

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held in the Barum Room - Brynsworthy on Monday, 2nd September 2024 at 10.00 am

PRESENT: Members:

Councillor Clayton (Chair)

Councillors Bell, Crabb, Hunt, C Leaver, P Leaver, Maskell, Prowse and Wilkinson

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Head of Environmental Enhancement, Head of Customer Focus, Head of Programme Management and Performance, Senior Solicitor and Monitoring Officer, Place Manager Economic Development and Regeneration, Lead Environmental Health Officer Environmental Protection and Public Protection Manager

Also Present in person:

Councillors Norman and Walker

Also Present virtually:

Councillor R Knight

45. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lane, Milton, D Knight and R Knight (joined virtually).

46. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 5 AUGUST 2024 (ATTACHED)

RESOLVED that the minutes of the meeting held on 5 August 2024 (circulated previously) be approved subject to minute 42 which will be amended and return to committee for approval.

47. 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 which in the opinion of the Chair should be discussed urgently.

Change of Order of Agenda

RESOLVED that item 11, Material Recovery Facility Infrastructure Update be considered before item 6, Abandoned Vehicles – Devolved Power Partnership DVLA.

48. DECLARATIONS OF INTERESTS.

There were no declarations of interest announced.

49. MATERIAL RECOVERY FACILITY INFRASTRUCTURE UPDATE

The Committee received an update from the Head of Environmental Enhancement.

The Head of Environmental Enhancement highlighted the following:

- There had been minimum disruption to the waste and recycling rounds during August by the works carried out so far.
- The phased works in the process hall were slightly ahead of schedule. Phase one of this element of the project was now complete and phase 2 had now started on time today
- The erection of the new glass bay was now behind schedule, which was putting pressure on storage space in the yard and process hall. A revised programme and progress report had been requested from the contractors by the project manager.
- Everything else was on track.

In response to a question in relation to an appraisal of the collections, the Head of Environmental Enhancement advised that this summer had been the best summer he was aware of for continued collections.

The Committee noted the update.

50. ABANDONED VEHICLES - DEVOLVED POWER PARTNERSHIP DVLA

The Committee considered a report by the Lead Environmental Health Officer – Environmental Protection (circulated previously).

The Lead Environmental Health Officer – Environmental Protection highlighted the following:

- The Council deals with an average of 25 abandoned vehicles a month.
- Many problem vehicles were untaxed and having access to the Driving, Vehicle and Licensing Agency's (DVLA), data base to confirm whether a vehicle was untaxed would help speed up the process of removal of the vehicle.
- The partnership with DVLA would not mean the Council were doing their work it would allow the Council to have more powers to identify and verify ownership of abandoned vehicles.
- During 2023/24 there was an average of 2,734 untaxed vehicles every month within the North Devon District area.
- The Council would be able to identify target problem areas.
- Vehicles would not be released unless a fee was paid, to ensure there was not a cost to the Council.

In response to a question about privately owned land being accessed for the removal of abandoned vehicles, the Lead Environmental Health Officer – Environmental Protection advised that with the land owners permission we were able to access the vehicles for removal.

In response to a question on whether an untaxed vehicle could be released to a garage to be MOT'd, the Lead Environmental Health Officer – Environmental Protection replied yes.

In response to a question on how quickly this would be up and running, the Lead Environmental Health Officer – Environmental Protection advised that as soon as Officers had completed the training then vehicles could be removed. In a follow up question regarding space for storing removed vehicles the Lead Environmental Health Officer – Environmental Protection advised that the Council was in discussion with the Police regarding use of their compound.

RECOMMENDED to full Council that:

(a) North Devon Council enters into an agreement with the Driving, Vehicle and Licensing Agency (DVLA) as a devolved power partner: and

(b) That the following amendment to North Devon Council's constitution general powers, paragraph 5.18 of Annexe 2, Part 3 be made:

“To authorise all duly appointed Authorised Officers, Authorised Persons, Enforcement Officers and Inspectors to carry out inspections and to exercise powers of entry and other powers necessary for the effective discharge of the Council's Environmental Health functions and Licensing functions as well as to remove abandoned vehicles (such term to include, without limitation untaxed vehicles) on being satisfied on matters upon which the Council is obliged to be satisfied and that all statutory requirements are fulfilled.”

51. CCTV ANNUAL REPORT

The Committee considered a report by the Place Manager (Town Centres), (circulated previously) regarding CCTV Annual update.

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

- Appendix A of the report, pages 33-48 of the agenda, was the North Devon Council Public Space CCTV Annual Report for 2023.
- There were 37 operational cameras across North Devon with one deployable camera.
- Green Lanes shopping centre had an additional 34 cameras that were monitored by SIA licensed operators.
- There were 17 cameras situated at Ilfracombe Harbour which were monitored by the Harbour Master.
- There were 8 cameras in South Molton that were not live monitored but could be reviewed on request.

