

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, 27th March, 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, R Knight, Lane, C Leaver, P Leaver, Lovering, Maskell, Milton, Norman, Orange, Prowse, Quinn, Roome, L. Spear, Stevenson, Topps, Walker, Wilkinson, Williams, Wilson, Worden and York

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Senior Solicitor and Monitoring Officer, Service Manager (Refuse and Recycling), Place Manager Economic Development and Regeneration, Head of Organisational Development, Head of Environmental Enhancement, Head of Programme Management and Performance and Head of Place, Property and Regeneration

Also Present virtually:

Councillor Maddocks

114. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lethaby, Patrinos, Renshaw, Turton and Whitehead.

The Senior Corporate and Community Services Officer advised that Councillor Maddocks was attending the meeting virtually and therefore not able to take part in voting.

115. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2024 (ATTACHED)

RESOLVED that the minutes of the meeting held on 21 February 2024 (circulated previously) be approved as a correct record and signed by the Chair.

116. CHAIR'S ANNOUNCEMENTS

(a) Official Opening of the new Ilfracombe Seafront Play Area

The Chair advised Council that she had attended her final engagement, in her capacity as Chair, for the official opening of the new Ilfracombe Seafront Play Area which had taken place that afternoon. She advised Council that it was a fantastic facility and thanked the Parks Team, Place Manager for Economic Development and Regeneration and everyone involved in the project.

117. 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.

118. 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.

119. 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 receive the following notice of motion from Councillor P. Leaver

Councillor P. Leaver presented his notice of motion to Council.

It was moved by Councillor P. Leaver and seconded by Councillor Haworth-Booth "that the notice of motion be adopted".

The Chief Executive advised Council of the support that the Council already had in place for Councillors. In terms of the point raised regarding "Ensure that North Devon Council has a clear reporting mechanism which can be used to monitor and record incidents of harassment and abuse of councillors and officers", a Health and Safety, Personal Safety and Lone working guidance had been produced for Councillors following the District Council elections in May 2023 along with the incident reporting form. This had been provided to all Councillors in their welcome pack and was also referred to in the Health and Safety training. The recording of this training could be provided to Councillors as a refresher if required. All Councillors were provided with a paper copy of the Social Media Guide for Councillors following the Election and further copies could be provided if required. The Council had signed up to alerts from the Local Government Association (LGA) who regularly held webinars on Personal Safety, handling online abuse and intimidation. Details of these webinars were shared with Councillors. The Council also shared the LGA's guidance on personal safety with Councillors. In relation to the point "Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councillors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, like MP's", the Devon

and Cornwall Police and Crime Commissioner had been in contact with monitoring officers across Devon and Cornwall with a draft proposal about setting up a procedure and a potential single point of contact at the police under a specific as yet unnamed Operation for escalation of crime where the crime was suspected to have occurred due to an elected member's public role (having already been reported to the police through the usual channels by the member). There was a meeting scheduled for 16 April 2024 when this will be discussed between the police and monitoring officers with proposals about how this could work and the resultant proposed procedure would be fed back to councillors as appropriate.

RESOLVED that the Council:

- (a) Notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy, and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents;
- (b) Signs up to the LGA's Debate Not Hate campaign;
- (c) Write to the local Member of Parliament to ask them to support the campaign;
- (d) Write to the Government to ask them to work with the Local Government Association to develop and implement a plan to address abuse and intimidation of politicians and council officers at every level;
- (e) Ensure that it has a clear reporting mechanism which can be used to monitor and record incidents of harassment and abuse of councillors and officers;
- (f) Regularly review the support available to Councillors in relation to abuse and intimidation and councillor safety;
- (g) Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councillors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, like MP's;
- (h) Take a zero-tolerance approach to abuse of councillors and officers.

120. DECLARATIONS OF INTEREST

There were no declarations of interest received.

121. 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.

