

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 10 March 2020 at 5.30 pm

### **Present**

#### **Councillors**

B G J Warren (Chairman)  
E J Berry, W Burke, D R Coren, B Holdman,  
Miss J Norton, R L Stanley, J Wright and  
B A Moore

### **Apologies**

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

R F Radford

### **Also Present**

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

R M Deed, R Evans, L D Taylor and Ms E J Wainwright

### **Also Present**

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

Kathryn Tebbey (Head of Legal (Monitoring Officer)),  
Joanne Nacey (Group Manager for Financial Services),  
Andrew Busby (Group Manager for Corporate Property and  
Commercial Assets), Catherine Yandle (Group Manager  
for Performance, Governance and Data Security), Steve  
Densham (Land Management Officer), Vicky Lowman  
(Environment and Enforcement Manager), Clare Robathan  
(Scrutiny Officer) and Sally Gabriel (Member Services  
Manager)

## **72 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was substituted by Cllr B A Moore.

## **73 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Cllr Miss J Norton to her first meeting of the Policy Development Group.

## **74 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-01-50)**

Members were reminded of the need to declare any interests when appropriate.

## **75 PUBLIC QUESTION TIME**

There were no members of the public present.

## **76 MINUTES OF THE PREVIOUS MEETING (00-02-06)**

The minutes of the previous meeting held on 30 January 2020 were agreed as a correct record and **SIGNED** by the Chairman.

## 77 MEETING MANAGEMENT (00-03-03)

The Chairman indicated that he wished to take items 11 and 12 as the next items of business. This was **AGREED**.

## 78 FINANCIAL MONITORING (00-03-38)

The Group had before it a report of the Deputy Chief Executive (S151) providing a financial update in respect of the income and expenditure so far in the year.

The Group Manager for Financial Services outlined the contents of the report stating that the figures before Members were from the Quarter 3 monitoring calculations. As at January, the forecast General Fund deficit for the current year was £292k. She highlighted some of the significant variances which had led to the new deficit figure that of reduced overpayment recovery and software costs for Revenues and Benefits; and with regard to Trade Waste and Recycling an increase in customers and reduced discounts.

The surplus within the Housing Revenue Fund had reduced to £618k with monies being spent on disabled facilities. The appendices within the report outlined the Capital Programme.

Consideration was given to: whether the income from renewables on council housing was reflected within the HRA.

The Chairman indicated that the report should be **NOTED** and that he had been advised by the Leader that certain concerns raised within the report were being addressed and would be brought before the Cabinet in due course.

Note: \*Report previously circulated, copy attached to minutes.

## 79 PERFORMANCE AND RISK (00-09-35)

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.

The officer outlined the contents of the report stating that the appointment of the Cabinet Member for Climate Change had been added to the risk management report as a positive.

Consideration was given to:

- Recycling and composting and whether it was being looked at for the commercial sector and whether this could create additional income
- Public Health had an income reduction of £30k, this had been highlighted within the financial monitoring report due to a reduction in Licensing/Regulatory Services and cemetery income had also been reduced.

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

80 **CLIMATE CHANGE ADVISORY GROUP AND NET ZERO WORKING GROUP (00-16-55)**

The Group had before it a \*report of the Head of Legal (Monitoring Officer) considering whether in light of Cllr Miss Wainwright's appointment to the Cabinet whether to recommend to Cabinet the creation of a Climate Change Advisory Group in lieu of the Environment PDG's Net Zero Working Group.

The Head of Legal (Monitoring Officer) outlined the contents of the report stating that with the elevation of Cllr Ms Wainwright to Cabinet Member for Climate Change, she could no longer sit on the Group. It was felt that an advisory group could be formed which could involve the Cabinet Member and could feed into the work of the Environment PDG.

Consideration was given to the name of the advisory group and whether it should still have the title 'Net Zero'.

It was therefore

1. **RECOMMENDED** to Cabinet that
  - (b) a Net Zero Advisory Group be established;
  - (c) the membership of the Group comprise eight Members – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green (not politically balanced); and
  - (d) the terms of reference be finalised by the Group, unless the Cabinet wishes to set the general terms in line with those in this report; and
- 2 **RESOLVED** that in the event that Cabinet agrees to establish a Net Zero Advisory Group, that the Net Zero Working Group be dissolved.

(Proposed by Cllr B A Moore and seconded by Cllr B Holdman)

Note \*Report previously circulated, copy attached to minutes.

81 **PUBLIC SPACES PROTECTION ORDER (00-21-05)**

The Group had before it a \*report from the Group Manager for Street Scene and Open Spaces considering widening enforcement powers in order to deliver a cleaner and more sustainable environment across the district and to replace current dog control powers across the district which were due to expire in October 2020.

The Chairman indicated that the report had been considered at the previous meeting where it had been requested that the item be deferred to allow further work to take place on the documents.

Consideration was given to:

- The fixed penalty for a breach of the order being set at the maximum level and how that rate was set by legislation

- How the protection order would be enforced by officers

It was therefore:

**RECOMMENDED** to Cabinet that:

1. Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.
2. The fixed penalty for breach of the order be set at the maximum level permitted of £100.

