

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 4th September, 2023 at 10.00 am

PRESENT: Members:

Councillor Roome (Chair)

Councillors Bell, Clayton, Crabb, Knight, Lane, Maskell, Prowse, Wilkinson and Worden

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Head of Customer Focus, Senior Solicitor and Monitoring Officer, Community Protection Officer, Environmental and Dog Warden, Head of Environmental Enhancement, Head of Programme Management and Performance, Environmental Health Manager and Finance Manager

Also Present in person:

Councillors Haworth-Booth, Patrinos, Walker and Leaver

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Biederman, D. Knight and P Leaver.

24. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 3 JULY 2023 (ATTACHED).

RESOLVED that the minutes of the meeting held on 3 July 2023 (circulated previously) be approved as a correct record and signed by the Chair.

In response to a question in relation to minute 18, the Director of Resources and Deputy Chief Executive advised that the Future High Streets Fund project team were in the process of exploring other options for a design scheme and that the Head of Place, Property and Regeneration would provide an update report to either the October or November meeting of the Committee.

25. 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.

26. DECLARATIONS OF INTERESTS.

The following declarations of interest was announced:

Councillor Roome – item 6, non registerable interest as a veteran of the Armed Forces (declared for the purposes of transparency with no action to be taken).

27. FORCES COVENANT

The Committee considered a report by the Head of Customer Focus (circulated previously) regarding the Forces Covenant.

The Head of Customer Focus highlighted the following:

- The work and policies that the Council have in place with regard to supporting both veterans and serving military to give Councillors the necessary assurance that the Council was in a position to sign a new Armed Forces Covenant.
- Paragraph 4.4 of the report outlined how the Council demonstrated its commitment to sign up to a new Armed Forces Covenant.
- The Covenant would be reviewed on an annual basis and updated as and when any policies are reviewed in the future.
- The Covenant would be included on the Council's new website which would be launched later this month.

Jon Beake, Regional Employment Engagement Director, Defence Relationship Management in the South West addressed the Committee and outlined his role in assisting and working with employers to develop Armed Forces Covenants. Previously the Council had co-signed the Armed Forces Covenant with Devon County Council. Devon County Council had now adopted a Covenant in its own right. He outlined the Council's moral obligations and advised that the Council now had a duty to have regard to such a Covenant. He welcomed the Council signing up to a new Covenant and that it would be reviewed on an annual basis.

Wing Commander Alex Drake, Air Regional Employer Engagement Officer addressed the Committee and highlighted the importance of having a Covenant in place and how it also supported reservists, widest defence community, veterans and cadets. It provided support at grass root levels and enabled the military to continue to deliver its services.

RESOLVED that the Council's proposed Armed Forces Covenant as outlined in Appendix A of the report be approved.

Councillor Roome and Wing Commander Alex Drake formally signed the Armed Forces Covenant.

28. TO AGREE FORMATION OF A COUNCILLOR CLIMATE ACTION TEAM

The Committee considered a report by the Sustainability and Climate Officer for NDC and TDC (circulated previously) regarding the formation of a Councillor Climate Action Team.

Councillor R. Knight outlined the report to the Committee and advised that there had been some delay in setting up the Climate Action Team. He thanked members of staff, Councillor C. Leaver and former Councillor Lofthouse for their support. He advised that the inaugural meeting would be held in two weeks and would then meet on a bi monthly basis.

RESOLVED:

- (a) That a Councillor Climate Action Team continues to meet and function under the Terms of Reference attached at Appendix One of the report.
- (b) That the Council Members listed at paragraph 4.3 of the report are appointed onto the Climate Action Team.

**29. PERFORMANCE AND FINANCIAL MANAGEMENT QUARTER 1
2023/24**

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding Performance and Financial Management Quarter 1 of 2023/24.

The Finance Manager highlighted the following:

- The revenue budget for 2023/24 was approved at Council on 22 February 2023 at £14,766,450.
- As at 30 June 2023, the latest forecast net budget was £14,749,450, which produced a budget surplus of £17,000. Details were shown in “Appendix A – Variations in the Revenue Budget”.
- The original budget for 2023/24 included a forecast to achieve £250,000 worth of salary vacancy savings. The current position forecasts we will achieve £93,000 based on known vacancies to date, but it was anticipated that the budget of £250,000 will be achieved by the end of the financial year.
- The National pay award was currently being considered by the Unions; however if the 2023-24 pay award exceeded the budgeted 4% included in the original budget then we would look to fund any shortfall from the Budget Management reserve, which currently had a balance of £814,000.
- As at 1 April 2023 the Collection Fund reserve balance held is £1,340,177. This earmarked reserve was created to deal with the timing impacts of the Collection Fund (Business Rates), which ensured the revenue budget was not unduly affected in the year the taxes were collected. Collection Fund deficits/surpluses were reversed out to bring the revenue account back to the budgeted figure for the year; the deficits/surpluses were recovered/distributed in the following financial years. This reserve included a £912,563 balance that will be utilised in 2023/24 and 2024/25 to mitigate timing differences of business rate reliefs awarded in 2022/23 that from an accounting perspective impact over the next two financial years; thus leaving the fund reserve with a residue balance of £427,614 protection against future volatility.

