

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Virtual - Online meeting on Monday, 5th October, 2020 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Barker, Leaver, Lofthouse, Patrinos, Pearson, Prowse, L. Spear and Yabsley

Officers:

Chief Executive, Head of Resources, Lead Officer - Planning Policy, Senior Solicitor/Monitoring Officer, Service Lead - Environmental Protection, Customer and Corporate Services Manager, Contracts Delivery Manager, Head of Environmental Health and Housing, Public Protection Manager and Head of Place

Also Present:

Councillors Knight, Luggar, Roome, D. Spear, Tucker and York

181. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meet procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officers confirmed the Members of the Committee, Members, Officers and external attendees who were present.

182. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wilkinson.

183. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 1 SEPTEMBER 2020 (ATTACHED) SUBJECT TO THE FOLLOWING CORRECTION BEING INCLUDED IN MINUTE 173 (B):

RESOLVED that the minutes of the meeting held on 1 September 2020 (circulated previously) be approved as a correct record and signed by the Chair subject to the typographical error in minute 179 being amended from "RECOMMENDED" to "RESOLVED" and the following correction being included in minute 173 (b):

"The Emergency Planning Officer had previously informed the Committee that there was no weather warning in force prior to the

flooding. She had since realised that this was incorrect and the record should read that there was a Met Office yellow weather warning for thunderstorms issued on Monday 17th August 2020 but this covered many parts of England. There was no weather warning that specifically identified Barnstaple/North Devon as high risk and due to the uncertainty in the forecast it was not possible to predict what areas would be impacted, so this would not have changed our response to the flooding.”

184. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.

(a) Affordable Housing

Councillor Prowse advised that there was currently no supplementary planning document in place regarding securing section 106 contributions from developers in relation to the provision of affordable housing. A Supplementary Planning Document was in place in 2005/06, however it had not been included as part of the new Joint Local Plan. Due to the current affordable housing crisis, there was a need for both Councils to consider as a priority producing either a Supplementary Planning Document or Code of Practice in relation to securing section 106 contributions from developers for the provision of affordable housing. This issue could then be considered at a future meeting of the Joint Local Plan Working Group.

185. DECLARATIONS OF INTERESTS.

There were no declarations of interest announced.

186. BATSWORTHY CROSS WINDFARM

The Committee considered a report by the Service Lead Environmental Protection (circulated previously) regarding Batsworthy Cross Windfarm.

The Service Lead Environmental Protection highlighted the following:

- Noise compliance monitoring at six locations close to Batsworthy Cross Windfarm had confirmed compliance with the noise related planning conditions at five of these six locations.
- The Operator had since made further representations to Officers’ concerning certain aspects of the meteorological data used in the noise assessments to date. Having reviewed the representation received, the Council’s acoustic consultant had concluded that the wording of the planning condition does not allow The Operator to utilise an alternative wind speed location at this time. Internal legal opinion also agreed with the view of the Council’s acoustic consultant.
- The Operator was advised of this position on 16 September 2020 asking them again to submit the information identified in paragraph 4.3 of the report within 30 days of the request having been made. The 30 days expired on 16 October 2020.

- A report would be brought to the next meeting of the Committee on 2 November 2020.

The Committee noted the current position.

187. FUNDING FOR VICTIMS OF BARNSTAPLE FLOODING

The Committee considered a report by the Public Protection Manager (circulated previously) regarding funding for victims of Barnstaple floods which occurred on 17 August 2020.

The Public Protection Manager highlighted the following:

- The flash flooding which occurred in Barnstaple on 17 August 2020 affected 117 residential and commercial properties.
- A number of agencies including North Devon Council responded to the incident and a Recovery Co-ordinating group was set up.
- The Committee was asked to consider whether to utilise part of the Covid 19 Hardship fund to support householders who were flooded in Barnstaple on 17 August 2020. The suggested funding structure was detailed in paragraph 4.2 of the report. The views of the Recovery Co-ordinating Group had been sought.
- The Council had promoted the use of the Devon County Council Flood Online Reporting Tool (FORT) as part of the recovery stage. One property in Bishops Tawton was shown to be flooded on the FORT map
- The Council had been advised that properties in Landkey and North Molton had been flooded, but these had not been reported through the online reporting tool. Any future flooding needed to be reported using the online tool and guidance would be provided on how to report incidents.
- If the Committee approved the funding, then applicants would be requested to provide evidence of the flooding that had occurred.

Councillor Roome addressed the Committee.

