

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 5th December, 2022 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Lofthouse, Patrinos, Prowse, Wilkinson and Yabsley

Officers:

Director of Resources and Deputy Chief Executive, Head of Customer Focus, Senior Solicitor and Monitoring Officer and Public Protection Manager.

Also Present in person:

Councillor Tucker.

Also Present virtually:

Councillor Pearson.

72. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Knight, Lane and L. Spear and the Chief Executive.

The Corporate and Community Services Officer advised that Councillor Pearson would be joining the meeting virtually.

73. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 7 NOVEMBER 2022 (ATTACHED).

RESOLVED that the minutes of the meeting held on 7th November 2022 (circulated previously) be approved as a correct record and signed by the Chair.

74. DECLARATIONS OF INTERESTS.

There were no declarations of interest announced.

75. INTRODUCTION OF AN ANIMAL LICENSING POLICY

The Committee considered a report by the Public Protection Manager, (circulated previously) in respect of the introduction of an Animal Licensing Policy.

The Public Protection Manager explained the Council had never had an animal licensing policy before and that following the introduction of legislation in 2018 were introducing a policy to aid applicants, licence holders and the Council to provide transparency of the expectations for applicants and licence holders and to increase the robustness of the Council's approach and procedures in respect of its animal welfare and animal licensing responsibilities.

She explained that at the meeting of the Licensing and Community Safety Committee on 10th May 2022, the Committee considered and approved a public consultation on a proposed North Devon Council Animal Licensing Policy. The policy would set out details in relation to enforcement together with the interpretation of legislative requirements and other matters, such as:

- How the Licensing Authority would administer the Animal Activity Star Rating Scheme in North Devon, including details of the time period proposed before a licence holder could be re-inspected to re-evaluate their star rating (3-month stand still period).
- The procedure for appeals against the star rating awarded.
- Details on how the suitability of applicants would be determined including DBS check requirements, and guidance on the relevance of criminal convictions.

There had been 61 responses to the consultation.

She added that officers had carefully considered all of the consultation responses and as a result had drafted several amendments to the proposed policy, detailed below:

- Minor amendment to the proposal to appoint an independent Vet to undertake hiring out horses activity inspections who would be independent and not one that was retained by the applicant / licence holder. The proposed amendment was that an independent vet would be used "wherever reasonably practicable", and acknowledged that due to the relatively small number of specialist equine Vets in Devon, it may not always be possible or reasonable, to contract an independent Vet.
- In relation to applicants who disclosed relevant convictions the Policy had been amended to direct these applications to a Licensing Sub-Committee for determination. In the case of offences for animal cruelty, Licensing offences, or offences involving sex, indecency, or exploitation, the recommendation to the Licensing Sub-Committee would be to refuse the application, whereas for other relevant offences the recommendation would also be to refuse the application where the offences fall within the timeframes since conviction/ sentencing set out in the draft policy. It was proposed that Officers retained

delegated powers to refuse applications where applicants were judged to fail to meet minimum welfare standards upon inspection.

- It was proposed that the requirement for applicants for renewal to undertake a basic DBS disclosure as part of their application be delayed (suggested now until 1st April 2023 to enable adequate notice of the new arrangements to be communicated in good time within renewal documentation).
- Amendment to requirement for applicants to provide evidence of a commercial trade waste agreement, to allow for some degree of Officer judgement where an application was from a small-scale operation or was likely to produce very small volumes of waste.

During their meeting on the 11th October 2022 the Licensing and Community Safety Licensing Committee considered the policy with the above outlined amendments, and made recommendation to Strategy and Resources Committee for its approval and implementation.

She answered questions in response to a number of issues within individual Member wards and agreed to speak to the Members concerned following the meeting.

The Leader stated that he was encouraged by the 61 responses to the consultation process.

RESOLVED, that further to the recommendation made by Licensing and Community Safety Licensing Committee at its meeting of the 11 October 2022, the introduction of a new animal licensing Policy as detailed in Appendix A be brought into effect on the 1st January 2023.

76. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER QUALIFICATION STANDARDS

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the Hackney Carriage and Private Hire Driver Qualification Standards.

She advised that during their meeting of the 11 October 2022, the Committee discussed an email received from a Private Hire Operator, which highlighted the lengthy period for new driver applicants to become licenced.

In response to this email, Officers undertook a benchmarking exercise with other Devon and Somerset Authorities, and proposed a number of policy amendment options for the Committee to consider.

After a detailed discussion and debate in respect of five available options, Licensing and Community Safety Committee decided to recommend to Strategy and Resources the following change to the new driver application process:

- Applicants should have the option of attending a new licenced driver course OR the previous BTEC/ NVQ qualification.

She requested that the Committee adopt an amendment to North Devon Council's Hackney Carriage and Private Hire Licensing Policy, which was adopted on 7th November 2022 (the 'policy') in respect of taxi and private hire driver qualification standards. With the relevant paragraphs detailed in appendix A of the Committee report.

