

## 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**