- Funding from the Devon and Cornwall Police and Crime Commissioner (PCC) in 2021 enabled the North Devon CCTV system to be upgraded and become a hub for the whole of North Devon. Other towns and parishes within North Devon could connect to and be monitored.
- Ilfracombe currently had two cameras and South Molton had eight through the hub.
- The number of incidents and observations (as shown on page 37 of the report) for the service in 2023 were as follows:
 - CCTV staff were involved in 1766 incidents/observations (1827 the previous year)
 - CCTV staff were involved in 96 arrests by Devon and Cornwall Police (96 the previous year)
 - CCTV staff were involved in 438 missing/vulnerable person “events” (316 the previous year)
 - 547 incidents were identified by the operators themselves, through their general monitoring
 - CCTV carried out 575 reviews of footage of which 184 incidents were produced for Police enquiries as evidence.
- Future plans (as shown on page 38 of the report) to include further areas into the scheme as follows:
 - Barnstaple Town Centre cameras at Boutport Street junction with Queen Street and Castle green
 - A mobile camera
 - Anchorwood Business park – approved at previous Strategy and Resources committee
 - Seven Brethren Business park – included as part of the wider carpark development on this site.

In response to a question about where the funding for the future plans for cameras would come from, the Director of Resources and Deputy Chief Executive replied that this would be covered from either S106 funds (Anchorwood Bank), additional infrastructure funding, Police and Crime Commissioner funding and the Seven Brethren car park project budget.

In response to a question about increasing the number of mobile cameras the Council owned, the CCTV officer replied that there was very strict criteria around the use of mobile cameras and that what the Council had was sufficient for our needs.

The Chief Executive advised the Committee that regular partnership meetings were held with Ilfracombe and any additional needs for cameras in Ilfracombe would be taken to those meetings.

In response to a question about best use of camera number 35 monitoring footfall, the Lead Member for Regeneration advised that the statistics collated from this monitoring helped inform bids for funding such as the Future High Street Fund.

RESOLVED

- (a) That the contents of the annual report be noted; and

- (b) That officers ensure that the issue of CCTV is raised as part of the Ilfracombe Task Team meetings.

52. PAVEMENT LICENSING LEGISLATIVE AMENDMENTS AND VARIATION TO FEES

The Committee considered a report by the Public Protection Manager (circulated previously) regarding Pavement Licensing Legislative Amendments and Variation to Fees.

The Public Protection Manager highlighted the following:

- The provisions in part 1 of the Business and Planning Act 2020 were initiated in response to Covid-19 and designed to allow businesses to gain licences quickly.
- These provisions were only originally intended to remain in place for a temporary period but were extended beyond the end date of 30 September 2021.
- As a result of changes made to the Levelling Up and Regeneration Act 2023 those provisions were made permanent and those changes came into effect as of 31 March 2024.
- Section 115E (5) of the Highways Act 1980 was amended. Devon County Council would no longer be issuing pavement licences.
- The amendments also made provision for both a grant and renewal process (previously no renewal process existed under the Business and Planning Act 2020).
- The maximum cap that Councils could now charge was increased from £100 (the current North Devon Council fee) to £350 for premises already holding a pavement licence and £500 for new applications.
- The consultation period and Council's determination period was extended from seven to 14 days for applications received.
- The maximum duration of Pavement licences was extended from one year to two years (for those granted under the new legislation).
- An amendment was made in relation to the consumption of alcohol. The change would now allow the consumption of alcohol in a pavement licenced area where restrictions in respect of public drinking were in place by way of a Public Space Protection Order.
- The changed legislation also now gave the Licensing Authority enforcement powers whereby furniture could be removed from premises not abiding by its Pavement Licence conditions or hours.
- If a person puts removable furniture on a relevant highway for which a licence would be required and there is a lack of compliance with the legislative provisions, the Council may now serve notice to require the person to remove the furniture before a set date, and refrain from putting furniture on the highway unless authorised. If the person then leaves or puts removable furniture on the relevant highway in contravention of the notice, North Devon Council may (Section 7A(4b)):
 - Remove the furniture and store it.
 - Require the person to pay the Authority's reasonable costs in removing and storing the furniture, and refuse to return the furniture until those reasonable costs are paid.

- If within a period of three months beginning with the day on which the notice is given the person does not pay the reasonable costs, or does not recover the furniture, North Devon Council may dispose of the furniture by sale or in any other way it thinks fit, and retain any proceeds of sale to help recover storage costs.
- There were currently 12 Pavement Licences issued by North Devon Council. 11 of those were granted prior to 31 March 2024 and would remain valid until 30 September 2024 (the remaining one granted 31 March 2024 expired April 2026).
- Devon County Council under the former Section 115E Highways Act 1980 issued eight licences.
- The current application fee was £100 per application (maximum cap). The new changes would increase the maximum fees to £500 per grant and £350 per renewal.
- Appendix A of the report detailed the calculations of costs to officers to administer the granting/renewal of a licence.
- Enforcement fees would be applied on a pro rata basis based on cost of storage.

