub-Committee meeting with Torridge District Council would be held during October and suggested that Councillors attend this meeting. The 101 telephone line was not perfect, however there were other ways to contact the police such as via email.

The Chair thanked Superintendent Davies for attending the meeting and thanked the police for all of their work that they had done over the past 18 months which was appreciated.

**43. REPORT OF THE LEADER OF THE COUNCIL**

Council considered and noted a report by the Leader of the Council (circulated previously) regarding work that had been undertaken since the last Council meeting.

**44. QUESTIONS BY MEMBERS**

The following questions were submitted in advance of the meeting and responses provided by the Leader were circulated separately:

(a) Question to Councillor Worden from Councillor York “Recycling Education - I have concerns that there is not enough importance or emphasis placed on educating the public on how to recycle more and reduce their waste. Please could you let me know what education is currently taking place? How much resource is being invested, in terms of money and staff time? Could plans for an improved programme of education be devised (along with resource requirements) and added to the relevant Service Plan? [Perhaps OS W&R #02 17/18 (‘Recycle More Project’)] Has the education of residents in trial areas for 3-weekly bin collections been extended to new residents, so that the trial is maintaining its effectiveness?” Councillor Worden’s response “We are part of the Devon wide Waste Partnership and so have run a number of campaigns under the Recycle Devon banner. We also run our own campaigns in an effort to increase recycling and more importantly, reduce waste. When the trial was started, we employed Recycle Officers to provide advice directly on the ground. These were temporary contracts however and have since expired. The trial itself was deemed a success at the time as the amount of recycling collected did increase in the chosen area. The intention was that a decision would be made to roll out the trial across the district but in order to do that, we need to have the necessary infrastructure to be able to deal with the increased material. The vehicle leasing contract has just commenced and we are now looking at ways to improve the process hall plant. The recent DEFRA consultations may also impact on what is collected kerbside. We suspended school and group visits to BEC as a result of the pandemic and will keep that under review.” In response to a supplementary question, Councillor Worden advised that along with Councillor Pearson would look at ways in which education could be linked to the upgrade of the process hall.

(b) Question to Councillor Worden from Councillor York. “Seagulls - I have recently encountered problems with seagulls tearing open rubbish bags in Gloster Road, Newport, Barnstaple. It is rumoured that the development of Anchorwood Bank has displaced seagull colonies. After speaking to Customer Services, I was able to purchase and collect a gull-proof bag from Lynton House for £5. Please could gull-proof bags be added to the list of bags, bins and caddies which can be purchased online? Could gull-proof bags be given

free to residents in the narrow streets of Barnstaple where wheelie bins cannot be used? What would the cost implications of this measure be?" Councillor Worden's response "In some areas where waste is collected in black bags and where seagulls or other creatures are a problem, gull guards have been provided free of charge. In other areas, where problems are not as severe, customers may purchase bags through the customer service team. The bags are not available to purchase online as we wouldn't want customers that live in areas that are provided with the guards free of charge to purchase their own. We prefer customers to use bins rather than gull guards, so would prefer to limit the use of gull guards where possible in favour of actual bins." In response to a supplementary question, Councillor Worden advised that information regarding the provision of seagull bags could be included on the Council's website.

**45. ILFRACOMBE HARBOUR COVE FENDERING AND FISHERMAN'S STORES ENHANCEMENTS**

Council considered a report by the Harbour Master (circulated previously) regarding the Ilfracombe Harbour Cove Fendering and Fisherman's Stores Enhancements.

The Deputy Chief Executive and Director of Resources advised that the Harbour Master had secured funding from the Marine Management Organisation of £111,580 for the installation of fendering and installation of toilets at the Fishermen's kiosk. Fenders protected the boats against the harbour. The fendering around the Cove area needed to be repaired which was the responsibility of the Council. After exhaustive research to satisfy all of the needs for the green heart wooden fendering protection on the Cove, only one type of protective covering could be used and there was only 1 UK supplier that could undertake these works. The breakdown of the costs were detailed in paragraph 5.2 of the report. The Council was required to contribute £52,070 which was best value to the Council.

It was moved by Councillor Wilkinson and seconded by Councillor Bushell "that the recommendations in the report be adopted and that the Harbour Master be thanked for obtaining external funding for these works".

RESOLVED:

- (a) That Contract Procedure Rules be waived and the requirement to go out to tender be set aside in this instance to enable the Council to enter into a contract with Fendercare Marine Limited to purchase the Polymarine Wearplates required for the renovation of the Cove and Fuel Berth green heart wooden fenders;
- (b) That a variation to the Capital Programme of £163,650 be approved and that funds be released;
- (c) That the Harbour Master be thanked for obtaining external funding for these works.

**46. STATEMENT OF ACCOUNTS 2020/21**

The Director of Resources and Deputy Chief Executive advised Council that the Governance Committee meeting that was due to be held on 27 September 2021 was not quorate and therefore unable to consider and make recommendations to Council on the adoption of the Statement of Accounts, Annual Governance Statement and Letter of Representation. As the Governance Committee had not received the External Auditors report, Council needed to decide whether to proceed with the consideration of these items. It was recommended that consideration of items 14 (a), 14(b) and 14(c) be deferred and that a special meeting of the Governance Committee be arranged in the third week of October 2021 to receive the External Auditors report followed by an Extraordinary meeting of Council to receive the recommendations of the Governance Committee in relation to the Statement of Accounts, Annual Governance Statement and Letter of Representation. He advised that the Statement of Accounts were normally published at the end of September, however the External Auditors were still awaiting the Devon Pension fund report and therefore the External Auditors would not be ready to sign off the Statement of Accounts until October 2021.