- The Valuation Office Agency (VOA) have notified the Council that they were to reduce the Rateable Value of the Museum from £146,000 to £1, this change had been back dated to 2019 and a refund in rates payable had resulted in a net positive impact to the council of £184,000. It was recommended this refund amount be contributed to the Regeneration Reserve for future projects.
- At the 30 June 2023 total external borrowing was £3,000,000. The timing of any future borrowing was dependent on how the authority managed its treasury activity. Due to on-going higher interest rates the Council was reporting a £90,000 net increase in Interest receivable.
- “Appendix B – Movement in reserves and Balances” detailed the movements to and from earmarked reserves in 2023/24.
- The 2023/24 Capital Programme was detailed in “Appendix D – Capital Programme 2023/24”.
- The Budget and Financial Framework report to Full Council on 22 February 2023 outlined the Capital Programme for the 2023/24 financial year of £21,247,098. Project underspend and further variations of £6,921,154 were approved as part of the performance and financial management report to Strategy and Resources Committee, to produce a revised 2023/24 Capital Programme of £28,168,252.
- Overall variations of (£5,648,600) were proposed to the 2023/24 Capital programme and £30,000 to 2024/25 Programme as detailed in paragraph 4.4.3 of the report.
- The overall revised Capital Programme for 2023/24 to 2025/26 taking into account the budget variations was £35,119,588 and details of how it was broken down was detailed in paragraph 4.4.4 of the report.
- The Programme of £35,119,588 was funded by Capital Receipts / Borrowing (£13,528,650), External Grants and Contributions (£18,609,678) and Reserves (£2,981,260).
- The Council also have authority to borrow from the Public Works Loan Board (PWLB) as outlined in the Treasury Management Annual Investment Strategy and currently had external borrowing of £3,000,000.
- Capital Programme release of funds as detailed in paragraph 4.4.8 of the report.

In response to questions, the Finance Manager advised the following:

- The £93,000 salary vacancy savings had been achieved through quarter 1. This was due to timings in filling posts from the time when a person had left and a new person had been recruited to fill the post. These savings were available to the Managers of that service where the vacancy had occurred to use for temporary or agency staff if required.

In response to questions, the Director of Resources and Deputy Chief Executive advised the following:

- There were separate budgets for training and recruitment. Some vacancy savings were utilised for temporary or agency staff, however Managers tried to recruit staff as quickly as possible.

- The Valuation Office valued all buildings to assess their rateable value. The Council had worked with external consultants to challenge the rateable values of some Council owned buildings and had been successful in that the museum had been revalued down to £1. This had resulted in the refund of rates payable and had a positive net impact to the Council of £184,000. Annually, it would have a positive impact of £40,000 rates saving opportunity.
- The Council would shortly be moving from Skype to Zoom for its telephony system which would achieve cost savings.
- When the Future High Street Fund project had been included within the Capital Programme, the project had been originally profiled as to when the spend was likely to occur. The Council had gone out to tender in relation to Boutport Street/Bear Street. The tenders were due back middle of September and it would then be known if there was sufficient funds allocated in the Capital Programme. A large proportion of the funding would not be spent until 2024/25. The Team would look at value engineering. If significant and material changes were required to the Capital Programme, a separate report would be brought to the Committee for consideration. If minor changes were required, these would be dealt with as part of the project. An update report on the project would be presented to a future meeting of the Committee.

The Chief Executive advised that he would request the Head of Place, Property and Regeneration to contact Councillor Clayton regarding signing up to receive the regular updates on the Future High Street project.

The Head of Programme Management and Performance highlighted the following:

- Appendix E set out the new performance management suite.
- This was the first quarter to bring forward the results to the Committee for consideration.
- It was a live suite of measures which could be added to or reduced at any point.
- The performance indicators showed the health of the organisation at a high level.
- Devon Audit Partnership had recently commenced an Internal Audit review of performance management.
- The next report for quarter 2 would have an update on projects, capital costs and mid-year measures and would give confidence on the delivery of the Corporate Plan.