In response to a question on what constitutes street furniture, the Public Protection Manager advised that tables and chairs and patio heaters but not A-frame boards were classed as furniture.

Members were keen to promote the café culture business in Barnstaple and felt the increasing of the fees to the maximum for a new/renewal Pavement licence was prohibitive to small businesses. It was felt that a smaller increase with incremental uplifts in subsequent years until the maximum cap was reached would promote a more positive stance.

RESOLVED

- (a) That the changes made to the Business and Planning Act 2020 by way of the Levelling Up and Regeneration Act 2023 be noted; and
- (b) That officers update current pavement licence procedures to meet legislation set out in the Levelling Up and Regeneration Act 2023 and issue licences of the maximum two-year period (web amendments have already been undertaken to reflect the amended provisions).

RECOMMENDED to Council to approve the following new/amended pavement licence application fees:

- (a) For the grant of a pavement licence to be increased to £250 rising by £100 year on year thereafter until the maximum of £500 is reached;
- (b) For the renewal of a pavement licence to be increased to £250 rising by £50 year on year thereafter until the maximum of £350 is reached; and

- (c) That enforcement fees for removing and storing furniture: reasonable charge will be made in line with cost recovery, be invoiced directly based upon furniture size, weight, and quantity.

53. RURAL ENGLAND PROSPERITY FUND, PROGRAMME CHANGES

The Committee considered a report by the Place Manager Economic Development and Regeneration (circulated previously) regarding Rural England Prosperity Fund, Programme Changes.

The Place Manager Economic Development and Regeneration highlighted the following:

- The Council was awarded around £1.1million, in September 2022, as a 'rural top up' to the UK Shared Prosperity Fund to be delivered over two years (2023/24 and 2024/25).
- There were two strands to the Rural England Prosperity Fund – 'rural business' and 'rural communities'.
- £798,000 was allocated under the rural business strand to be delivered by North Devon +.
- £293,259 was allocated under the rural communities strand to be split between two regeneration projects in Ilfracombe. One of the projects was now completed and the other well under way.
- The Rural England Prosperity Fund covered all rural areas in North Devon, except Barnstaple.
- Since the funding opened to applications in May there had been a low level of applications received.
- The Rural England Prosperity Funds that North Devon Council had been allocated must be spent by 31 March 2025, with any unspent funds being returned to Government.
- In the first year (2023/24) £107,267.59 was spent on 11 grant awards to rural businesses, from the annual £399,000 budget.
- We were able to carry over the remaining £291,732.41 to 2024/25. The starting total for the rural grants scheme (for 2024/25) was £690,732.41.
- In year two (2024/25), since re-opening the scheme in May 2024, there had been 17 enquiries made. Of these nine were likely to come forward. Three were refused as ineligible and six applications were being supported to get through to submission.
- No more than £109,000 would be needed to cover this pipeline of projects, if they were all successfully awarded.
- Marketing to boost awareness of the fund had not seen an increase in applications to date.
- As there were only seven months remaining to be able to spend the funding, it was proposed to move £500,000 to the 'rural communities' strand.

RESOLVED

- (a) That the report be noted and the principle of moving £500,000 out of the rural business strand and into the rural community strand be approved;
- (b) That the continued efforts by North Devon + and North Devon Council to promote and spend the remaining rural business strand allocation through the Rural Business Grants Scheme be noted; and
- (c) That delegated power be given to the Director of Resources and Deputy Chief Executive and the Head of Place, Property and Regeneration, in consultation with the Leader and Lead Member for Regeneration, the approval and processing of related capital projects through the rural community strand using the reallocated funds as outlined in (a) above.

54. LOCAL AUTHORITY HOUSING FUND ROUND 3

The Committee considered a report by the Head of Programme Management and Performance and Environmental Health and Housing, (circulated previously) in relation to Local Authority Housing Fund Round 3.

The Head of Programme Management and Performance and Environmental Health and Housing highlighted the following:

- The Council received funding in round one of the Local Authority Housing Fund and along with match funding from the temporary accommodation programme reserve was able to purchase nine properties.
- The Council declined round two of the scheme, as it was too restrictive.
- In March 2024 Council approved submitting an Expression of Interest in Round Three of the fund and in August 2024 the Ministry for Housing, Communities and Local Government (MCHLG) acknowledged receipt of the Council's signed Memorandum of Understanding (MOU) and delivery plan.
- The Council had been allocated a capital grant of £654,350 and a revenue grant of £4,514 to procure four homes.

RESOLVED that the allocated Local Authority Housing Fund grant of £654,350 and £649,650 capital match funding from North Devon Council, as laid out in section 5.2 of the report, be approved.

RECOMMENDED that Council vary the capital programme by £1,304,000 and that funds be released, subject to the Memorandum of Understanding with the Ministry for Housing, Communities and Local Government, upon such terms and conditions as may be agreed by the Director of Resources and Deputy Chief Executive and the Senior Solicitor and Monitoring Officer.

Chair

The meeting ended at 11.34 am

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