

NORTH DEVON COUNCIL

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

PRESENT: Members:

Councillor Roome (Chair)

Councillors Bell, D Knight, R Knight, Lane, C Leaver, Maskell, Prowse, Wilkinson and Worden

Officers:

Director of Resources and Deputy Chief Executive, Head of Customer Focus, Senior Solicitor and Monitoring Officer, Head of Programme Management and Performance, Environmental Health Manager and Public Protection Manager

Also Present in person:

Councillors Walker

Also Present virtually:

Chief Executive and Environmental Health Officer (TR)

60. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Biederman and Clayton.

61. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2023

RESOLVED that the minutes of the meeting held on 6 November 2023 (circulated previously) be approved as a correct record and signed by the Chair.

62. 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 as a matter of urgency.

63. DECLARATIONS OF INTERESTS.

There were no declarations of interest received.

64. RURAL SETTLEMENT LIST

The Committee considered a report by the Revenues and Benefits Manager (circulated previously) regarding the Rural Settlement Scheme.

The Head of Customer Focus highlighted the following:

- This was an annual report and the list of settlements had not changed for a number of years.
- Part 1 Schedule 1 of the Local Government Finance Act 1997 made provision for the allowance of mandatory and/or discretionary relief from Non-Domestic Rates for certain properties situated within designated rural areas.
- Rural settlements were settlements with a population of less than 3,000 within the boundaries of a rural area as set out under the provision of Section 41A of the Local Government Finance Act 1988.
- The Authority was required to compile a list of rural settlements for the purpose of the Rural Rate Relief scheme which helped qualifying businesses within the rural settlement.

In response to questions from the Committee, the Head of Customer Focus advised the following:

- That she would share the wording of the definition of a rural settlement as set out in the Section 41A of the Local Government Finance Act 1988 with the Committee.
- The Rural Settlement was the boundary of the settlement and not the parish boundary.

In response to a question from the Committee, the Director of Resources and Deputy Chief Executive advised that the Council was recompensed by the Government for the business rate relief through Government funding.

RESOLVED that the rural settlements listed in the appendix of the report be approved for the purposes of Rural Rate Relief.

65. PUBLIC SPACES PROTECTION ORDER (DOG CONTROL) 2024

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

The Environmental Health Manager highlighted the following:

- On 4 September 2023 the approved a three year review and consultation on the Public Space Protection Order (PSPO) Dog Controls, which was due to expire on 31 December 2023.
- The public consultation had now taken place and he thanked officers for their time in supporting this process by attending meetings with parish and town councils and professional dog walkers, radio production and promotion of the consultation. He also thanked the Corporate and Community Services team for their support with undertaking the public consultation process and the collation and analysis of the results.

- He advised that a booklet had been produced containing the consultation responses which was available to Members of the Committee to collect.
- The public consultation responses have provided widespread support for adding or retaining dog controls for fouling, lead requirements, dog exclusion areas, temporary restrictions for 'hot spot' areas (fouling or anti-social behaviours), limits on dogs per person on and off lead, extendable leads and the new proposed paw print signage scheme.
- A revised Draft Order was provided in Appendix A of the report.
- The current conditions to be retained for fouling, lead requirements and exclusions.
- The current signage used to encourage compliance of dog walkers.
- The additional conditions proposed in relation to fouling, lead requirements and temporary restrictions.
- The proposed new paw print signs to provide a clear and graphical understanding of dog control restrictions and encourage compliance as dog walkers enter and exit from one area to another.
- Proposed limitation on the number of dogs per individual person.
- The proposed exemption from the rule of 3 for validated professional dog walkers and proposed dog walking code of practice. Discussions had taken place with 30 professional dog walkers. Dog walker professionals would use their experience, training and risk assessments to judge appropriate times and spaces to allow more than 3 dogs off the lead at one time. This ensured their business was not negatively impacted and created an alliance of professionals in the area. They would be required to carry identification to demonstrate that they were professional dog walkers and following the code of practice.

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

- The length of the period of temporary restriction of "dog exclusion" in such an area if standard interventions were failing to have an effect and a temporary restriction for "Dogs on a lead" had not brought about a change in behaviour, should be made in consensus with other members of the community such as Parish and Town Councils.
- The appropriate limit to the number of dogs which was be exercised off lead or on an extendable leads at any time in a public space was proposed to be no more than six dogs at once. This wording could be amended to include up to six dogs that the dog walker was capable of looking after.
- There were a limited number of locations where it was proposed that dogs would be required to be kept on a lead at all times. These included Croyde bay dunes, municipal cemeteries, churchyards and graveyards and Council owned land. Croyde bay was privately owned, however private landowners could adopt restrictions in consultation with the Council.
- One of the Council's approaches in relation to dog fouling was to spray a chalk line around the deposit to make it visible to other people. The Council will take enforcement action for non-compliance when it had sufficient evidence.