122. TO AGREE THE AGENDA BETWEEN PART 'A' AND PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION).

In response to a question as to the reasons why the item regarding Material Recovery Facility Improvement Works was considered to be confidential and in Part B of the agenda, the Senior Solicitor and Monitoring Officer advised Council that the report had been considered to contain exempt information as defined by Paragraph

3 of Part 1 of Schedule 12A of the Act as it contained information relating to the financial or business affairs in relation to both the Council and the potential bidders for the tender. The tender process was still a live procurement and the contract had not yet been awarded.

The Chief Executive advised that Officers had recommended that the item should be considered under Part B of the agenda, however it would be a decision for Council to take. There was an option that the principles of the work could be considered in public and the financial information which was confidential could be considered under Part B of the agenda.

123. CHAIRS CHARITY BALL - PRESENTATION OF CHEQUES

The Chair presented cheques for donations raised at the Chair's Charity Ball to Lisa Mackenzie (representing the North Devon Hospice) and Kate Constable (representing the Royal Devon Hospitals Charity).

Lisa Mackenzie (representing the North Devon Hospice) thanked the Chair for her support and for raising awareness of the charity.

Kate Constable (representing the Royal Devon Hospitals Charity) thanked the Chair for her support and advised that the Hospice supported 3,000 patients and their facilities each year.

A photo was then taken of the presentation of the cheques.

124. 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.

He advised that he had attended the opening of the Ilfracombe Seafront play area that afternoon which was an asset to the Council and thanked the Parks Team. He was very disappointed in that the Council's request for exceptional funding of £24million from the Department for Levelling Up, Housing and Communities for Ilfracombe had been unsuccessful. It was disappointing that the Minister for the Department for Levelling Up, Housing and Communities had not supported the request for funding despite having visited the area. This funding could have made a significant difference to the area. Officers and community groups such as One Northern Devon had put a lot of work into submitting the request. The Government required Councils to bid for funding against each other and was restricted in the funding that could be applied for. The statistics for the whole of North Devon covered up the areas where the deprivation figures were lower such as Ilfracombe. He advised that Devon County Council had now included Ilfracombe as one of its priority areas.

In response to questions raised, the Chief Executive advised Council that projects referred to such as Butchers Row/Queens Street and the new Leisure centre had been reliant upon the receipt of external funding from Government. The purchase of Green Lanes had been reliant upon the Council's own funding, however it had been

on the basis of the income generated would pay the borrowing costs. Officers were in the process of reviewing the Council's Asset Management and Commercialisation Strategy which would be presented to Councillors for their consideration.

The Leader welcomed the debate and with the support of Group Leaders agreed that an informal meeting of the Strategy and Resources Committee be held following the formal meeting on 8 April 2024 to include Ilfracombe Councillors and any other Councillors that wished to attend to discuss informally the next steps following the unsuccessful bid for funding for Ilfracombe.

Councillor Roome declared an other registerable interest as a Member of Devon County Council.

125. QUESTIONS BY MEMBERS

There were no questions submitted by Members under Part 4, Council Procedure Rules, Paragraph 10.4 of the Constitution.

126. STATUTORY PAY POLICY 2024

The Chief Executive left the room during the consideration of this item as his post was referred to within the report.

Council considered a report by the Head of Organisational Development (circulated previously) regarding the Statutory Pay Policy 2024.

The Director of Resources and Deputy Chief Executive outlined the report to Council.

It was moved by Councillor Roome and seconded by Councillor Worden "that the report, its Appendix and Annex thereto be approved and that in order to address the points made in the report about inconsistencies with the adopted policy, the Governance Committee be tasked with conducting a review of Chief Officer post salary levels, including the obtaining of independent advice and evidence from the Local Government Association and formulating recommendations and these come back to Council for consideration".

RESOLVED that the report, its Appendix and Annex thereto be approved and that in order to address the points made in the report about inconsistencies with the adopted policy, the Governance Committee be tasked with conducting a review of Chief Officer post salary levels, including the obtaining of independent advice and evidence from the Local Government Association and formulating recommendations and these come back to Council for consideration.

