

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 14 January 2020 at 5.30 pm

Present

Councillors

B G J Warren (Chairman)
E J Berry, D R Coren, B Holdman,
R F Radford, R L Stanley,
Ms E J Wainwright and J Wright

Also Present

Councillor(s)

R M Deed and L D Taylor

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Joanne Nacey (Group Manager for Financial Services), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Philip Langdon (Solicitor), Clare Robathan (Scrutiny Officer), Vicky Lowman (Environment and Enforcement Manager) and Carole Oliphant (Member Services Officer)

55 APOLOGIES AND SUBSTITUTE MEMBERS (00.00.55)

There were no apologies or substitute members.

56 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.01.18)

There were no declarations made.

57 PUBLIC QUESTION TIME (00.01.27)

There were no members of the public present.

58 MINUTES OF THE PREVIOUS MEETING (00.01.53)

The minutes of the previous meeting held on 26th November 2019 were agreed as a true record and **SIGNED** by the Chairman.

59 CHAIRMAN'S ANNOUNCEMENTS (00.02.54)

The Chairman informed the Group of the need to have a special meeting to discuss the budget proposals before they were considered by Cabinet. The Group agreed the meeting be arranged for 30th January 2020 at 4pm.

The Chairman invited Cllr Ms E J Wainwright to give an update on the Net Zero Working Group.

Cllr Ms E J Wainwright informed Members that a new web page had been launched which concentrated on the DCC taskforce, she explained that the working group would be looking at additional content to assist community groups. She explained that a press release was due shortly which would inform the public what MDDC had already done to reduce its carbon footprint and what would be done moving forward. She explained that the Carbon Baseline report had lots of tangible things which could be achieved and that this would be investigated at the next Net Zero working group meeting.

60 **FINANCIAL MONITORING (00.07.51)**

The Group Manager for Finance explained to the Group that the October variance was a £95k deficit and this had increased to £234k in November.

She provided Members with the main areas of movement since the October monitoring report which included:

- Environmental Services - Net S106 expenditure was slightly less than previously forecast (£9k) and that this was offset by Ear Marked Reserves (EMR).
- Waste – (£15k) Garden waste and permit sales were down against budget but numbers may pick up before year end.
- Cemeteries – Income below previously forecast (£10k)
- Planning – S106 expenditure had increased by £82k, but this was offset by EMR transfer. Planning income was a further £20k less than forecast at the October monitoring.
- IT – A salary pressure had been reduced by £11k.
- Revenues and Benefits – Housing Benefit Overpayments Recovery forecasts had dropped another £60k – revised forecast following identification of some duplication.
- NNDR – Retained Business Rates were forecast to be £48k lower than forecast in October following appeals.

In response to questions raised she confirmed that she would provide details of the £20k Planning income forecast and what this included.

She explained that the Budget setting process included trend analysis and assumptions of income to the end of the financial year.

61 **ENVIRONMENT EDUCATIONAL ENFORCEMENT POLICY (00.18.01)**

The Group had before it a *report of the Group Manager for Street Scene and Open Spaces detailing changes to the Environment Educational Enforcement Policy.

The Group discussed enforcement and neighbouring authorities who were using independent companies to carry out enforcement action in their areas. The Group discussed the pros and cons of using outside contractors and gave consideration to:

- Current officer capacity to deal with litter enforcement
- Costs for employing a contractor to carry out enforcement duties
- How complaints about fixed penalty notices issued by a contractor would be handled

- The Enforcement Policies were valid for 10 years so a decision with regard to the use of contractors would need to be settled prior to adopting them
- The capacity of the current legal team to deal with non-payment of fines issued by contractors
- The appetite for external companies to run operations in Mid Devon as the opportunity for profit was not guaranteed
- The possibility of joint arrangements with a neighbouring authority to employ a contractor for enforcement duties

The Group **AGREED** that officers explore a private company to undertake enforcement duties throughout the District and to investigate working with neighbouring authorities to provide a contracted out service. Members requested that a report be brought back to a future meeting of the Policy Development Group giving clear recommendations on the options available for contracted out enforcement duties and the costs associated with them.