RESOLVED:

- (a) That the 'retained' and 'added' controls in Section 4.0 of the report be approved;
- (b) That delegated authority be given to the Head of Planning, Housing and Heath to make the Public Spaces Protection Order 2024 (Appendix A) in line with the provisions in Section 4.0 of the report;
- (c) That the Voluntary Dog Walkers Code of Practice, Policy development and a Registration Scheme for professional dog walkers (reference to Section 4.7) be approved.

66. RESIDENTIAL PARK HOME SITES FEES AND LICENSING AND COMPLIANCE POLICIES

The Committee considered a report by the Public Protection Manager (circulated previously) regarding residential park home sites, fees and licensing and compliance policies.

The Public Protection Manager highlighted the following:

- There were currently 10 residential sites across the district with more than one caravan onsite. Despite legislative changes creating a position whereby fees may now be charged for licence applications and inspections associated with residential park home sites, the Council has no Fees Policy or fee structure in place. Therefore the Council had been under-recovering fees from this licensed community.
- Fit and proper person fees were approved in 2021, whereby a fee of £165.10 was imposed. Based upon increases in hourly rates and marginal increases in time now allowed in the calculations an increase in fees to £200.05 was recommended.
- Appendix B detailed the associated calculations of the fees.
- A summary of the pertinent legislation covering fees was contained in Appendix D of the report.
- The calculations detailed in Appendices A and B were broken down into four categories, namely 2- 50, 51-100, 101-150 and 151 plus units of accommodation. In North Devon it was perceived that 80% of sites would fall into the 2-50 band. Officers have determined it appropriate to use the same methodology for grant of a licence and the payment of annual fee, hence the same bands of units of accommodation were used to provide for consistency.
- It was proposed that a fees policy for the licensing of residential park home sites be implemented from April 2024 and that this be subject of public consultation exercise.
- It was necessary to clarify the Council's position with regards to site licence compliance. The draft Policy on the Licensing and Compliance of Residential Park Homes had been designed to support the Fees Policy (Appendix C). It sets out how this licensing regime was to be administered and regulated. Prior to Covid, this draft policy had been considered by the Licensing and Community Safety Committee, however it had not been appropriate to out for consultation on the draft policy at that time. It was proposed that this draft policy be also subject of a public consultation exercise.

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

- That the fit and proper person fee was a one off fee. This was subject to separate legislation which came into effect in 2014. It was a requirement of operators to register. These would be subject to renewal over a cyclical period. The fee was currently £165.10 and based upon increases in hourly rates and marginal increases in time now allowed in the calculations it was recommended that it be increased to £200.05.
- New applications for a residential caravan site licence would include pre-application advice as part of the fee. This was unusual as for other licences, pre-application advice could not be factored into the fee. The proposed fee for a new application for a site between 2-50 units was £376.71. Once an application had been approved, it was proposed that the annual renewal fee would be £239 which would not include the element of pre-application advice.

RESOLVED:

- (a) That the draft Fees Policy for the Licensing of Residential Park Home Sites, contained in Appendix A of the report (and associated calculations of these fees contained in Appendix B) which proposes new fees to be implemented from April 2024 be approved for consultation;
- (b) That the draft Policy on the Licensing and Compliance of Residential Park Home Sites contained in Appendix C of the report be approved for consultation;
- (c) That the Public Protection Manager be instructed to undertake a six week period of consultation on the above documents, and provide feedback on the results of the consultation exercise to a future committee meeting.

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

The Committee considered a report by the Environmental Health Officer (TR) (circulated previously) regarding proposed amendments to the Council's existing amenity standards with respect of short term holiday letting of licensed HMOs.

The Environmental Health Officer highlighted the following:

- A six week public consultation exercise had been undertaken to gather feedback in relation to the proposed amendments to the Council's existing Amenity Standards with respect of short term holiday letting of licensed HMOs. This consultation ran between Tuesday 19 September 2023 and Tuesday 31 October 2023. 147 responses had been received which were detailed in Appendix B of the report.
- The proposed amendments were following a query received from a managing 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.

- Correspondence with details of the consultation was sent to all estate agents, licence holders and applicants who own or manage licensed HMOs in North Devon. Correspondence was also sent to a number of housing related charities and organisations within North Devon and the surrounding areas. A press release was also published.
- The key themes of the consultation were detailed in paragraphs 4.10 to 4.15 in the report.
- The focus of the consultation was solely directed on an insert of text that proposes to prevent landlords renting out individual bedrooms within mandatory licensable HMOs on a mixed use short term holiday let basis. As such, the proposed wording has been amended as follows to provide further clarity, taking into consideration the comments raised above: ‘We do not permit rooms within licensed HMOs to be rented out on a holiday let basis (e.g. via Airbnb, Vrbo etc.)*. All living accommodation within licensed HMOs 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, which includes students and those seeking refuge)’

In response to questions from the Committee, the Environmental Health Officer advised the following:

- Following receipt of an application to license a HMO, back office checks were carried out and once these had been completed a site inspection of the property would be undertaken prior to the issuing of a licence.
- Further inspections of HMOs were undertaken on receipt of complaints or reports being made to the Council.