In response to questions, the Head of Programme Management and Performance advised the following:

- In terms of the average number of days included for key performance indicators MiA, MaA and COM under the Housing and Community Safety Programme, these numbers were the actual average number of days and that honest and open information had been provided. These numbers were higher as the Council had experienced problems with the recruitment of planning officers, which had been the same for other Local Authorities. The Council was working hard to try to fill the vacant positions. In terms of compliance and

enforcement, the Council had recently recruited very experienced agency staff to the team which would help to bring the numbers down.

- There was a new Environmental Health Manager now in post who would also be working on reduced the outstanding number of compliance cases.

In response to questions, the Chief Executive advised the following:

- There were currently issues around recruitment into planning posts. Once these posts had been filled it would help with reducing the number of outstanding compliance and enforcement cases on the system.
- A bid had recently been submitted to the Government for funding of £100,000 which would help with the reduction of the backlog of live cases. This would not resolve the issue, as the Council would need to recruit agency staff.
- The Council had not previously reported on the end to end times in relation to minor and major planning applications. Previously 8 weeks had been reported and time extensions were agreed. It was hoped that improvements in the reduction of the average number of days in relation to minor planning applications would be seen and if not Members could challenge.

Councillor Prowse thanked the Property Team for their work in filling the vacant units in Green Lanes with independent businesses which was helping to put vitality back into the town centre.

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 section 4.2 of the report;
- (c) That the movement on the Strategic Contingency Reserve as detailed in section 4.3 of the report be noted.
- (d) That funds be released for the capital schemes listed in section 4.4.8 of the report;
- (e) That the sections dealing with Treasury Management, Debt Management and General Debtors as detailed in sections 4.5 to 4.7 of the report be noted.

RECOMMENDED:

- (f) The Council approve the variations to the Capital Programme 2023/24 to 2025/26 as detailed in section 4.4.3 of the report.

30. PUBLIC SPACES PROTECTION ORDER - ANTI SOCIAL BEHAVIOUR

The Committee considered a report by the Community Protection Officer (circulated previously) regarding the Public Spaces Protection Order to address Anti-Social Behaviour.

The Committee noted that the constitutional context under paragraph 9 of the report was incorrect and should have stated "Part 3, Annex 1, Paragraph 1" of the

constitution which allowed the Committee to make this decision without the requirement to refer to Council for the final decision to be taken.

The Community Protection Officer highlighted the following:

- The current Public Spaces Protection Order (PSPO) would expire on 1 January 2024. By enacting the new order we would be able to avoid a period where there are no powers to address Anti-Social Behaviour (ASB) in Barnstaple and Ilfracombe.
- The operation of the current order has allowed identification of areas where it would be useful to strengthen the conditions. The existing power allows the dispersal of groups of two or more to outside of the PSPO area for a period of six hours had been amended in proposals for the new order. The new proposal would allow for the dispersal of individuals, in addition to groups of two or more. The dispersal time period had been extended to twenty four hours, up from six hours.
- The area covered by the PSPO had also been extended as detailed in Appendix B of the report. Two areas have been added to the Barnstaple map, Rotary Gardens and Portmarsh, as both sites have been subject to anti-social behaviour related to the consumption of alcohol and other intoxicating substances. The proposed PSPO area in Ilfracombe remained unaltered.

In response to questions, the Community Protection Officer advised the following:

- The Street Marshals in Barnstaple were currently not “authorised persons”, however they would be shortly. There were currently no Street Marshals in Ilfracombe, however other officers would be designated as “authorised persons” who would be able to act in this area.
- Information regarding the number of £100 fines issued could be reported back to the Committee.
- There was always an issue with regards to displacement of anti-social behaviour to other areas outside of the PSPO. The guidance advised that the PSPO areas should be as small as possible. The Outreach Teams were in place to address issues before they arose.
- Incidents of anti-social behaviour had also been reported in other areas such as Braunton and South Molton.
- There was an ongoing issue regarding the number of police officers in other areas. During the summer of 2020, following Covid, Street Marshals had been employed in both Croyde and Woolacombe. There was always a significant increase in numbers over the summer months in these areas due to holiday visitors. There may be other anti-social behaviour powers that can be used by the Council.

