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**22 October**

Dear Member

## **Council – 28 October 2020**

I am now able to enclose, for consideration at the next meeting of the **Council**, the following reports that were unavailable when the agenda was printed.

- Minutes of the Special meeting of the Environment Policy Development Group – 19 October 2020
- Minutes of the Joint Policy Development Group - 20 October 2020

Yours sincerely

**Sally Gabriel**  
**Member Services Manager**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 19 October 2020 at 5.30 pm

### **Present**

#### **Councillors**

B G J Warren (Chairman)  
E J Berry, D R Coren, Miss J Norton,  
R F Radford, R L Stanley, L D Taylor and  
J Wright

### **Apologies**

#### **Councillor(s)**

W Burke

### **Also Present**

#### **Councillor(s)**

S J Clist, R M Deed, C R Slade and A Wilce

### **Also Present**

#### **Officer(s):**

Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leburne (Legal Services Team Leader), Philip Langdon (Solicitor), Vicky Lowman (Environment and Enforcement Manager), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## 28 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.55)**

There were no apologies.

## 29 **VIRTUAL MEETING PROTOCOL (0.03.10)**

The Group had before it, and **NOTED**, the \*Virtual Meeting Protocol.

Note: \*Virtual Meeting Protocol previously circulated and attached to the minutes

## 30 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.22)**

There were no declarations made.

## 31 **PUBLIC QUESTION TIME (0.04.27)**

Cllr Ashely Wilce asked the following question:

'265 suggestions were made for additions/alterations, but the report accompanying the 'Revised' PSPO justifies not considering these responses from residents, voters and taxpayers by stating -

*"adding in a new area would give rise to a legitimate expectation of further consultation. If Members wanted, this would be something to pursue in a fresh PSPO at a future date".*

The fact that so many suggestions have been put forward suggests that the consultation was fundamentally flawed in the first place and that residents were not involved in the process when they ought to have been. If this is what happens when this Council 'consults' its residents, then it should come as no surprise when people stop engaging with us altogether.

What a waste of time, effort and money - and an insult to the people of Mid Devon who took part in the consultation.

Would this PDG please properly review the consultation responses and take appropriate action.'

Cllr Francis Wilcox for Willand Parish Council asked the following question:

'Willand Parish council spent a lot of time and effort making a full response to this consultation. What is the point of MDDC doing a consultation if they then ignore what is said?

Regarding the Jubilee Field in Willand it looks as if you are still planning to put an order on the area that you identify as Gables Lea saying dogs have to be on a lead and yet there does not seem to be anything to prevent them roaming freely around the area that has the play equipment in it outside of the fenced area.

Apart from removing Sycamore area from the order you seem to have completely ignored anything else we said in our response.

There are probably as many dog owners as there are parents in Mid Devon, these dog owners are tax payers too yet you don't want them to be able to enjoy the public open spaces that they pay for. I appreciate that some people cause problems by not having dogs under control or not picking up after their dogs but these people should be dealt with not a blanket punishment for everyone because you're a dog owner. After all those people who don't care won't change anything and will carry on regardless. How on earth do you plan to enforce this right across Mid Devon as with out enforcement this is a complete waste of time?'

The Chairman stated that the questions would be addressed during the debate on the item.

## **32 MINUTES OF THE PREVIOUS MEETING (0.08.19)**

The minutes of the previous meeting were agreed as a true record.

## **33 CHAIRMAN'S ANNOUNCEMENTS (0.09.49)**

The Chairman stated that he had requested that the PSPO was bought back to the Environment PDG as he felt it was being rushed through to Cabinet without debate.

## **34 PUBLIC SPACES PROTECTION ORDER (0.10.59)**

The Group had before it a report of the Environment and Enforcement Manager regarding the \*Public Spaces Protection Order (PSPO) – Dogs.

The officer explained that the report gave an overview of the public consultation responses. She further explained that although additional area's of public space had been proposed by the public and parish councils that it was not possible to add these area's to the current PSPO. In response to questions asked by the public she confirmed that the Council had removed the area suggested by Willand Parish Council but were unable to add in the additional area's suggested by the public until a further public consultation had taken place on them.

The Legal Services Team Leader explained to Members that area's could be removed from the PSPO but could not be added without going out for further public consultation. She explained that legislation required new and additional area's subsequently added to the PSPO were required to go out for further public consultation. She explained the alternative measures which were available to the Council:

- a) The PSPO could be sealed with the existing areas in place and new area's could then be added by way of a variation once a public consultation had taken place on them: or
- b) A second PSPO could be added to include the additional areas once a public consultation had taken place on them: or
- c) The PSPO was not sealed now and deferred to allow for amendments to be made and for additional areas to be added once a public consultation had taken place on them. This would leave the Council without a sealed PSPO for a period of time.

