

## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 24 November 2015 at 2.00 pm

#### Present

**Councillors** R F Radford (Chairman), D R Coren, Mrs C P Daw, R Evans, Mrs E J Slade, J D Squire, Mrs N Woollatt, R Wright and Mrs A R Berry

#### Also Present

**Councillor(s)** N V Davey

#### Also Present

**Officer(s):** Andrew Jarrett (Head of Finance), Andrew Busby (Property Services Manager), Jenny Clifford (Head of Planning and Regeneration), Adrian Cook (Open Spaces Manager), Stuart Noyce (Waste and Transport Manager), Nick Sanderson (Head of Housing and Property Services), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

### 36 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

### 37 PUBLIC QUESTION TIME

Referring to item 10 on the agenda, Mrs M Dennis asked if a small amount of the income gained from the rates generated from all of the new build properties at Willand could be used towards the maintenance of play areas.

Referring to item 10 in the agenda, Cllr B Warren from Willand Parish Council, informed the Group that in January 2014 Willand Parish Council wrote to the Chief Executive offering to take over the ownership or lease of the Mid Devon owned half of the Parish Field and to maintain it. This would save Mid Devon money and give the Parish a much improved facility as we would provide more regular maintenance. We received no acknowledgement until we asked. We then heard no more until an intervention by one of our Ward Councillors and then there was a meeting with an officer which resulted in the Parish being offered some of the field provided it supported MDDC in a planning application to build housing on some of the field. This was declined by the Parish Council as there is already a shortfall of green public open space in Willand as confirmed by the MDDC commissioned report. Nothing further has been heard from officers on that point.

As part of our suggested package in relation to offering to take responsibility for some of the play areas in the Parish we included the Parish Field proposals. Apart from attaching our letter to the report, no mention, let alone a recommendation is

made in relation to this part of the proposal after 22 months and in doing so potentially misleading Members as to the overall proposal.

Referring to agenda item 10, Mr K Grantham said that Willand Parish Council has sought to engage with officers and obtain clarification of certain issues ever since this process review and trying to close play areas started. In the absence of clear answers Members of Willand PC have appeared before this Committee on two occasions (March and June 2015) and asked public questions. These questions have not been fully answered. Two officers came and met with the Parish Council at which a number of members of the public and Ward Members were present but yet again some questions remained unanswered, particularly in relation to the future use of the land.

In the absence of answers and clear proposals from officers the Parish Council have tried to move the process forward with the submission of a complete proposal which is before you:- That proposal is detailed and clear and in paragraph 6 of the letter states "we feel that this option is a positive way forward but will not be viable if 'tinkered with'." In paragraph 1.1 of Appendix A it states: "The proposed offers are put forward as a complete package for the duration of the initial arrangement (3 years)."

What is not understood as to these two sentences? What is there to negotiate?

Referring to item 10 on the agenda, Mr R Ursell stated that his question referred in particular to recommendations contained in Annex 2, page 163.

Willand Parish Council has made a very clear and compelling case for MDDC to retain and maintain Chestnut Drive play area. That case points the way to future funding as well as the case for retention. The recommendations in the table will, if adopted by Committee, lead to the imminent closure of the area as the equipment is described as in poor condition and need of refurbishment.

Are MDDC prepared to retain and maintain the equipment in the area in a proper and serviceable manner, at least at its current level, to prevent it being closed or made unserviceable through lack of equipment?

Referring to item 10 on the agenda, Mrs S Taylor informed the Group that her question referred in particular to recommendations contained in Annex 2 on page 163.

Willand Parish Council has put forward firm proposals to officers in the absence of an alternative plan by them to close the areas at Mallow Court and Worcester Crescent. The proposals are part of the whole complete package which has support within the community.

What are the acceptable terms for the transfer of selected play areas to Willand Parish Council to be negotiated by the Head of Housing and Property Services? He has had ample opportunity before now to identify those terms and it is the lack of clear and unequivocal proposals from officers that led to Willand Parish Council submitting their proposals in an attempt to resolve the issues. What is there to negotiate?

The Chairman thanked the members of the public for their questions and explained that answers would be given either at the agenda item or at a meeting to be arranged with Willand Parish Council. The Chairman apologised to those that considered they had not received a satisfactory response and reiterated that there would be further negotiations.

