

NORTH DEVON COUNCIL

Minutes of a meeting of Council held at G107, 1st Floor, South West Institute Development Building, Petroc, Barnstaple - Petroc College on Wednesday, 17th January, 2024 at 6.30 pm

PRESENT: Members:

Councillor Hunt (Chair)

Councillors Bell, Biederman, Bishop, Bulled, Bushell, Cann, Clayton, Crabb, Davies, Denton, Haworth-Booth, Jones, Jusef, D Knight, Lane, P Leaver, Lethaby, Lovering, Maddocks, Maskell, Milton, Norman, Orange, Patrinos, Prowse, Quinn, Roome, L. Spear, Stevenson, Walker, Wilkinson, Williams, Wilson, Worden and York

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Senior Solicitor and Monitoring Officer and Head of Governance

77. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R. Knight, C. Leaver, Topps, Turton and Whitehead.

78. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 22 NOVEMBER 2023 (ATTACHED)

RESOLVED that the minutes of the meeting held on 22 November 2023 (circulated previously) be approved as a correct record and signed by the Chair.

79. CHAIR'S ANNOUNCEMENTS

(a) Chair's Valentine Charity Ball – 10 February 2024

The Chair reminded Council that she would be holding a Valentine Charity Ball on Saturday 10 February 2024 at the Barnstaple Hotel which was raising money for North Devon Hospice and the Royal Devon Hospitals Charity and it would be lovely to see as many Councillors as possible attend along with friends and family. She advised Councillors to contact the Corporate and Community Services assistant for further information.

80. BUSINESS BROUGHT FORWARD BY OR WITH THE CONSENT OF THE CHAIR

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

81. 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.

82. 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 Maskell

Councillor Maskell outlined the reasons for the submission of her notice of motion to Council as a lot of complaints from residents had been passed to her in relation to the lack of toilet facilities at the station. Passengers waiting for buses could wait for up to an hour for a bus without access to toilet facilities. This lack of facility certainly discouraged people from travelling to the town. She advised that the Strategy and Resources Committee at its meeting on 8 January 2024 had considered the re-opening of the café and the reconfiguration of toilets open to the public and it was anticipated that the toilets and café would be re-open by Easter 2024. This would give passengers greater confidence to travel. Therefore she withdrew her notice of motion to Council.

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

Councillor Wilson presented her notice of motion to Council.

Councillor Wilson declared for transparency reasons that she was an employee of Pickwell Foundation.

It was moved by Councillor Wilson and seconded by Councillor Prowse that the notice of motion be adopted.

Councillor Walker declared for transparency reasons that she was a sponsor host under the Home for Ukraine scheme.

It was moved by Councillor Walker and seconded by Councillor Maskell “that the notice of motion be referred to the Strategy and Resources Committee for further consideration”.

RESOLVED that the notice of motion be referred to the Strategy and Resources Committee for further consideration.

83. DECLARATIONS OF INTEREST

There were no declarations of interested received.

84. 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 submitted by Members under Part 4, Council Procedure Rules, Paragraph 10 of the Constitution

85. 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.

Councillor Roome advised that the Council had submitted a response to the national consultation on the Provisional Local Government Finance settlement. A letter had also been sent to the MP. The North Devon Community Lottery would be launched on 24 January 2024 whereby organisations and good causes interested in taking part could attend the launch event, which was currently over-subscribed and it was really positive that the community were in support.

The Director of Resources and Deputy Chief Executive advised that the Council's response to the consultation on the Provisional Local Government Finance settlement would be included within the budget report that would be presented to Council in February 2024.

86. QUESTIONS BY MEMBERS

Council noted that no questions had been submitted to the Leader or the Chair of a Committee under Part 4, Council Procedure Rules, paragraph 10.4 of the Constitution.

87. STATEMENT OF ACCOUNTS 2022/23

(a) **Report by Chief Financial Officer (attached)**

Council considered a report by the Chief Financial Officer (circulated previously) regarding the Statement of Accounts for 2022/23.

The Director of Resources and Deputy Chief Executive advised that:

- Draft Statement of Accounts for year ended 31 March 2023 which were signed by the Chief Financial Officer on 8th June 2023.
- The target date for published, audited accounts was 30 September. Last year the target date was extended to 30 November 2023.
- Due to national resource pressures a significant number

of audits have not been carried out across the sector. The Council was one of only a small number of Local Authorities to have had their 2022/23 accounts audited.