RESOLVED:

- (a) that the recommendation of Licensing and Community Safety Committee made on the 11 October 2022, namely to 'retain the requirement for a vocationally recognised taxi qualification, but give an alternative training option of a new driver training course (either the vocationally recognised taxi qualification, or the New Taxi Driver Training Course). Again prior to obtaining a licence in the case of the new driver course'. As such it was suggested that Strategy and Resources Committee be approved; and
- (b) that a revision of the Council's Hackney Carriage and Private Hire Licensing Policy be approved in line with appendix A of the report.

77. REVIEW OF NORTH DEVON COUNCIL (OFF STREET PARKING PLACES) ORDER

The Committee considered a report by the Parking Manager (circulated previously) regarding the review of North Devon Council (Off Street Parking Places) Order.

The Director of Resources and Deputy Chief Executive outlined the changes requested by parishes together with included amendments and the amended charges for North Devon Council Car Parks, which was approved by Full Council on 23rd November 2022 for inclusion into the Off Street Parking Order.

He explained that the charges were detailed at Appendix A of the report and included a new charge with regard to motorhome parking in some North Devon Council car parks.

He added that the Off Street Parking Order would be advertised following this meeting and circulated to all neighbouring campsites for comments.

He drew the Committee's attention to an error on page 162 of the report with regards to the Sheep Pen car park in South Molton. The charge for this car park should be £0.60 per hour with an all-day charge of £2.50 to be consistent with the main Central car park.

The Committee identified a number of errors in their individual areas, which were as follows:

- Page 76 of the report, which referred to an all-day charge of £6.00 for the Sheep Pen in the South Molton which should read £2.50

- Page 69 of the report, which referred to ensure that the wording was clear for that N10 'no sleeping' was only applicable to the car parks which were not designated for motorhomes parking.
- Page 130 of the report, which referred to Berrynarbor car park and listed under Ilfracombe was not in Ilfracombe.
- Page 139 of the report, which referred to Marine Drive in Ilfracombe as a long stay car park when it was actually now a short stay car park.
- Page 152 of the report, which referred to the Tourist Information Office at the Town Hall in Lynton can be deleted as it was no longer based there.
- Page 156 of the report, which referred to the operating of the Morteheo Cemetery by North Devon Council was owned by the National Trust.
- Page 156 of the report stated a £15.00 charge for motorhomes in Morteheo car.
- Page 157 of the report, which referred to the ownership of Marine Drive car park by Morteheo Parish Council was incorrect and that it was actually owned by the National Trust and leased to Morteheo Parish Council.
- Page 158 of the report, which referred to the ownership of Woolacombe Village Hall by Morteheo Parish Council was incorrect and that it was actually owned by the Trustees.

The Director of Resources and Deputy Chief Executive advised that the amendments would be made prior to the advertisement of the Order and the Motorhome parking proposal would be reviewed after 12 months.

RESOLVED:

- (a) That the changes requested by parishes together with the included amendments and amended charges for North Devon Council car parks, which were approved by Full Council on 23rd November 2022 be included into the Off Street Parking Order and approved for the following:
- Braunton Parish Council** - Changes to charges and regulations for Caen Street and Chaloners Road car parks and include the amendments into the Off Street Parking Order as described below and shown in Appendix B.
 - Combe Martin Parish Council** - Changes to charges and regulations for Cormelles car park, High Street coach/car park, Holdstone Down, Hollands Park, Kiln car park and The Parade and include the amendments into the Off Street Parking Order as described below and shown in Appendix B.
 - Instow Parish Council** - Changes to charges and regulations for Instow Marine car park and include the amendments into the Off Street Parking Order as described below and shown in Appendix B.
 - Lynton & Lynmouth Town Council** - Changes to charges and regulations for Bottom Meadow car park, Upper Valley of Rocks car park, Cross Street car park, Valley of Rocks car park, Esplanade car park, Lower Lyndale car park, Upper Lyndale car park, Watersmeet car park and Manor Foreshore car park and include the amendments the Off Street Parking Order as described below and shown in Appendix B.

- (v) **South Molton Town Council** - Changes to charges and regulations for South Molton Central car park, Sheep Pen car park, South Molton Coach & Lorry Park and include the amendments into the Off Street Parking Order as described below and shown in Appendix B.
- South Molton Residents permit to only permit parking in the South Molton Central Car Park for clarification purposes. The permit does not allow customers to park in any of the other car parks in South Molton and managed by North Devon Council.
- (vi) **North Devon Council Car Parks** – Changes to charges and regulations for North Devon Council car parks together with the increase in the level of charges across Off Street Car Parks with effect from 15 March 2023, which was approved by Full Council at its meeting on 23rd November 2022 and included the amendments into the Off Street Parking Order as described below and shown in Appendix B.

Councillor Patrinos declared a Non-Registrable Interest as a member of Lynton and Lynmouth Town Council.

Councillor Pearson declared Non-Registrable Interest as a member of Ilfracombe Town Council.

Councillor Wilkinson declared Non-Registrable Interest as a member of Morteohoe Parish Council.

Councillor Worden declared Non-Registrable Interest as a member of South Molton Town Council.

78. LYNTON AGENCY PERFORMANCE REVIEW

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Lynton Agency Performance Review.

The Director of Resources and Deputy Chief Executive advised that the current Lynton Agency Agreement was due to expire at the end of March 2023.