127. A PROGRESS UPDATE ON THE UK SHARED PROSPERITY FUNDS PROGRAMME

Council considered a report by the Place Manager, Economic Development and Regeneration (circulated previously) regarding an update on the UK Shared Prosperity Fund.

In response to a question, the Chief Executive advised Council that it was originally anticipated that the public toilets would be re-opened at the Barnstaple bus station by Easter. Following conversations with Webbers regarding marketing the café at the bus station, it was considered that a larger scheme would be more appropriate rather than the original simple scheme. A new scheme had now been drawn up and was currently out for tender. Webbers were still marketing the café and the new toilets would be provided along with the café as soon as possible.

It was moved by Councillor Worden and seconded by Councillor Crabb “that the recommendations in the report be adopted.”

In response to questions, the Place Manager, Economic Development and Regeneration advised Council of the following:

- That in relation to the Rural Grants Programme, North Devon+ were administering this grant scheme who had a lot of experience in this type of grant scheme. They would be undertaking a lot of promotion work which would include contacts from previous Leader+ schemes. It was acknowledged that the timetable had slipped slightly.
- There was a need to be careful to ensure that funding for farming was not provided through this Fund if it was already provided through other Defra funding schemes. The Northern Devon Biosphere Reserve was also undertaking a lot of work with farming communities.
- Following the taster engagement event that had taken place at Arlington Court in relation to the development of a Heritage Construction Skills Hub, a follow up meeting had taken place with Leads for lead and carpentry skills. The next stage would be to hold discussions with Petroc regarding arranging bespoke heritage training event. Work would also take place to create an online presence to encourage new entrants for bespoke heritage skills.

Council thanked the Place Manager, Economic Development and Regeneration and her team for their work.

RESOLVED that:

- (a) The progress towards delivering the 3 year Investment Plan and associated projects contained within it be noted; and
- (b) The proposed publicity activity be approved.

128. LOCAL AUTHORITY HOUSING FUND ROUND 3

Council considered a report by the Head of PMO and Environmental Health and Housing (circulated previously) regarding the Local Authority Housing Fund Round 3.

Councillor Bell, Lead Member for Housing presented the report to Council.

Council noted a typographical error in paragraph 4.8 in that it should state “Each TA unit delivered as new supply would attract a grant of **£134,200** (44% of the median property price); and each large resettlement unit delivered as new supply would

attract a grant of **£167,750** (55% of the median property price)” and not £176,000 and £220,000 noted in the report.

Councillor Wilson declared a non registerable interest as she was employed by Pickwell Foundation who may be involved in supporting Afghans in these properties.

It was moved by Councillor Roome and seconded by Councillor Maskell “that the recommendations in the report be adopted”.

RESOLVED:

- (a) That the submission of an Expression of Interest (EOI) and completion of the Validation Form (VF) as part of the Department for Levelling Up, Housing and Communities (DLUHC) review process for Round 3 of Local Authority Housing Fund be approved;
- (b) That authority be delegated to the Section 151 Officer to enter into a Memorandum of Understanding (MOU) based on the information provided as part of recommendation (a) above;
- (c) That it be noted that if the Council enter a MOU noted in (b) above, a further report will come to Members to consider additional capital contributions to match fund Round 3 plus an indication of the additional revenue resources required to manage these properties both from a housing and property perspective.

129. OUTSIDE BODIES - REPORT BY APPOINTEES

Council considered and noted reports from appointees to Outside Bodies (circulated previously).

Councillor D. Knight advised that he was no longer the appointee to the Devon Waste Reduction and Recycling and that Councillor Hunt was appointed to the Committee in her capacity as Lead Member for Waste and Recycling.

Councillor Orange advised that she had submitted a report in relation to the Barnstaple Youth House. It was noted that this report would be published as a supplementary document.

Councillor Crabb provided a verbal update on the work of One Ilfracombe.

Councillor Walker provided a verbal update on the work of PATROL.