- External Audit of Accounts (Grant Thornton) audit of financial statements had taken place through October – December 2023 and being concluded through January 2024.
- Audit Findings Report was presented to Governance Committee on 9 January 2024. An Unqualified Opinion on Financial Statements was reported and there were seven recommendations (one high, three medium and three low) following the Key Findings which had been accepted by management and responses had been built into the Action Plan.
- The Narrative Report (pages 28 to 38 of the accounts) sets out the challenges we face, how we aim to meet those challenges (Medium Term Financial Plan) and reviewed the last financial year 2022-23.
- Review of year ended 31 March 2023. Quarter 3 reported as at December 2022 a small net surplus of £19,000. Favourable variances seen in last quarter since last reported position; most notably additional income from planning fees, a reduction in the Temporary Accommodation additional cost pressure that was forecast, additional interest receivable on our investments and additional Business Rates and Government Grant income. The final outturn position achieved a net budget surplus of (£693,000); this was (£604,000) in previous year. The detailed main variances including adverse and favourable were included on the table on pages 32 and 33 of the accounts.
- The proposals and options for balances of £693,000 to be placed into earmarked reserves were detailed on page 34 of the accounts.
- Green Lanes Shopping Centre - Members approved in June 2021 to proceed with the acquisition of Green Lanes Shopping Centre; which the Council completed the purchase in November 2021. The financial modelling demonstrated that revenue income generated from the centre would cover both the repayment of the loan and asset management costs and would return a contribution to the Council which could be used towards mitigating future risks on income volatility, investment back into the centre and the overarching council budget. The financial outturn for the Centre produced a net return (income less costs) for the 2021/22 year of (£243,600) due to minimal borrowing costs for last financial year as these commenced in 2022/23. The

2022/23 trading position produced a net return of (£291,000), including borrowing costs. This was a positive return for the Council and was in line with the original forecasting.

- The general fund reserve balance as at 31 March 2023 was £1.238m. The earmarked reserves of £11.134m were detailed on pages 62 and 63 of the accounts. The balances left the Council in a stronger position to deal with the risks and challenges it faced moving into 2023/24. It was positive for the Council to be able to put balances into reserves at year end especially after such a challenging financial year following the pandemic and inflationary pressures experienced in 2022/23 year.
- The Medium Term Financial Strategy for 2023-2029 (pages 29 and 30 of the accounts) was refreshed annually and built into service planning. The continued pressure and uncertainty on the Council's funding sources remained as the Government's Fair Funding Review and Business Rates Retention changes, originally planned for 2023/24 year had again been delayed by a further two years until April 2025. The refreshed forecasted cumulative budget gap/surplus for 2023-24 to 2028-29.
- Key performance indicators as detailed on pages 39 to 43 of the accounts.
- Main statements of the accounts as detailed on pages 45 to 51 of the accounts which included:
 - Comprehensive Income and Expenditure Statement (page 45)
 - Movement in Reserves Statement (page 47)
 - Balance sheet (page 48) which included net assets of £106.7m (£59.5m increase from 2021-22 year). The long term assets had increased by £8m (pages 87 and 88). Net assets had increased by £2m. The Pension fund net liability had decreased by £50m due to change in financial assumptions. Fund liabilities had decreased by £53m. Fund assets decreased by (£2.5m). Further analysis in pension note 42 on pages 109 to 115 of the accounts. The Pension Fund History for the last 6 years were detailed on page 113 which showed net liability (£63m through to £14m). The Pensions deficit was offset by the same balance in Unusable reserve (note 27 on pages 95 and 98). The Pensions deficit would be made good by increased contributions over the remaining working life of employees; as assessed by the actuary every 3 years. Capital Grants Receipts in Advance

increased by £1.2m.

- Cash Flow Statement (page 49 of the accounts).
- Collection Fund (pages 50 and 51 of the accounts).
- Accounting Policies (pages 52 to 71 of the accounts) detailed the rules and concepts in preparing the accounts. There had been no material changes for 2022-23.
- Notes to the Accounts (pages 72 to 122 of the accounts). Included disclosures notes and further analysis of figures contained within the main statements.
- Draft Auditors report (pages 123 to 128 of the accounts) – the Audit findings report was presented to the Governance Committee on 9 January 2024. The opinion was “that the financial statements give a true and fair view of the financial position of the authority”.

The Chair of the Governance Committee presented the recommendations of the Governance Committee held on 13 June 2023 and 9 January 2024 (circulated previously) and thanked the Director of Resources and Deputy Chief Executive for their work.

It was moved by Councillor Norman and seconded by Councillor Jones that the recommendation in the report be adopted.

An amendment was moved by Councillor Biederman “that the recommendation in the report be adopted and that Council write to the MP requesting that she meet urgently with the Levelling Up Minister to request funding for projects in North Devon”.

Councillor Norman and Councillor Jones agreed to take this amendment on board.