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

- The NDC Covid 19 Hardship fund was for private individuals and not businesses and had been awarded to the Council by Devon County Council. Devon County Council (DCC) had confirmed that the Council's own policy could determine eligibility in order to respond to local circumstances and there was discretion to use some for hardship caused by flooding and that DCC would support use of the funds for this purpose.
- Since the flooding had occurred, the impact of Covid 19 on North Devon's economy had been firmed up and 7 out of 10 worst affected wards in Devon were within North Devon. Nationally the full impact of Covid 19 was unknown. One third of UK employers were planning on making redundancies and the major impacts on individuals and families was still to be felt.
- If the Covid 19 Hardship fund was used to support householders who were flooded, this fund would not be replaced by DCC and potentially one third of the total fund would be used for this purpose.

- The flash flood was not a one off event and was likely to occur again and there was concern that this would set a precedent and pressure on North Devon Council to provide funding.
- The Covid 19 Hardship Fund was there to provide funding to those experiencing hardship and could be used to purchase such items as school uniforms, face masks, travel to medical appointments.
- The additional flooding that had occurred over the weekend of the 3rd and 4th October had not been reported to the Council.
- The Committee had discretion to make a decision regarding the use of the Covid 19 hardship fund. The Council was prioritising helping people experiencing hardship. He referred to a recent email that had been sent to all Councillors thanking the Council for helping an individual who was experiencing financial hardship to buy school uniform.

In response to a question, Councillor Prowse advised that the Environment Agency's flood protection schemes were dependent upon developer contributions. The Economic Development team was currently working with landowners regarding cells 3 and 4. However, this would not have an impact on this type of flooding as it was fluvial.

Councillors Luggar and York addressed the Committee.

In response to questions, the Head of Resources advised the following:

- The Council had not previously awarded grants to householders who had been flooded.
- The impact of Covid 19 on individuals was likely to worsen due to furlough scheme ending in October. The Covid 19 fund was for individuals experiencing hardship.
- The Contingency Reserve fund could be used to provide grants to householders, although this would affect future availability of this fund if it was used for this purpose. There was currently approximately £75,000 within the fund.
- Contributions from Councillors as part of the Community Councillor fund could be considered.
- The Council had awarded individuals in receipt of Council Tax support a further £150 reduction as part of a Government scheme.
- It would be difficult for the Council to administer interest free loans, as the Council was not a bank and was suffering financially.
- An update would be reported to Members regarding the current position on the Mill Road flood defence scheme.
- Devon County Council was in the process of undertaking a review to identify specific problems, which would be reported to Members in the future.

Marc Rostock, North Devon Homes addressed the Committee.

Councillor Yabsley declared a personal interest as a Member of Devon County Council. He advised that Devon County Council was responsible for drainage and a report would be presented to Barnstaple County Councillors shortly. Many drains

were combined with sewerage. In urban areas, drains were cleaned on a three yearly cycle and on a one yearly cycle in rural areas.

RESOLVED:

- (a) That funding be provided to the victims of the flash floods which occurred on 17 August 2020 in accordance with the funding structure outlined in the report and that the financing of the scheme be delegated to the Chief Executive to find alternative sources of funding;
- (b) That reassurance be sought from Devon County Council that the drains would be cleaned and kept clear and that representations be made to the Environment Agency requesting an update on the flood defence schemes.

188. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned for five minutes to enable a comfort break and be reconvened at 11.45 a.m.

189. AMENDED AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT

The Committee considered a report by the Head of Place (circulated previously) regarding an amended Air Quality Supplementary Planning Document.

The Lead Officer Planning Officer highlighted the following:

- Subsequent to the adoption of the Air Quality Supplementary Planning Document (SPD) by the Committee on 1st June 2020, Natural England had provided the Council with positive feedback. However Natural England had also identified a minor inconsistency with the advice being provided and the need for clarification, despite the original wording being what they had requested. They had recommended minor changes to paragraph 7.5 as detailed in the report. The proposed wording changes to paragraph 7.5 were set out in Appendix A.
- The revised version of the SPD was being recommended for adoption by Torridge District Council at a meeting tonight.

RESOLVED:

- (a) That the Air Quality SPD be readopted to include the proposed wording changes set out in Appendix A;
- (b) That the amended SPD be treated as a material consideration in determining relevant planning applications.

190. EXTEND ROYAL MAIL CONTRACT

The Committee considered a report by the Customer and Corporate Communications Manager (circulated previously) regarding the extension of the Royal Mail contract.