In response to questions, the Director of Resources and Deputy Chief Executive advised the following:

- That there was a report later in the agenda for this meeting in relation to expanding the Street Marshal scheme into Ilfracombe for the next 6 months. If the Committee approved the recommendations to set up such a scheme in

Ilfracombe, then the Street Marshals in Ilfracombe would also become designated as “authorised persons”.

The Chief Executive recommended that a report be presented to the Licensing and Community Safety Committee in 6 months time to consider the impact of the PSPOs.

RESOLVED:

- (a) That the PSPO and Consultation process be approved;
- (b) That delegated authority be given to the Head of Planning, Housing and Heath, in consultation with the Leader and the Senior Solicitor and Monitoring Officer, to make the Public Spaces Protection Order in relation to areas in Barnstaple and Ilfracombe, as per the Order attached at Appendix A, following the conclusion and the consultation period referred to in paragraph 1.4 3 of the report.

31. PUBLIC SPACES PROTECTION ORDER REVIEW 2024

The Committee considered a report by the Environmental Health Manager (circulated previously) regarding the Public Spaces Protection Order Review 2024 (Dog Controls PSPO).

The Committee noted that the constitutional context under paragraph 9 of the report was incorrect and should have stated “Part 3, Annexe 1, Paragraph 1” of the constitution which allowed the Committee to make this decision without the requirement to refer to Council for the final decision to be taken.

The Environmental Health Manager highlighted the following:

- On 1 June 2020 Members considered a proposed public consultation exercise on the implementation of a number of controls designed to address anti-social behaviour associated with irresponsible dog ownership.
- The current PSPO will end on 31st of December 2023 and ideally we will be in a position to seamlessly move to a new order from 1 January 2024. Without it, we will have no provision for enforcement of dog fouling or other controls within the existing order.
- Appendices attached to the report.
- The current PSPO that was in place.
- New proposals for consultation.
- Proposed new Paw Scheme.
- PSPOs – proposal new design and visuals
- Identification of hot spots.
- Proposed new Dog Walking Code of Practice.

In response to questions, the Environmental Health Manager advised the following:

- It was Council policy not to pick up dog fouling and the responsibility was to control. This would be included within the consultation.

The Chief Executive advised that it was not the Council's responsibility to pick up dog fouling on footpaths.

In response to questions, the Neighbourhood Officer advised the following:

- It was a nationally recognised approach to utilise the notion to try to build community awareness and identify offenders of dog fouling. It was a much better approach to engage with the community and it also had impact on psychological behaviour of offenders. This also enabled officers to use other techniques such as CCTV and identification of hot spots. In his experience, this had a positive impact.
- Proposals also included restrictions on the number of dogs that must be kept on leads for professional dog walkers and a new Dog Walking Code of Practice was proposed. Currently professional dog walkers were unregulated with no controls in place. The new Code of Practice had been drafted based on guidance from Defra. It was also proposed that conditions would also be included as part of licensing dog kennels. The Code of Practice would also be provided to landowners to enable them to control and moderate the number of people walking dogs on their land.

RESOLVED that the Public Spaces Protection Order (Dog Controls) Review and Consultation Process be approved and that the results of the consultation be presented to the Committee on 6 November 2023.

32. FORMATION OF A COMMUNITY LOTTERY FOR NORTH DEVON

The Committee considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the formation of a community lottery for North Devon.

The Director of Resources and Deputy Chief Executive advised that Carol O'Neil, Lottery Manager of Gatherwell was present to answer any questions. He highlighted the following:

- A local lottery for North Devon would offer a valuable new income stream for local voluntary and community organisations.
- Local Authority lotteries have to deliver a minimum of 20% of proceeds to purposes for which the authority has the power to incur expenditure. It was proposed to deliver up to 60% of the Lottery proceeds to good causes.
- The three options for consideration by the Committee as outlined in paragraph 4.4 of the report. Option 3 was recommended to the Committee for approval.
- It was proposed that rather than allocating officer time and significant cost to setting up and managing an in-house lottery, an External Lottery Manager (ELM) was used to oversee the operations of the local lottery. There would be some in-house resources required to liaise with the external provider to get the lottery up and running.
- There were very few ELM's in the marketplace and, as indicated, Gatherwell were specialists in delivering local authority lotteries. It was therefore proposed to utilise Gatherwell as an ELM for the lottery, initially for a one-year, with an option to extend to a second year.