In response to a question, the Director of Resources and Deputy Chief Executive advised that he would provide a breakdown of the split on spend on statutory and non-statutory services that the Council provided and circulated to all Councillors.

The Director of Resources and Deputy Chief Executive and his team were thanked for their remarkable work and achievements with limited budgets and real term reduction in funding received from the Government. Councillors were proud of officers and what they have managed to achieve with less

funding.

RESOLVED:

- (a) that the Statement of Accounts 2022-23 be approved, and that the Chairman of the Council sign and date the Statement of Accounts as required by the Accounts and Audit Regulations 2015; and
- (b) that Council write to the MP requesting that she meet urgently with the Levelling Up Minister to request funding for projects in North Devon.

(b) **Annual Governance Statement 2022/23**

Council considered a report by the Head of Governance (circulated previously) regarding the Annual Governance Statement 2022/23.

The Head of Governance advised the following:

- The Annual Governance Statement sets out the processes and procedures in place to enable the Council to carry out its functions effectively, based on the core principles of the governance framework.
- Key elements of the framework included work of the Strategy and Resources Committee and Full Council in setting budgets, strategies and corporate objectives.
- The review of the Council's governance arrangements had been supported by the internal auditor as the Devon Audit Partnership had carried out 16 audits during the year. Their Annual audit opinion was of 'reasonable assurance' that there was generally sound system of governance, risk management and control in place.
- During 2022/23 there had been several improvements to the governance arrangements which included:
 - The production of an Annual Equality Report and Communication Strategy
 - Introduction of a new suite of key performance indicators and improvement of the reporting of progress towards the corporate plan
 - Rationalising the number of risks on the corporate risk register
- There were some improvements that still required including:
 - Finalising of the Community Engagement Strategy
 - Updating the Procurement Strategy
 - Improving Information Governance (Information security and management)
- The Governance Committee at its meeting on 13 June

2023 had recommended that the draft Annual Governance Statement 2022/23 be approved.

It was moved by Councillor Bushell and seconded by Councillor Roome that the recommendation be adopted.

RESOLVED that the Annual Governance Statement for 2022/23 (as detailed in Appendix A) be approved.

(c) **Letter of Representation on behalf of the Council (attached)**

Council considered the Letter of Representation on behalf of the Council (circulated previously).

The Director of Resources and Deputy Chief Executive explained that the Letter of Representation formally outlined to the External Auditors the governance arrangements in place and the Authority's responsibilities on the financial statements presented. This letter was a standard letter and the only addition to the letter was in relation to the possible litigation in respect of equal pay claims. There was no further work proposed by the Council as no equal pay claims had been submitted. The Letter was required as part of the final process for the approval of the Statement of Accounts for 2022/23 and would enable the Auditors to issue their final opinion. This Council would be one of a few Local Authorities that would have their Statement of Accounts for 2022/23 signed off.

It was proposed by Councillor Roome and seconded by Councillor Maskell that the recommendation be adopted.

RESOLVED that the letter of representation on behalf of the Council be approved and signed by the Chief Financial Officer.

88. COUNCIL TAX BASE 2024/25

Council considered a report by the Director of Resources and Deputy Chief Executive (circulated previously) regarding the Council Tax base for 2024/25.

It was moved by Councillor Crabb and seconded by Councillor Biederman that the recommendation in the report be adopted.

RESOLVED:

- (a) That the report for the calculation of the Council Tax Base for 2024/25 be approved;
- (b) That pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by North

Devon District Council as its schedule for 2024/25 shall be as shown on the schedule attached to the report.

89. POLLING DISTRICT AND PLACE REVIEW 2023

Council considered a report by the Head of Governance to the Governance Committee on 9 January 2024 (circulated previously) regarding the Polling District and Place Review 2023.

The Head of Governance provided the following updates:

- Ebrington Arms, Knowle – the premises had now become available as a polling station which was the Council’s preference. However, the best alternative would be to use the Church Hall at Christchurch in Braunton and the situation would be kept under review.
- The Governance Committee at its meeting on 9 January 2024 had recommended that the Arrangements of Polling District and Places 2023 as detailed in Appendix A be adopted.

In response to a question, the Head of Governance advised that enquiries would be made in relation to the potential use of mobile libraries as polling stations.

It was moved by Councillor Norman and seconded by Councillor Bell that the recommendation be adopted.

RESOLVED that the proposed Polling District and Polling Places within the North Devon Constituency as required by the Electoral Administration Act 2006 be adopted, in accordance with appendix A, Arrangements of Polling District and Places 2023 annexed to the report.

90. PROPOSED COMMITTEE TIMETABLE FOR 2024/2025

Council considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding the proposed committee timetable for 2024/25.

It was moved by Councillor Maskell and seconded by Councillor Worden that the recommendation be adopted.