RESOLVED:

- (a) That the feedback of the public consultation exercise, contained within Appendix B of the report be noted;
- (b) That the newly amended Amenity Standards, Minimum Room Sizing and Management Standards Document in Appendix A of the report be adopted.

68. ILLEGAL MIGRATION ACT – CAP ON SAFE AND LEGAL ROUTES, CONSULTATION

The Committee considered a report by the Head of Planning, Housing and Health (circulate previously) regarding the Illegal Migration Act cap on safe and legal routes consultation.

The Head of Performance Management highlighted the following:

- The Government had launched a consultation with local authorities to introduce an annual cap on the number of refugee entrants using safe and legal routes coming to the UK.
- To date, the Council had responded positively to each of the specific refugee resettlement schemes established by Government. This consultation, however, provided the Council with the opportunity of setting out its capacity

to house and support refugees against a clear local policy objective. This would promote the place – based approach advocated by Government.

- The Council already supported safe routes in relation to the Afghan Citizens Resettlement Scheme and the Homes for Ukraine Scheme which were supported by statutory partners and Pickwell Foundation.
- This provided the Council with an opportunity to review its existing arrangements with local groups and statutory partners to meet criteria needs of people relocation to North Devon as well as supporting integration into local employment and communities.
- The draft NDC policy statement on refugee resettlement was set out in paragraph 4.5 of the report.
- A realistic and evidenced based picture on North Devon’s capacity to house and support refugees in 2025, in accordance with the draft policy statement, was 5 households within the North Devon District area. They would need to be accommodated in homes exclusively delivered through community sponsorship schemes. 3 – 4 of these would be single person households. 1 household could be a larger family who has a 3 bedroom need. 1 family could also be accommodated who has a greater complexity of need, e.g. who requires their property to be adapted in some way.
- The deadline for the end of the consultation was on the 15 December 2023. A non return would be interpreted as a “zero capacity commitment”.

In response to a question from the Committee, the Director of Resources and Deputy Chief Executive advised that in addition to the funding set out in paragraph 5.1 of the report that the Council would also have access to the Disabled Facilities Grant programme to put forwards an application to finance any adaptations to a property if required and therefore would not be an additional cost to the Council.

The Committee wished to thank Jeremy Mann, the former Head of Planning, Housing and Health who had recently retired from the Council, for this final report and for all his hard work and support to the Council over the years.

RESOLVED:

- (a) That the draft local policy objective on refugee settlement as detailed in paragraph 4.5 of the report be approved;
- (b) That the Chief Executive be delegated authority to put forward the proposal to Government as detailed in paragraph 4.7 of the report on behalf of North Devon Council or for this information to form part of a collaborative response (Team Devon, whole SW region) if this is considered to be a more appropriate and flexible option.

69. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item; “Future High Street Fund – Budget Position” as the report involved the disclosure of exempt information as

defined in Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

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

70. FUTURE HIGH STREET FUND - BUDGET POSITION

The Committee considered a report by the Head of Place, Property and Regeneration (circulated previously) regarding the Future High Street Fund budget position.

The Head of Place, Property and Regeneration outlined the report to the Committee and the alternative options available for the delivery of the Future High Street Fund programme.

The Head of Place, Property and Regeneration and Director of Resources and Deputy Chief Executive responded to questions raised by the Committee.

Councillor Walker addressed the Committee in her capacity as Lead Member for Commercialisation and Resources.

The Director of Resources and Deputy Chief Executive advised the Committee that the additional capital programme borrowing costs would be partly offset by the net revenue benefit from providing temporary accommodation through our own assets rather than through more expensive bed and breakfast accommodation provision.

RESOLVED:

- (a) That the project be re-scoped as set out in the body of the report (paragraphs 4.9-4.13) to enable it to be delivered within budget and that the Head of Place, Property and Regeneration be delegated authority in consultation with the Leader and Lead Member for Regeneration to approve value engineering and amended outputs through the negotiation procurement procedure in line with the budget variations set out.
- (b) That officers continue to explore additional funding opportunities through a variety of sources to bring forward the de-scoped elements of the project.

RECOMMENDED:

- (c) That Council be recommended to vary the capital programme by £632,000 to fund the capital works associated with the provision of the temporary accommodation units to the rear of 36 Boutport Street and that the funds be released;
- (d) That Council be recommended to vary the capital programme by £500,000 to fund the capital works association with the Butchers Row/Cross Street interventions and that the funds be released.

Chair

The meeting ended at 12.30 pm

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