(Proposed by the Chairman)

Fly Tipping Policy

The Group discussed the amended Fly Tipping Policy and considered the following points:

- Scenarios when prosecution would not be appropriate
- The maximum fines set by the Government
- Compliance with the code of prosecutors for prosecutions
- The need to publicise successful prosecutions
- The use of mobile CCTV
- The cost of purchasing mobile CCTV equipment

The Group Manager for Performance, Governance and Data Security explained that a Policy on the use of CCTV, which would include mobile CCTV units, was currently being investigated by officers and that this would be presented to the Community PDG by July.

The Group **RECOMMENDED** to the Cabinet that:

- i) The amended Fly Tipping Policy (Appendix A) be renewed
- ii) The fixed penalty notices be increased from £200 to £400 for fly tipping
- iii) The powers to use CCTV, subject to investigation into the powers allowed under regulations, to assist with fly tipping fixed penalty notices be authorised

(Proposed by the Chairman)

Littering from Vehicles Policy

The Group discussed the Littering from Vehicles policy and agreed that the delegation of powers to officers was not clear. Members requested that this be updated and the Constitution be amended if required.

The Group **RECOMMENDED** to the Cabinet that:

- iv) The Littering from Vehicles Regulations 2018 Policy (Appendix B) be adopted subject to confirmation of delegated powers to officers.

(Proposed by the Chairman)

Compulsory Recycling Policy

The Group discussed the Compulsory Recycling Policy and considered the following:

- The need to tell residents that they had to recycle and what they can recycle
- Residents living in flats
- Different district recycling schemes
- Education about food waste

The Group **RECOMMENDED** to the Cabinet that:

- a. The revised Compulsory Recycling Policy to follow government guidelines (Appendix C) be adopted subject to: the inclusion of information on what could currently be recycled

(Proposed by the Chairman)

Public Space Protection Order

The Group discussed the Public Space Protection Order and Members felt that the document presented required further work before the consultation process began. The Solicitor explained that the current dog fouling order was due to end in October 2020.

The Group **AGREED** that the Public Space Protection order should be deferred until the March meeting of the Environment Policy Development Group for officers to prepare and present a revised covering report and plan that could be recommended to Cabinet for public consultation.

(Proposed by Cllr R L Stanley and seconded by Cllr D R Coren)

Abandoned Vehicle Policy

The Group discussed the Abandoned Vehicle Policy and consideration was given to the following:

- Clarification of Authorisations
- What amounts to service
- Letter in ordinary post was sufficient for giving notice

The Group **RECOMMENDED** to the Cabinet that:

- v) The amended Abandoned Vehicle Policy be adopted (Appendix E)

(Proposed by the Chairman)

Stray Dog Policy

Members advised that they required changes to some of the wording of the Policy and that the process for dealing with dogs with microchips should be added as an appendix to the policy.

The Group **RECOMMENDED** to the Cabinet that:

- vi) The amended Stray Dog Policy be adopted subject to:
 - i. 3.6 Unclaimed strays – the wording be amended to: By destroying it humanely and by a qualified veterinary surgeon
 - ii. 4.0 Penalties and payments – Remove the administration and kennelling specific fees and replace with ‘current contractor fees’
 - iii. Inclusion of the process for dealing with dogs with microchips

And:

- vii) Authority for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 be granted. (Appendix F)

(Proposed by the Chairman)

Note: *Report previously circulated and attached to the minutes.

62 **PERFORMANCE AND RISK (01.45.23)**

The Group had before it and **NOTED** a *report of the Group Manager for Performance, Governance and Data Security presenting Members with an update on performance against the corporate plan and local service targets for 2019-20 as well as providing an update on the key business risks.

Note: *Report previously circulated and attached to the minutes.

63 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.48.45)**

No additional items were identified.

(The meeting ended at 7.21 pm)

CHAIRMAN