RESOLVED that the timetable of Council and Committee meetings for 2024/2025 (as detailed in Appendix A) be adopted.

91. UPDATE TO PART 4 OF THE CONSTITUTION

Council considered a report by the Senior Solicitor and Monitoring Officer (circulated previously) regarding updates to Part 3 and 4 of the Constitution.

The Senior Solicitor and Monitoring Officer advised the following:

- A supplementary report and appendices had been published which also included proposed amendments to paragraph 5.25 to Part 3, Annexe 2 of the Constitution.
- Following the publication of the supplementary report and appendices, the numbering of the appendices needed to be amended. Appendices 1 and 2, should be renamed as Appendices A and B respectively. Appendices 3 and 4 should be renamed as Appendices D and E respectively.
- Due to a technical issue, the tracked changes that had been included on appendices B and E to identify the proposed changes had been accepted and were therefore not visible.
- He outlined the proposed changes to the Contract Procedure Rules as detailed in Appendix A.
- He outlined the proposed changes to paragraph 5.25 to Part 3 Annexe 3 of the Constitution as detailed in Appendix D of the report to remedy an error in delegated powers for the Head of Planning Housing and Health as regards to which applications need to be referred to the Planning Committee in relation to land owned or occupied by the Council or where the Council is submitting an application. He advised that there was a further amendment required to the exclusions to these delegated powers contained in paragraph 5.25 (a) (iii) to include the following additional wording “is for outline permission, reserved permission, full permission, listed building consent or is for the development of land without compliance with conditions under section 73.....”

It was moved by Councillor Prowse and seconded by Councillor Crabb that the recommendations be adopted as amended.

In response to questions, the Senior Solicitor and Monitoring Officer advised the following:

- Supply South West was the Council’s procurement system.
- If a Councillor or Officer submitted a non-material application, then the Planning Committee would be required to determine the application.

In response to a question, the Chief Executive advised that he believed that councillors are not generally consulted on non-material amendment or discharge of condition applications in relation to the applications affected by the proposed amendment to paragraph 5.25 to Part 3 Annexe 3 of the Constitution but that the point is that this was not treating these applications for or on behalf of the Council any differently to any other applicant.

RESOLVED that:

- (a) The Council varies the Contract Procedure Rules in Part 4 of the Constitution as at Appendix A to this report;
- (b) The Council varies paragraph 5.25 to Part 3 Annexe 2 of the Constitution as at Appendix D to this report subject to paragraph 5.25 (a) (iii) being amended to include the following additional wording “is for outline permission, reserved permission, full permission, listed building consent or is for the development of land without compliance with conditions under section 73.....”

92. APPOINTMENTS TO COMMITTEE 2023/24

Council considered changes to appointments of Members to the following Committee for 2023/24:

(a) **Strategy and Resources Committee**

It was moved by Councillor Roome and seconded by Councillor Orange “that Councillor Milton be appointed to replace Councillor Biederman on the Strategy and Resources Committee for 2023/24.”

RESOLVED that Councillor Milton be appointed to replace Councillor Biederman on the Strategy and Resources Committee for 2023/24.

93. MINUTES OF COMMITTEES

(a) **Strategy and Resources Committee**

(i) 8 January 2024

- a. Council Tax Reduction Scheme
- b. Council Tax Discounts and Premiums

The Director and Resources and Deputy Chief Executive advised Council of a proposed additional recommendation to be incorporated within minute 77 (b) Council Tax Discounts and Premiums and that the recommendation also include “that the additional monies raised from second homes Council Tax Premiums is ring fenced across the Devon wide system of preceptors to address housing challenges.”

In response to a question, the Director of Resources and Deputy Chief Executive advised that all District Councils were putting forward a recommendation to ring fence monies raised from second homes Council Tax premiums in their respective areas. It was proposed that the Council would ring fence its element of the monies.

RESOLVED that the minutes of the Strategy and Resources Committee held on 8 January 2024 (circulated previously) be noted and adopted subject to minute 77 (b) Council Tax Discounts and Premiums be amended to also include “that the additional monies raised from second homes Council Tax Premiums is ring fenced across the Devon wide system of preceptors to address housing challenges.”

(b) **Governance Committee**

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

- (i) 14 November 2023
 - a. Minute 43: Update to Delegated Powers in the Constitution

(c) **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) 14 November 2023
 - a. Minute 20: Functions and Structure of Community Safety in North Devon

(d) **Strategy and Resources Committee**

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

- (i) 4 December 2023
 - a. Minute 70 (c) and (d): Future High Street Fund – Budget Position

(e) **Planning Committee**

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

- (i) 13 December 2023

Chair

The meeting ended at 7.39 pm

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