(Proposed by Cllr D R Coren and seconded by Cllr W Burke)

Note: Report previously circulated, copy attached to minutes.

## 82 **ENVIRONMENT EDUCATIONAL ENFORCEMENT POLICY (00-24-14)**

The Group had before it a \* report of the Group Manager for Street Scene and Open Spaces updating the current policies and requesting that new policies be adopted.

The Chairman walked through the various policies and consideration was given to:

### **Fly Tipping Policy**

- CCTV coverage of affected areas with the Group Manager for Corporate Property and Commercial Assets and the Head of Legal informing the meeting that an action plan was being developed and would be reported to the Community Policy Development Group. Some of the offences would not come under RIPA and therefore a parallel system to balance data protection and human rights issues had to be developed. The phrasing within the policy with regard to 'may' and 'could' rather than 'would' was explained as a discretionary element always had to be included. The number of prosecutions was also discussed and it was generally agreed that the increase in fines should be encouraged. Delegated powers for District Officers was also discussed.

### **Littering from Vehicles**

- The following amendments were suggested:
  - Paragraph 5.1 remove the words 'in writing' from the 4<sup>th</sup> line.
  - Under paragraph 9 remove para 9.1 and renumber 9.2 to 9.1.
  - Paragraph 10 – Ground E replace the word 'court' with 'course'
- Discussion took place with regard to penalty amounts which had previously been set and the definition of littering if stood beside a vehicle.

## **Compulsory Recycling Policy**

- The following amendment was suggested: the renumbering of paragraph 2 to include 2.3 and 2.3

## **Abandoned Vehicle Policy**

- The following amendment was suggested: the renumbering of paragraph 1 to include 1.2 instead of 1.2.1
- Discussion took place with regard to the remit of the authority to remove abandoned vehicles from the highway.

## **Stray Dog Policy**

- The following amendment was suggested: under 3.8.2 the removal of 'his' from the first bullet point and to be replaced with 'its'. Under bullet point 3 the removal of the word 'and'.

It was therefore:

**RECOMMENDED** to the Cabinet that: subject to the suggested amendments (as listed above):

- 1) Fixed Penalty Notices for fly tipping be increased from £200 to £400 and the powers to use CCTV footage be adopted to assist with fly tipping Fixed Penalty Notices and to include this within Council policy (Appendix A).
- 2) The new powers set out in the Littering from Vehicles Regulations (Policy) 2018 be adopted and this be included within the new Council policy (Appendix B).
- 3) Changes to the Council Compulsory Recycling Policy be adopted following government guidance (Appendix C).
- 4) The amended Abandoned Vehicle (Act) legislation be adopted and included within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- 5) The Stray Dog Policy (Appendix E) be updated and authority sought for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under this section.

(Proposed by Cllr W Burke and seconded by Cllr B Holdman)

Note \*Report previously circulated, copy attached to minutes.

## **83 CLIMATE STRATEGY AND ACTION PLAN UPDATE (00-43-49)**

The Group Manager for Corporate Property and Commercial Assets informed the meeting that work was taking place on the development of a strategy and action plan. He had attended meetings with other district councils and the South West Energy

Hub accompanied by the Cabinet Member for Climate Change. The next step would be the production of a spreadsheet that highlighted the opportunities to reduce carbon within the Council and within the budget that was available. The Medium Term Financial Plan had highlighted where improvements could be made to the 'Establishment' to reduce carbon emission.

Consideration was given to:

- Priorities – whether quick fixes would be the first port of call or whether major projects would be encouraged
- The funding that was available within the Capital Programme ( for example the Hydro Mills Project)
- The need to be ambitious and look towards the next budget setting process
- Community involvement, community mapping and working with the Town and Parish Councils.

#### 84 **TREE PLANTING – AREAS OF APPROPRIATE LAND (00-57-41)**

The Group had before it and NOTED a \*report of the Group Manager for Corporate Property and Commercial Assets providing Members with an update on progress with implementing Council Motion 559 to plant trees as appropriate, as a responsive action to the declared climate emergency.

The officer outlined the contents of the report stating that the report was prepared in response to Motion 559 and that a desktop study had taken place which highlighted all of the potential sites. Officers had also been engaging with the Tree Group, Sustainable Crediton and interested groups in Cullompton and Bradninch.

Consideration was given to:

- The maintenance of trees once planted and that there should be a budget available
- Possible commercial land being made available and who would be the first point of contact for companies offering land
- The use of S106 monies as part of the planning process to encourage tree planting
- Signposting residents to grants available for tree planting
- The off-setting of carbon and how this is calculated

Members thanked officers for the work to date and endorsed further work that was due to take place.

Note: \*Report previously circulated, copy attached to minutes.

#### 85 **CHAIRMAN'S ANNUAL REPORT (1-09-35)**

The Chairman presented his report to the Group which was **NOTED** and would be presented to Council.

Note \*Report previously circulated, copy attached to minutes.

86 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (1-10-44)**

It was suggested that a report with regard to the recycling of commercial trade waste /composting be brought to a future meeting of the Group. It was understood that this may need to be a Part II report.

(The meeting ended at 6.45 pm)

**CHAIRMAN**