He explained that the agreement was originally reviewed in February 2015 and that as part of the review North Devon Council approved the service improvement framework to objectively review services to improve the customer experience and/or value for money. As a result of this work the review of the Lynton and Lynmouth agency agreement was added to the review programme. The revised agreement was reviewed and approved by the Executive again in April 2017.

Following a successful agency arrangement being in place for the above 3- year period, a further report to the meeting of Strategy and Resources on 4 November 2019 it was approved to continue with the agency agreement for a further period of 3 years.

He added that the purpose of the report was to update members on the progress against the 14 review recommendations put forward by the review team; to receive the financial outturn for the agency for the 2020/21 and 2021/22 years and to make recommendation about the future delivery of the services for 2023/24 year onwards.

He drew the Committee’s attention to the following points in the report:

- A summary annual report on the agency performance for the period of 2020 to date and financial outturn from the Lynton and Lynmouth Town Clerk was detailed in appendix A of the report.
- The only remaining review recommendation that was outstanding was in relation to exploring a joint way forwards to reducing public convenience costs.
- There was a significant forecast budget gap being faced by this Council and in working towards bridging those gaps, Members had held Budget Working Groups to look at a range of options including exploring different ways of delivering some services without impacting upon them.
- Discussions had been ongoing with local town and parish councils about the potential transfer of the public conveniences facilities to them. A decision such as this would clearly pass the financial burden for maintaining and cleaning the facilities to the local town or parish council and the Council was mindful that in order to fund that impact could result in a requirement to increase their share of the local tax precept.
- The Council was mindful that public conveniences were often seen as vital facilities in communities and so, the preferred alternative to closure would be to transfer those facilities to the relevant town or parish council which was a similar approach to that had been adopted by other Local Authorities in recent years.
- Following the original 2015 agency review, the revised forecast figures presented by Lynton and Lynmouth Town Council were projecting a net budget surplus (excluding parking fines) of £48,912; which was in line with the in-house North Devon Council costing put forward as part of the review process, detailed below:

	L&L Agency (old)	L&L Agency (new)	NDC Solution
Expenditure	-£326,418.00	£-327,651.00	-£248,599.50
Income	£359,651.00	£376,563.00	£ 297,431.00
Surplus	£33,233.00	£48,912.00	£48,831.50

- As outlined in the report from the Lynton and Lynmouth Town Clerk; the actual financial performance for 2021/22 year had resulted in a net surplus of £115,424 which was returned to North Devon Council.
- The previous years’ saw a financial return from the agency as follows;
 - 2018/19 net surplus of £60,177
 - 2019/20 net surplus of £65,843

- 2020/21 net loss of £505
 - 2021/22 net surplus of £115,424.
- The pandemic year of 2020/21 saw a significant decline in car park income (such as we saw across all NDC car parks) and income was £87,000 down on the budgeted level. However, separately North Devon Council claimed part of this income loss back through the support the Government provided Councils under the scheme for 75% reclaim of net losses on Sales, Fees and Charges. Therefore the above net loss against the agency budget had been mitigated by this separate transaction claim back to the Council.
 - The agency accounts for periods 2020/21 and 2021/22 were set out in Appendix B (2020/21) and Appendix C (2021/22).
 - As outlined in the report from the Lynton and Lynmouth Town Clerk, the projected financial forecast for the current 2022/23 year was in line with the agreed budgeted surplus position.

The Director of Resources and Deputy Chief Executive added that when the agency agreement was due for review in three years' time that a further report would be presented to the Committee six months in advance to seek agreement to continue with the arrangements.

The Senior Solicitor and Monitoring Officer advised Councillor Patrinos he had an Other Registrable Interest as he is a Member of Lynton and Lynmouth Town Council. His reasoning for this advice was that there is a direct agreement between North Devon Council and Lynton and Lynmouth Town Council for the Lynton Agency and this decision relates to the proposal to review this and enter into a new agreement which accordingly has a direct impact on the finances and well-being of the Town Council. In accordance with the Code of Conduct this would be considered as clouding his judgment and so the advice is that Councillor Patrinos may speak as a member of the public but may not take part in the deliberations or vote.

Councillor Patrinos thanked the Senior Solicitor and Monitoring Officer for his advice.

The Director of Resources and Deputy Chief Executive added that there was a financial impact whereby the Lynton Agency arrangement benefited the Town Council through recharging a proportion of the establishment overheads.

RESOLVED:

- (a) That the annual report and that the actions being taken to ensure that performance against the 14 review recommendations is at the desired level be noted;
- (b) That North Devon Council enter into a new agency agreement with Lynton and Lynmouth Town Council with effect 1st April 2023 for a period of 3 years, with a formal review on that date be approved; and

- (c) That delegated authority be given to the Director of Resources and Deputy Chief Executive, in consultation with the Senior Solicitor and Monitoring Officer, to agree the terms of the new agency agreement with Lynton and Lynmouth Town Council.

Councillor Patrinos declared an Other Registrable Interest as a member of Lynton and Lynmouth Town Council and did not vote on the recommendations.

Chair

The meeting ended at 10.47 am

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

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