The Customer and Corporate Communications Manager highlighted the following:

- The Council currently had a contract with Royal Mail for the delivery and collection of mail and the contract was due for renewal in December 2020.
- An extension was requested to that contract to allow for a pilot of “hybrid mail” to take place, whereby all mail was sent to their headquarters, printed and sent out the same day. Vigorous checks were carried out.
- It was requested that the recommendation be amended to also request approval to extend the contract with CFH who manage the mailing out of annual council tax and business rates bills. This was because it was likely that any new hybrid mail project would include the annual billing mailings and the Council did not want to be tied into a separate contract for annual billing when it was likely one contract would cover that as well as the day to day mailing. The contract was due to expire in November.

RESOLVED:

- (a) That a six month extension of the Royal Mail contract to allow for a pilot of hybrid mail to take place before the contract expires be approved;
- (b) That the contract with CFH who manage the mailing out of our annual council tax and business rates bills be extended for six months.

191. LEISURE CONTRACT PAYMENTS

The Committee considered a report by the Contracts Delivery Manager (circulated previously) regarding Leisure Centre payments.

The Contracts Delivery Manager highlighted the following:

- Parkwood Leisure have issued claims to the Council for further payments for the months of June and July and have indicated that further financial assistance was likely to be required for August, September and beyond in order to keep North Devon’s leisure facilities viable and open to the public as the Covid 19 crisis continued.
- Parkwood’s recent claims showed a loss of just under £38,000 in June and £54,000 in July, totalling £92,000. However, the Head of Resources had scrutinised the claim and was agreeable to a payment of £80,000 to Parkwood for June and July losses incurred.
- The position of Parkwood nationally as outlined in paragraph 4.5 of the report.

- At the time of writing the report, since the pools reopened at the start of September 2,000, public swimming lane sessions have been booked and attended and 681 children have returned to their weekly out of school swimming lessons. If the pools close again, then 400 local, schoolchildren will miss their weekly swimming sessions. If the pools were to close there would be an immediate impact on nine swimming clubs as detailed in paragraph 4.9 of the report.
- Parkwood had not received a public subsidy for the past two years.
- The Council would have no maintenance and subsidy costs as part of the new leisure centre contract.
- There was real threat that if Parkwood was no longer able to continue, then there was uncertainty regarding whether the current leisure provision, Tarka Tennis centre and all weather pitch would be re-opened.
- The Government was due to make an announcement regarding financial assistance for leisure providers.
- It was anticipated that Parkwood would request further financial assistance up until October 2020 due to the furlough scheme coming to an end and the re-opening of the swimming pool and may be further requests depending on future lockdown restrictions.

The Chief Executive highlighted the following:

- The Council had a good working relationship with Parkwood and therefore was in a good position compared to other local authorities whereby other leisure providers were in a dire financial situation.
- The Council was campaigning for funding through the South West Region and nationally.
- Many other Local Authorities had not re-opened their leisure facilities such as Torridge District Council and Cornwall Council.
- If Parkwood walked away from the contract, it would be very unlikely that another leisure provider would be found and it may also have an impact on the new Leisure Centre.
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The Head of Resources advised that:

- Monthly accounts submitted by Parkwood were thoroughly scrutinised.
- The new Leisure Centre contract would provide the Council with a revenue stream for a 20 year period.
- If Parkwood walked away from the contract, the Council would become responsible for the building, overhead and rates bill.

RESOLVED:

- (a) That the Council makes a grant payment of £80,000 to Parkwood Leisure to cover losses experienced in the month of June and July due to Covid 19;
- (b) That the Council considers extending the COVID Relief period as defined in the interim leisure contract to maintain the provision of

leisure services throughout the COVID crisis.

192. URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

The Committee noted the urgent decisions that had been made by the Chief Executive in accordance with paragraph 3.48, Annex 2, Part 3 of the Constitution (circulated previously), regarding the dangerous structure at Rustic Cottage, Gunn.

Councillor Prowse provided the Committee with an update regarding the owners of the cottage

The Head of Place provided an update to the Committee regarding the history and condition of the building and advised that the only option available was to demolish the building. Work would commence on the adjoining property to ensure that was adequately protected. The Council would be undertaking the appropriate actions to recover the costs from the owner.

Councillor Worden advised the Committee that following the meeting Councillor Leaver would be standing down from the Committee and on behalf of the Committee thanked her for her contribution.

Chair

The meeting ended at 12.29 pm

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