It was moved by Councillor Roome and seconded by Councillor Bushell “that the recommendations of the Director of Resources and Deputy Chief Executive be adopted.”

RESOLVED that consideration of the Statement of Accounts, Annual Governance Statement and Letter of Representation be deferred and that a special meeting of the Governance Committee be arranged in the third week of October 2021 to receive the External Auditors report followed by an Extraordinary meeting of Council to receive the recommendations of the Governance Committee in relation to the Statement of Accounts, Annual Governance Statement and Letter of Representation.

**47. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 1 2021/22**

Council considered the Performance and Financial Management report for Quarter 1 of 2021/22 to the Strategy and Resources Committee on 6 September 2021 (circulated previously).

(a) **Report of the Policy Development Committee**

Councillor D. Spear, Vice Chair of the Policy Development Committee presented the Committee’s report on the Performance and Financial Management for Quarter 1 of 2021/22 (circulated previously).

(b) **Report of meeting of the Strategy and Resources Committee**

Councillor Worden, Chair of the Strategy and Resources Committee reported the recommendations of the Strategy and Resources Committee on the Performance and Financial Management for Quarter 1 of 2021/22 (circulated previously).

It was moved by Councillor Worden and seconded by

Councillor D. Spear “that minute 60 (f) of the Strategy and Resources Committee held on 6 September 2021 regarding the Performance and Financial Management for Quarter 1 of 2021/22 be adopted”.

RESOLVED that minute 60 (f) of the Strategy and Resources Committee held on 6 September 2021 regarding the Performance and Financial Management for Quarter 1 of 2021/22 be adopted.

**48. UPDATE TO CONSTITUTION**

Council considered a report by the Solicitor and Data Protection Officer (circulated previously) regarding update to the Constitution.

The Senior Solicitor and Monitoring Officer advised that as the Council had a new Senior Management Team there was a need to update the delegated powers within the Constitution to match the Heads of Service and senior officers that hold them. Other provisions within the Constitution were also required to be updated to reflect the current law.

It was moved by Councillor Leaver and seconded by Councillor Yabsley “that the recommendation be adopted”.

RESOLVED that the adoption of the amended version of the Constitution as appended to the report be approved.

**49. REPORT OF LEAD MEMBER FOR CLIMATE CHANGE**

Council considered and noted a report by the Lead Member for Climate Change (circulated previously).

**50. APPOINTMENT TO THE INDEPENDENT REMUNERATION PANEL**

Council considered a joint report by the Senior Solicitor/Monitoring Officer and Senior Corporate and Community Services Officer (circulated previously) regarding the appointment to the Independent Remuneration Panel.

The Senior Solicitor and Monitoring Officer advised that the vacancy had occurred following the resignation of a member of the Panel. A recruitment process had been undertaken and following advertisement 2 applications had been received. Only 1 applicant had been able to attend an interview. Mr Russell was an exceptionally suitable and qualified person to fill the vacancy on the Panel.

It was moved by Councillor Worden and seconded by Councillor Lofthouse “that the recommendation be adopted”.

RESOLVED that Graham Russell be appointed to the Independent Remuneration Panel for a four year period.

**51. REPORT OF CHAIR OF GOVERNANCE COMMITTEE**

Council considered and noted the half yearly report by the Chair of Governance Committee (circulated previously).

**52. MINUTES OF COMMITTEES**

(a) **Building Control Joint Committee**

RESOLVED that the following minutes of the Building Control Joint Committee (circulated previously) be noted and adopted as follows:

(i) 8 July 2021

(b) **Governance Committee**

RESOLVED that the following minutes of the Governance Committee (circulated previously) be noted and adopted as follows:

(i) 27 September 2021

(c) **Harbour Board**

RESOLVED that the following minutes of the Harbour Board (circulated previously) be noted and adopted as follows:

(i) 10 August 2021

(d) **Licensing and Community Safety Committee**

RESOLVED that the following minutes of the Licensing and Community Safety Committee (circulated previously) be noted and adopted as follows:

(i) 10 August 2021

(e) **Planning Committee**

RESOLVED that the following minutes of the Planning Committee (circulated previously) be noted and adopted as follows:

- (i) 11 August 2021
- (ii) 1 September 2021
- (iii) 8 September 2021

Council noted that Councillor Chesters had given her apologies for the meeting held on 1 September 2021.

(f) **Policy Development Committee**

RESOLVED that the following minutes of the Policy Development Committee (circulated previously) be noted and adopted as follows:

(i) 9 September 2021

(g) **Strategy and Resources Committee**

RESOLVED that the following minutes of the Strategy and Resources Committee (circulated previously) be noted and adopted as follows:

(i) 2 August 2021

(ii) 6 September 2021

Chair

The meeting ended at 7.44 pm

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