### 38 **MINUTES OF THE PREVIOUS MEETING**

Subject to an amendment to Minute 33 to read “it was **RESOLVED** that the Open Spaces Manager implement the setting aside of land within each of the Authority’s main public parks for a wild flower bed.” (Proposed by Cllr Mrs N Woollatt and seconded by Cllr Mrs E J Slade), the Minutes were approved as a true record.

### 39 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

### 40 **MEETING MANAGEMENT**

The Chairman indicated that he intended to take items 9 and 10 on the agenda before item 5.

### 41 **GRASS CUTTING CONSULTATION**

The Group had before it a report \* from the Head of Housing and Property Services updating Members on the consultation with Town and Parish Councils regarding the future arrangements of grass cutting of Devon County Council highway verges.

The Property Services Manager explained that this authority had provided a grass verge cutting service on behalf of Devon County Council (DCC) for over 20 years and had been receiving contributions from DCC to provide this service. The cutting of the rural and urban highway verges was a requirement of the highway authority in order to maintain a safe environment for all users of the highway.

DCC had already reduced the frequency for grass cutting on their verges on previous financial years prior to the Tough Choices decision from six cuts and subsequently to four cuts in 2014-15. To maintain a good standard of grass verge cutting across the District, and to mirror adjacent District Council managed grass areas, this Authority’s grounds maintenance team had been providing seven to eight cuts in the Towns and larger parishes, with some of the smaller parishes receiving four cuts per annum, despite the year on year financial reduction and the specification on the number of times the grass verges are cut.

The DCC ‘Tough Choices’ consultation resulted in the decision to reduce the specification on cutting grass verges on land owned by DCC across the District to maintain visibility at road junctions and to restrict the width of the grass that was cut on the roadside verges to approximately one meter from the 1st of April 2015. This decision resulted in reduced funding for grass cutting verges in the 2015/16 year and a funding gap of £30k. The Cabinet approved to meet the funding gap of £30k imposed by DCC from the budget for the 2015-16 financial year. This enabled the authority to maintain standards across the District and to allow time to consult with Town and Parish Councils.

The Property Services Manager had subsequently been consulting with Town and Parish Councils.

Discussion took place regarding:

- Mapping that was available to identify which land was the responsibility of which council was, at times, out of date and officers had spent time with Town and Parish Councils to rectify this;
- The complexity of the proposals and the 'pick and mix' of agreements. The Head of Property Services explained that this was due to the variety of areas of land that needed cutting and their proximity to land belonging to this authority that would be dealt with at the same time, saving on travel expenses and economies of scale;
- The need for ongoing review.

It was **RECOMMENDED** to Cabinet that this authority:

- a) Continue to provide grass verge cutting on Devon County Council highway land in Town and Parishes that have contributed funding based on the 2015/16 budget as detailed in 3.3 and Option 1.
- b) To negotiate with those Town and Parishes Councils who have resolved on Option 1 for a reduction of one cut per annum or to contribute towards one additional cut per annum with reference to 3.4 and 5.5.
- c) To withdraw from the Devon County Council grass verge cutting agreement, where the Town and Parish Councils have resolved to accept funding directly from Devon County Council as detailed in 3.3 /Option 2.
- d) To withdraw from our grass verge cutting agreement with Devon County Council where Town and Parish Councils have resolved to accept Option 3 due to the financial shortfall forecast in Annex A.
- e) Review the ongoing service provision of grass verge cutting in response to the reduction of funding as detailed at 5.6 by March 2016.

(Proposed by the Chairman and seconded by Cllr R Evans)

Note: - \* Report previously circulated and attached to signed Minutes.

## 42 **PLAY AREA CLOSURES**

The Group had before it a report \* from the Head of Housing and Property Services providing Members with an update on consultation with Town and Parish Councils regarding play areas identified for potential closure. The report informed Members of the options and restrictions to be considered when identifying play areas for closure, and identified play areas for closure.

The Open Spaces Manager informed the Group that a report had been brought to it on 22 September 2015 to update Members on the consultation with Town and Parish Councils regarding the future provision of play areas, and offering them the opportunity to take them over.

As a result of that report, the Group had requested that officers highlight any issues that may affect the closure of the play areas identified and make recommendations.