130. MINUTES OF COMMITTEES

(a) **Governance Committee**

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

- (i) 11 March 2024

(b) **Planning Committee**

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

- (i) 28 February 2024
- (ii) 13 March 2024

(c) **Policy Development Committee**

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

- (i) 29 February 2024

The Chair of the Committee advised that it had been a successful meeting and had received positive feedback from both Councillors and Officers. She thanked officers who had provided a lot of support to ensure that this meeting ran smoothly and thanked the Corporate and Community Services Officer, Director of Resources and Deputy Chief Executive, Councillor Jones, Councillors on the Committee and members of the panel. The next meeting of the Committee would consider the recommendations from this meeting.

It was requested that the outcomes be made publicly available and communicated to the public.

(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 March 2024

131. MATERIAL RECOVERY FACILITY IMPROVEMENT WORKS

The Chief Executive advised that following earlier discussions, it was proposed that the non-confidential part of the report on Material Recovery Facility Improvement Works would be considered in public under Part A of the agenda and that the confidential information in relation to the business and financial information would be considered under Part B of the agenda.

The Head of Environmental Enhancement advised Council that following the evaluation of the tenders there had been a number of points that required further clarification from bidders and the financial figures had been amended. There had not been an opportunity to notify the successful contractor, therefore this information would be required to be considered under Part B of the agenda.

The Service Manager (Refuse and Recycling) outlined the programme of remedial and improvement works at Brynsworthy Environment Centre to make the depot safer and enhance the Environment Agency (EA) permitted area to meet new EA guidelines. The works included the purchase and installation of a new baler and baling system. Following the tendering exercise, the costs for the project had increased and therefore recommendation 2.1 needed to be amended to vary the Capital Programme by £350,060.

In response to questions, the Service Manager (Refuse and Recycling) advised the following:

- The project plan allowed the project to be delivered in phases to ensure that refuse and recycling collection service could continue. There was sufficient capacity within the project and therefore would not impact on services.
- Following the implementation of the proposed changes, further work would be undertaken on recycling communication to reduce incineration at energy from waste plant.
- The works undertaken would reduce the Council's carbon footprint as the bale size would reduce the number of lorries required to transport the recyclable materials.
- The lifespan for concrete works for machinery was between 15-20 years, however was guaranteed for 15 years.
- There were currently no plans to include the recycling of tetra pack materials. The materials could be baled, however the sellers would not wish these materials to be baled, however this would be kept until review.
- The Environment Agency required glass to be stored inside to keep the material secure. In addition the drainage needs to be updated to ensure any fire water is captured on site and can't escape from the site.

In response to questions, the Head of Environmental Enhancement advised the following:

- Works undertaken would reduce the amount of queuing time for vehicles to unload.
- Some initial discussions had taken place with Torridge District Council regarding potential for sharing the facility, however there was no progress to report currently.
- Concrete would be used where the porta cabin and weighbridge offices were currently located. The existing concrete slab would not be replaced.

132. 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 as it involved the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of the 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”.

133. MATERIAL RECOVERY FACILITY IMPROVEMENT WORKS

Council considered a joint report by the Service Manager (Refuse and Recycling) and Head of Environmental Enhancement (circulated previously) regarding Material Recovery Facility Improvements Works.

The Service Manager (Refuse and Recycling) and Head of Environmental Enhancement presented the financial information to Council and answered questions in relation to the same.

The Director of Resources and Deputy Chief Executive responded to questions raised in relation to the financial information.

It was moved by Councillor Roome and seconded by Councillor Hunt that “the recommendations be adopted subject to the figure in recommendation 2.1 being amended to £350,060”.

RESOLVED that:

- (a) The Capital Programme be varied by £350,060 and these funds be released for the remedial and improvement works at Brynsworthy Environment Centre;
- (b) Funds of £2,659,000 be released from the Capital Programme in line with recommendation 2.3 of the previous committee report dated November 2022;
- (c) The appointment of the successful contractors to carry out the remedial and improvement works, including the supply and fit of the new baler be approved.

Chair

The meeting ended at 8.47 pm

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