- Gatherwell now provided this service for around 140 local authorities, including district, metropolitan, county and unitary councils, and their remit was to increase funding to good causes. No other quotes have been obtained from lottery providers as there does not appear to be any other company that can facilitate this type of local authority lottery.
- One of our neighbouring local authorities, Teignbridge District Council, recently set up their community lottery and as part of their research considered other ELM's as detailed in paragraph 4.8 of the report.
- The Council would need to define eligibility criteria against which applications for good causes wishing to join the lottery would be assessed. The proposed criteria was detailed in paragraphs 4.10, 4.11 and 4.12 of the report.
- Once the criteria have been agreed, Gatherwell would set up a new website and manage the publicity and recruitment of good causes to the platform. Experience of running 140 such lotteries suggested that there was no upper limit on the number of good causes and the most successful lotteries support the largest numbers of causes.
- Local authorities would have significant input into the branding, marketing and launch of the lottery, even to the extent of naming the lottery, however ongoing marketing need only incur modest expenditure, with good causes largely doing this work themselves.
- Ticket sales would all be administered by the ELM and participants would be expected to set up a monthly direct debit. No tickets were sold in shops, offices or on the street. The ELM would also be responsible for payment of prizes and distribution of proceeds to good causes and back to the Council. Each ticket costs £1 and the proceeds would be distributed as detailed in paragraph 4.15 of the report.
- The percentage of the ticket sales going to good causes (up to 60%) was significantly higher than those lotteries offering large jackpots – Euromillions and the National Lottery (28%), the Health Lottery (20%) and the Postcode Lottery (27.5%).
- The Lottery was based on a different principle to the UK Lotto and the numbers used were the results of the Australian Super 66. This was a combination lottery that uses only the numbers 0 to 9 which were then randomly drawn by a computer. As the Super 66 was drawn weekly on a Saturday morning (UK time) the deadline for participating in the local lottery is 23:59 Friday. Players (aged 16 or over) were able to choose 6 numbers, and to win the weekly jackpot they must match both the numbers and sequence as drawn. Players can also win a prize if the ticket matches the sequence of the first or last 2, 3, 4, or 5 numbers drawn.
- The jackpot was an insured prize and was a guaranteed pay out of £25,000 per winner (even if multiple people win the jackpot it was not shared or rolled over). The ELM takes out insurance to cover all prizes and the risk of ticket sales not being sufficient to cover the prize pay-out lies with ELM. The table in paragraph 4.19 of the report detailed the winning odds and their prizes.
- The process of setting up a local authority lottery normally takes about six months from the date of agreement to approval by the Gambling Commission.
- The proposed approach would enable charities and good causes to 'sign up' to take part in the lottery, with 50% of the revenue from ticket sales going directly to the good cause selected by the purchaser.

- The Council would be the overall licence holder and control the good causes joining the scheme. Players buying tickets through specific web pages would know that the proceeds were for that specific good cause. This in turn motivates the group to gain more players to support their specific cause.
- Lotteries were the most common type of gambling activity across the world, and considered to be a 'low risk' form with respect to the emergence of problem gambling. This was due to its relatively controlled form. The Lottery would help mitigate against many of the issues related to addictive gambling as outlined in paragraph 4.26 of the report.
- Gatherwell recommend that each council becomes a member of the Lotteries Council, which provides a range of services for its members, including acting as independent arbitrator for lottery providers should a dispute arise, free access to advice from specialists, and representation with regulators and legislators. The Lotteries Council will also make a contribution to the Responsible Gambling Trust on behalf of each of its members.
- The minimum age for participation in a local authority lottery was 16 years. A person commits an offence if they invite or allow a child (someone under 16) to enter such a lottery. The Council will ensure that appropriate written policies were in place to help prevent and deal with cases of under-age play. Gatherwell, when acting as ELM, require players to declare their age as 16 or over and undertake back office and random checks to verify dates of birth and ensure no under-age players. As part of the licensing objectives the Council were required to ensure that children and other vulnerable people were not harmed or exploited by the lottery.
- In addition to operating licences from the Gambling Commission, a local authority was required to have at least one Personal Management Licence (PML) holder for the authority, even if the lottery was run by an ELM and it was recommended good practice to have 2 licence holders in event of staff absence. The ELM will have their own PML holders. It was proposed this is the Chief Executive and Chief Finance Officer.
- The ELM (ie Gatherwell Ltd) oversees all aspects of the lottery as outlined in paragraph 4.37 of the report.
- The risks associated with establishing a new North Devon Community Lottery were outlined in paragraph 4.38 of the report.
- The top prizes were insured by the ELM (External Lottery Manager) and was funded from the prize fund, which itself was funded by the ELM's share of the ticket sales. The Council was not exposed to prize fund risk due to the contract it will hold with the ELM.
- The estimated cost of setting up the lottery was around £7,200 as follows and it was proposed that these costs be met from the Strategic Contingency Reserve. Gatherwell set up fee of £5,000 (One-off), which will include website design, hosting, maintenance and development; payment gateways (dedicated direct debit and payment card accounts); dedicated support telephone number, email and social media accounts; marketing strategy support and generic design creation; gambling licence application support and training for licence holders. Licence fees and affiliations of £1,173 (Gambling Commission licence and Lotteries Council membership) which was an ongoing cost. Launch event – costs of circa £1,000 (One-off) but will be kept as low as possible.