Officers had carried out a search on each of the play areas to identify any restrictions that have been placed onto the sites considered for closure.

The annual play area condition survey was carried out in October which categorised the condition of each piece of play equipment, surfacing and fencing; this allowed sites in poor condition to be easily identified.

The Open Spaces Manager explained that the report contained a recommendation for each of the play areas that had been identified for potential closure, as follows:

**Close** – the play areas in this category were not currently equipped, the play equipment was beyond repair, or the closures were in agreement with the relevant Town or Parish Council.

**Managed decline** – these play areas had been considered for closure, however the equipment was still in a usable condition. Items in these play areas were considered too good to remove at present. They would be inspected to ensure that they are safe to use, but would not receive maintenance. The equipment would be removed at a time when it became beyond economic repair.

**Remain open** – these play areas would receive regular inspections and maintenance.

The Officer indicated on maps the play areas proposed for closure and their proximity to other play areas.

Discussion took place regarding:

- The cost of decommissioning equipment;
- What was meant by an open space;
- The purpose of managed decline;
- The possibility of planting wild flowers in decommissioned areas;
- The recommended managed decline of play areas which had received a number of responses during the consultation period and the need for Town and Parish Councils to work with the authority regarding this;
- Tiverton Town Council and other Parish Councils had offered to make a financial contribution to the running of play areas in their area;

- The need for officers to meet with Willand Parish Council as soon as possible to clarify an agreement regarding play areas in the village.

It was **RECOMMENDED** that the Cabinet:

- a) Approve the recommendations within Annex 2 of the report;  
(Proposed by Cllr R Evans and seconded by Cllr D R Coren)
- b) That the contributions from Town and Parish Councils towards the running and maintenance cost be noted;  
(Proposed by Cllr D R Coren and seconded by Cllr R Evans)
- c) That the Head of Housing and Property Services, in consultation with the Cabinet Member for the Environment, be given delegated authority to negotiate acceptable terms for the transfer of selected play area in Willand to the Parish Council by the end of December 2015.  
(Proposed by Cllr R Evans and seconded by Cllr Mrs C P Daw)

Note: - i) \* Report previously circulated and attached to signed Minutes.  
ii) Cllr R Wright declared an interest as he owned land which lay to either side of a play area in Crediton.  
iii) A proposal to remove play areas in Cullompton from the managed declined list was not supported.  
iv) Cllr N Woollatt requested that her vote against the decision in (a) be recorded.

#### 43 **FINANCIAL MONITORING**

The Committee had before it and **NOTED** a report \* from the Head of Finance presenting a financial update in respect of the income and expenditure so far in the year.

The Officer informed the Group that nothing had changed dramatically since the previous report, there was a projected overspend of £150k mainly due to a change in the valuation of GP surgeries which required a partial refund in business rates.

Funding streams were holding up well although income from the sale of recycling materials had dropped due to market forces.

Note: - \* Report previously circulated and attached to Minutes.

#### 44 **DRAFT BUDGET 2016-17**

The Group had before it and **NOTED** a report \* from the Head of Finance presenting options available for it to consider in order for the Council to set a balanced budget for 2016/17.

The Officer outlined the contents of the report stating that Service Managers had been tasked with producing savings and substantial savings had been found,

however there was still a budget gap of £827k. It had been reported that the Treasury had reached agreement with four government departments, including the Department for Communities and Local Government, for an average of 30% cut in government funding over the next four years. There was no question that the formula grant would be cut and it was now likely that the Revenue Support Grant of £1.7m would disappear entirely by 2019/20.

Consideration was given to the following table:

#### Reconciliation of Major 2016/17 Budget Variances

<b>Variances</b>	<b>Amount £000</b>
<b><i>External items outside of our control</i></b>	
Reduced formula grant settlement	597
Increased pension contributions - auto enrolment	110
NIC rebate removed from contracted out pensions	180
NNDR GP surgery appeals	100
Pay award circa	100
Falling commodity prices for recycling	125
<b><i>Subtotal</i></b>	<b>1,212</b>
<b><i>Other changes</i></b>	
Deficit on our 2015/16 budget taken from reserves	187
Increase in sinking funds for asset replacement	132
Increased interest payable	78
Decrease in Collection Fund surplus	32
Income from garden waste scheme	(250)
Increased leisure income	(155)
Increased income from investments	(102)
Contributions from town and parish councils	(100)
Increase Council tax income	(95)
Other net savings	(112)
<b>Draft budget gap for 2016/17</b>	<b>827</b>