Members discussed the proposed PSPO presented to them and consideration was given to:

- The views of the public who had asked questions about their responses to the consultation being ignored
- The views of the Cabinet Members present who felt that they would be unable to support the PSPO in it's current form
- Members views that not having a PSPO for a period of time would not have a detrimental effect on the Council
- The PSPO had to include the views of the public on the requirements to have dogs on leads in all public spaces and the number of dogs allowed
- Members views that dog owners voices were not being heard
- That public engagement was difficult to obtain and this should not be wasted by ignoring the responses

The Group discussed setting up a working group to discuss a revised PSPO with officers. The Group agreed that the Chairman and the Cabinet Member for the Environment would work with officers to bring forward a revised PSPO which considered the responses to the public consultation.

Therefore the Group **RECOMMENDED** that:

- That the PSPO be redrafted to take account of the public consultation responses before it goes out for further public consultation on additional areas

proposed and that the revised PSPO be brought back to Environment PDG for recommendation to the Cabinet.

(Proposed by Cllr R J Stanley and seconded by Cllr R F Radford)

**Reason for the decision** – To ensure that the Council's adopted PSPO considered the views of elected Members and members of the public who had responded to the public consultation

Notes:

- i.) Cllr B G J Warren declared a personal interest as Chairman of Willand Parish Council who had responded to the public consultation
- ii.) \*Report previously circulated and attached to the minutes

(The meeting ended at 6.52 pm)

**CHAIRMAN**

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **JOINT POLICY DEVELOPMENT GROUPS** held on 20 October 2020 at 5.30 pm

### **Present Councillors**

Mrs C Collis, E J Berry, L J Cruwys,  
Mrs C P Daw, J M Downes, B Holdman,  
Mrs E M Andrews, J Cairney, S J Clist,  
D R Coren, R J Dolley, C J Eginton,  
Miss J Norton, S J Penny, L D Taylor,  
B G J Warren and J Wright

### **Apologies Councillor(s)**

W Burke, Mrs M E Squires and R F Radford

### **Also Present Councillor(s)**

R M Deed, R Evans, C R Slade and Ms E J Wainwright

### **Also Present Officer(s):**

Simon Newcombe (Group Manager for Public Health and Regulatory Services), Sarah Lees (Member Services Officer), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## **32 ELECTION OF CHAIRMAN (0.00.02)**

Cllr Mrs C P Daw was duly elected Chairman of the joint PDG

## **33 APOLOGIES AND SUBSTITUTE MEMBERS (0.04.13)**

Apologies were received from Cllrs Mrs M E Squires and Cllr R F Radford

## **34 VIRTUAL MEETING PROTOCOL (0.04.19)**

The Group had before it, and **NOTED**, the \*virtual meeting protocol.

Note: \*virtual meeting protocol previously circulated and attached to the minutes

## **35 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.40)**

Members were reminded to make declarations of interest when appropriate.

## **36 PUBLIC QUESTION TIME (0.05.03)**

There were no members of the public present.

### 37 OPERATIONS DIRECTIVE ENFORCEMENT POLICY (0.06.36)

The Group had before a report of the Group Manager for Public Health and Regulatory Services setting out the \*Enforcement Policy.

The officer explained that the policy was the key enforcement policy which covered all the enforcement functions of the Council except planning enforcement. He further explained that the policy was a very important document which provided information to persons regulated by the Council and to the wider public who are protected and it was a reference guide for officers to ensure compliance with the regulators code of conduct and provided the framework in which the Council operated.

The officer explained that the policy was being brought back to the Group for adoption due to a number of legislative changes and a change to the reporting framework of the Council.

In response to questions asked the officer provided the following responses:

- The policy was defined as it was a reference document for officers, service providers and the public which set out the general rules of enforcement used by the Council in line with the Governments Code of Conduct.
- The policy was due to be revised in April but this had been delayed by other priorities during the pandemic.
- The general tenancy management service enforcement covered garage tenants.
- Officers were confident that compulsory recycling enforcement would increase recycling rates.
- The Group Manager for Public Health and Regulatory Services reviewed legislation changes regularly to ensure that the policy was compliant to current Government legislation. The policy updates had then been reviewed by Legal Services.
- The stray dog policy reflected the current legislation that they would be disposed of within 7 days, but in reality only one stray dog had been destroyed in the past few years because it could not be rehomed due to an aggressive nature. The Council also has arrangements with dog rehoming charities for unclaimed dogs suitable for rehoming.
- EPC regulations could be enforced by the Council's Private Sector Housing team and had a commonality with Trading Standards duties.
- That general principles of enforcement did apply for serious cases of fly tipping but that stages could be jumped if the case was serious enough
- That there were specific procedures within the Street Scene service which dealt with fly posting.

It was therefore **RECOMMENDED** to the Cabinet that:

- The revised Enforcement Policy attached in Annex 1 be adopted, subject to minor grammatical amendments highlighted by the joint Community, Environment and Homes PDG.

(Proposed by the Chairman)



**Reason for the decision** - To ensure that the Council has an appropriate enforcement policy in place for relevant statutory functions of the services within the scope of the policy.

Notes:

- i.) Cllr Mrs E M Andrews declared a personal interest as a tenant of Mid Devon District Council
- ii.) Cllr C Eginton declared a personal interest as a private landlord in Mid Devon
- iii.) \*Enforcement Policy previously circulated and attached to the minutes

(The meeting ended at 6.51 pm)

**CHAIRMAN**

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