- One launched, the ongoing costs would be met from the “central fund” retained by the Council as detailed in paragraph 5.2 of the report.
- From comparing against the other lotteries running, the pot of money for good causes was likely to be in the region of £23,000 – £46,000 + per annum after an initial period of awareness raising. A table detailing the projections were detailed in paragraph 5.3 of the report.

In response to questions, Carol O’Neil, Lottery Manager of Gatherwell advised the following:

- Break down of costs had been provided for the first year. These figures had been set and would not change.
- Following market research, lotteries were considered to be a low risk form with respect to the emergence of problem gambling.
- She was currently working with 14,000 good causes.
- Supporters would engage from a support point of view rather than prize giving. The marketing would include the purpose of the lottery to support good causes. The lottery helped to keep small charities going who were struggling financially.

Councillor Roome declared a non-registerable interest in this item as he had experience in setting up lotteries (declared for transparency purposes only and no action taken).

In response to questions, the Chief Executive advised the following:

- The purpose of the lottery was to help raise funds for small charities and good causes. It was not about raising funds for the Council.
- 140 other Local Authorities had established lotteries. They would have also taken into consideration issues regarding gambling.

In response to questions, the Director of Resources and Deputy Chief Executive advised the following:

- The promotion of the lottery would only include the Council as a licence holder and it would not be promoted as a North Devon Council lottery.

Councillor C. Leaver requested that the criteria in paragraphs 4.10.1, 4.10.2 and 4.10.3 of the report be amended to include “operate in North Devon”.

RESOLVED:

- (a) That the establishment of the North Devon Community Lottery for the purpose of raising funds to support good causes, benefitting the residents of North Devon be agreed.
- (b) That the appointment of Gatherwell as an External Lottery Manager to run the operational side of the lottery approved.

- (c) That the criteria for which good causes should participate in the lottery as defined in section 4.10 to 4.12 be agreed subject to paragraphs 4.10.1, 4.10.2 and 4.10.3 of the report being amended to include “operate in North Devon”.
- (d) That the Chief Finance Officer be authorised to apply for any necessary licences from the Gambling Commission to enable the Lottery to operate.
- (e) That the Chief Executive and the Chief Finance Officer be nominated as the personal licence holders for the Lottery and authorise them to apply for the personal licence.
- (f) That the management and oversight of the Lottery and the authority to approve appropriate policies and procedures associated with the Lottery be deleted to the Chief Executive and Chief Finance Officer, in consultation with the Leader and Lead Member for Commercialisation and Resources.
- (g) That the one-off set up costs of £7,200 be approved as outlined in section 5.1 and be funded from the Strategic Contingency Reserve.

33. PROPOSED AMENDMENTS TO THE COUNCIL’S EXISTING AMENITY STANDARDS WITH RESPECT OF SHORT TERM HOLIDAY LETTING OF LICENSED HMOS

The Committee considered a joint report by the Public Protection Manager and Environmental Health Officer (circulated previously) regarding proposed amendments to the Council’s existing amenity standards with respect of short term holiday letting of licensed Houses in Multiple Occupation (HMOs).

The Environmental Health Officer (TR) highlighted the following:

- Consideration was sought in respect of proposed amendments to the Council’s Amenity Standards, and in particular in respect of the short term holiday letting of rooms within licensed HMOs. The proposed revised Amenity Standards document with highlighted changes was found within Appendix A of the report.
- The popularity of short term letting for holiday purposes of domestic properties has increased, particularly in the area of North Devon which has access to popular tourist locations and some landlords are looking to diversify their current portfolio of properties.
- There were an estimated 1,100 HMOs in North Devon, of which approximately 290 fall under the Part 2 mandatory licensing scheme.
- As at 30 June 2023, there were 1867 business rated properties with a description containing ‘self-catering holiday units’.
- An enquiry was received from an agent, whereby they approached the Council to ask if there were any restrictions in relation to landlords renting out rooms within licensed HMOs on a holiday let basis, as a landlord had proposed to rent out their property in this way.
- Having reviewed the request, there were believed to be a number of risks with mixed use short term holiday lets and HMOs as detailed in paragraph 5.7 of the report.
- In light of this request, it was proposed that the Council do not permit rooms within licensed properties to be rented out on a holiday let basis (e.g. via Airbnb, Vrbo etc.). All living accommodation must be occupied by persons as their only or main residence or by persons who are to be treated as so

occupying it (e.g. on a permanent basis or in line with Section 259 of the Housing Act 2004).