Discussion took place regarding:

- Proposed capital spend for the Pannier Market, for which £400k had been set aside. The Officer explained that this would be subject to a robust business case being presented;
- The loss of income from the sale of recycling materials but an increase in tonnage and therefore an increase to income from Recycling Credits;
- Assumptions that had been made for areas such as Council Tax, salary increases and income from areas such as Leisure;

The Head of Finance explained that a further report would be presented in the new year.

Note: - \* Report previously circulated and attached to Minutes.

#### 45 CAR PARKING WORKING GROUP

The Group had before it a report \* from the Head of Finance updating it with regard to proposals being recommended by the Car Parking Working Group.

The Officer reminded the Group that the Car Parking Working Group had met on several occasions and had discussed pricing, opening hours, amenity car parks and how to maximise income.

He explained that the main recommendation within the report was the pricing strategy and that this was based on current vends, which could be variable.

The Working Group recommended that prices were agreed for one year, to allow for changes to be made before the next financial year where required. The Group had been strategic, ensuring that pricing in the short stay, medium stay and long stay car parks was consistent across the District.

Discussion took place regarding:

- The success of the £1 for 5 hours and £2 for 10 policy;
- Existing dispensations that were in place and the need to formalise them, along with the process for future agreements;
- Discounting for permits and the need for consistency;
- Overnight charging remaining, but a 30 minute free period to be put in place to allow for the collection of takeaways.

It was **RECOMMENDED** to the Cabinet that the pricing proposals within the report be approved, along with the recommendations in section 3.2 of the report.

(Proposed by Cllr R Evans and seconded by Cllr D R Coren)

Note: - \* Report previously circulated and attached to Minutes.

#### 46 **PLANNING GUIDANCE FOR WASTE STORAGE**

The Group had before it a report \* from the Head of Planning and Regeneration providing guidance for developers on how adequate refuse storage facilities could be incorporated into the design of new residential development schemes both for individual properties and also for communal schemes.

The Officer explained that the design guide had been produced at the request of the Group.

Discussion took place regarding;

- The varying containers that were needed for waste and recycling and the fact that this had been taken into consideration when producing the guide;
- Whether or not the guidance would be enforceable and the role of Building Control;

- Assisted collections for waste and recycling for the elderly and disabled;
- Problems with containers being left out on the street and refuse being put out early.

It was **RECOMMENDED** to the Cabinet that the design guidance be agreed and that officers develop the guidance as a supplementary planning document.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr Mrs R Berry)

Note: - \* Report previously circulated and attached to signed Minutes.

#### 47 **PERFORMANCE AND RISK**

The Group had before it and **NOTED** a report \* from the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Audit Team Leader explained that due to the roll out of the new waste and recycling scheme it had not been possible for officers to compile and report performance indicator figures in time for the Quarter 2 deadline. This performance information would be provided in the next report.

The officer also requested that Members discuss whether or not they considered it appropriate to set a target for the issue of fixed penalty notices.

Discussion took place regarding:

- Future work that would be undertaken by the Enforcement Officer;
- Targeting of specific areas with regard to dog fouling and littering;
- The need for Members to be able to identify the number of fixed penalty notices issued but that they should be as and when necessary and not as part of a target for an officer to meet.

It was **AGREED** that performance for fixed penalty notices should be noted within the Performance and Risk report but that the target should be removed.

Note: - \* Report previously circulated and attached to signed Minutes.

#### 48 **FIXED PENALTY NOTICES**

At a meeting of the Scrutiny Committee on 5<sup>th</sup> October 2015 Members requested that the Managing the Environment Policy Development Group consider whether or not officers should be set a target for the issue of fixed penalty notices or whether the emphasis should be on prevention as a priority.

This item had already been discussed in full under the previous agenda item.

49 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Draft Budget Update  
Climate Strategy and Action Plan  
Clinical Waste

(The meeting ended at 4.50 pm)

**CHAIRMAN**