- It is proposed that a consultation is undertaken with key stakeholders including estate agents, management companies and current HMO landlords and applicants.
- A period of six weeks has been suggested for the consultation in line with the Cabinet Office guidance, as six weeks provided a proportionate and realistic time period in order for stakeholders to provide a considered response.

In response to questions, the Public Protection Manager advised the following:

- That the proposed amendment was to not permit rooms within licensed properties to be rented out on a holiday let basis.
- There was no legal requirement to carry out consultation on this proposed amendment. However, property owners would need some period of notice if they already let out accommodation as holiday lets.
- Other licensing policies (e.g. Licensing Act and Gambling Act) were required to be subject to formal consultation.
- As the original policy had been subject to consultation, it was proposed that consultation be undertaken on this proposed amendment to allow for a level of transparency. A shorter period of consultation may be tolerated.

In response to a question, the Environmental Health Officer (TR) confirmed that the key stakeholders for consultation could also include housing associations and homelessness organisations.

In response to questions, the Chief Executive advised the following:

- It was a matter of public law that, if a Local Authority normally consults the public when it changes policies of this nature, there would be a legitimate expectation that it would consult on the proposed change(s). If the consultation period was too short a period, then the Council would be at risk of challenge if it had not consulted properly. If the Committee were to propose that no consultation would be carried out on this proposed change, then a report would need to be presented to the next meeting of the Committee to set out the risk(s) so that councillors could take these into account on making any decision.

RESOLVED:

- (a) That the proposed variation to the Council's Amenity Standards document in Appendix A be approved for consultation;
- (b) That the Environmental Health Officer be instructed to undertake a six week period of public consultation on the proposed amendment and seek that consultation responses be reported to a future committee meeting prior to making any approval and that the stakeholders also include housing associations and homelessness organisations,.

34. SECTION 106 REPORT

The Committee considered a report by the Head of Environmental Enhancement (circulated previously) regarding the approval and release of section 106 public open space funds for two projects in the Fremington ward.

The Head of Environmental Enhancement highlighted the following:

- The approval and release of section 106 public open spaces funds were for two projects in the Fremington Ward for the replacement of play equipment at Ellerslie Road play area and at Beechfield.

RESOLVED:

- (a) That £55,215 be allocated to Fremington Parish Council for the replacement of play equipment at Ellerslie Road play area
- (b) That £39,868 be allocated to Fremington Parish Council towards the replacement of play equipment at Beechfield;

RECOMMENDED:

- (c) That Council be recommended to vary the capital programme by £95,083 and that funds be released subject to a funding agreement upon such terms and conditions as may be agreed by the Senior Solicitor for external projects.

Councillor Walker thanked officers for bringing forward the report and the Committee for its support on behalf of the children of Sticklepath.

35. STREET MARSHAL SCHEME

The Committee considered a joint report by the Place Manager (Town Centre) and Director of Resources and Deputy Chief Executive (circulated previously) regarding the Street Marshal Scheme.

The Director of Resources and Deputy Chief Executive highlighted the following:

- The concept of providing a reassuring visible presence in town centres was first introduced following the pandemic in December 2020. Known locally as Place Makers (nationally as Covid Marshals) their role was primarily to provide a warm, friendly welcome to residents and visitors and to provide assistance to both residents and businesses on Covid restrictions and regulations, in line with Public Health measures when town centres re-opened.
- This visible presence was highly valued by both members of the public and businesses and schemes in Barnstaple and Ilfracombe were funded through the Welcome Back Fund following the lockdown periods in 2021.
- The scheme was reinstated in March 2022 using the Contain Outbreak Management Fund (COMF) with an expanded role to include de-escalating situations that could lead to Anti-Social Behaviour (ASB).
- Following the success of these schemes; a subsequent increase in antisocial behaviour incidents in Barnstaple Town Centre once they stopped and a public survey which determined that an increased presence by uniformed

enforcement officers was the main intervention that would make people feel safer, a successful bid to Safer Streets round four was submitted which included funding for street marshals in Barnstaple.

- The street marshals have been an unprecedented success, contributing towards a significant reduction in overall crime and incidents of ASB reported to the Police. In the 12 month period June 2022 to May 2023 compared to the same 12 month period the year before (2021-2022). Reported crime had decreased by 18% a reduction of 382 incidents. Reported incidents of ASB have decreased by 34% a reduction of 145 incidents.
- The Safer Streets funding comes to end on 30 September 2023, the purpose of this report is therefore to set out the benefits of the current scheme and seek approval for funding to enable a scheme to continue until the end of March 2024 in both Barnstaple and Ilfracombe with a view to seeking a long-term partnership funding solution from April 2024.
- The options for consideration were either to continue with the scheme or to stop.
- The aim of the current scheme and role of street marshals as outlined in paragraph 4.10 of the report.
- The proposal and benefits of the scheme.
- The scheme was valued by businesses and the community as outlined in paragraph 4.15 of the report.
- There were significant benefits to all public services, it would therefore be appropriate that a long term, multi-agency funding solution be sought to ensure the scheme for Barnstaple and Ilfracombe was sustainable moving forwards. Approving funding until April 2024 would enable such an agreement to be explored and implemented and a further report would be brought back to Members once this had been identified. Over the next six months discussions would take place between NDC officers and multi-agency stakeholders to seek options for a sustainable solution moving forwards for this much valued provision for our town centres.
- An email received from Toby Davies, Local Police Commander was read to the Committee regarding the benefits of the scheme and advising that he was keen to keep the scheme in place for both Barnstaple and Ilfracombe and that he would work with the Council to look at options for securing sustainable funding.
- As part of the Safer Streets fund during 2022-23, an element of NDC officer time was recharged to the project where officers were directly providing interventions under the scheme. The result of this created a budget underspend within the 2022-23 year on those service budget areas where those officers were providing the interventions.
- As part of closing the 2022-23 year, it was approved as part of the financial outturn to place the above savings into a specific earmarked reserve to reinvest back into our town centres as part of ongoing management provisions such as safety and security.

Councillor Crabb advised that Ilfracombe Town Council was happy to have a conversation regarding future funding of the scheme.

RESOLVED:

- (a) That Contract Procedure Rules be waived and approval be given to enter a new contract up to 31 March 2024 with the existing provider on the basis that they have been delivering the service for the last 9 months and have established trusted, invaluable contacts and relationships with NDC staff, Police, businesses and the wider community.
- (b) That authority be delegated to the Place Manager (town centres) and the Director of Resources and Deputy Chief Executive to determine the exact operating hours of the scheme in consultation with key partners such as Police, based on demand and available budget.
- (c) That the cost of the Street Marshal contract be funded from the Town Centre Management earmarked reserve as set out in Section 5 of the report;
- (d) That the Committee was keen for the street marshals to become authorised persons as soon as possible.

36. REFUGEE SUPPORT CONTRACT

The Committee considered a report by the Service Manager – Housing (circulated previously) regarding the Refugee Support Contract.

The Director of Resources and Deputy Chief Executive highlighted the following:

- The Homes for Ukraine scheme had introduced 12 months ago. The Council had engaged with Pickwell Foundation to provide support to refugees and had been significantly valuable in rehousing refugees successfully. They also re-matched those households requiring alternative accommodation.
- The 12 month contract with Pickwell Foundation was due to end shortly. The options were for Pickwell Foundation to continue to provide this service on behalf of the Council or look for an alternative service provider. It was recommended that Pickwell Foundation continue to provide this service. Grant funding was in place for this service.
- Last year, the Council had received £6,000 per refugee for this scheme of which £1,500 per refugee had been allocated to Pickwell Foundation for the service.
- The Council have agreed to 12 units of family accommodation for those under the Afghan Relocations and Assistance Policy (ARAP) scheme at RMB Chivenor.

RESOLVED that the Head of Planning, Housing and Health be authorised in consultation with Senior Solicitor and Monitoring Officer, to make any necessary amendments to the Grant Agreement for provision of support to Ukraine Refugee's dated the 17 May 2022 with the Pickwell Foundation to account for the Homes for Ukraine scheme and the Afghan Relocations and Assistance Policy (ARAP) scheme.

37. URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE (ATTACHED)

The Committee noted the urgent decision that had been made by the Chief Executive in accordance with paragraph 3.45, Annex 2, part 3 of the Constitution (circulated previously) regarding the Local Authority Housing Fund – Round 2.

Chair

The meeting ended at 12.28 pm

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