

## MID DEVON DISTRICT COUNCIL

### MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 10 March 2015 at 2.00 pm

#### Present

**Councillors** M A Lucas (Chairman)  
D R Coren (Vice Chairman),  
Mrs D L Brandon, J M Downes, M R Lee,  
J D Squire and Mrs N Woollatt

#### Apologies

**Councillors** Mrs M E Squires

#### Also Present

**Councillors** N V Davey, Mrs J Roach and R L Stanley

#### Also Present

**Officers:** Andrew Jarrett (Head of Finance), Andrew Busby (Property Services Manager), Adrian Cook (Open Spaces Manager), Catherine Yandle (Internal Audit Team Leader), Julia Stuckey (Member Services Officer) and Simon Newcombe (Public Health and Professional Services Manager)

## 52 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor Mrs M E Squires who was substituted by Councillor M R Lee.

## 53 PUBLIC QUESTION TIME

Referring to item 7 on the agenda (Play Area Update) Mr Ursell stated that Willand Parish Council had responded comprehensively to the survey and also wrote a covering letter dated 26<sup>th</sup> January in which they asked for further information in relation to provision of map overlays, clarification was requested as to what was meant by 'ownership' of the play areas and challenged the number of play areas in the village. This did not appear to be consistent with the statement in section 2.4 in the report which stated that Willand generally provided a positive response. We had no acknowledgement or answer. We ask why not? Bearing in mind that a Member criticised Town and Parish Councils for not communicating information to officers is it the wish of Members that communication should be a one way process only?

Mr Grantham, referring to item 7 on the agenda, said that the meaning of 'ownership' of the play areas was not answered at the January meeting and so our District Councillor pursued the matter and was told by an officer "I consider the point that you have raised should be addressed in the report to the March PDG and discussed". We note that this issue appears to have been dealt with by a two word bullet point in paragraph 2.8. Is there an attempt to mislead Members or Town/Parish Councils on the intention of MDDC on this issue?

R Mander, referring to item 7 on the agenda, stated that in the report Willand are shown as answering 'no' but that was qualified and without Members being aware of that qualification it could give a misleading impression. Further at annex 4 we gave detailed comments against each site. In the main these comments have been subject to précis thereby watering down their meaning and in two cases they are wrongly attributed to sites. Is not this action likely to mislead Members as to the views of Willand Parish Council?

Referring to item 7 on the agenda Mr Warren said that paragraph 3.8 of the report states it will be not be necessary to have further detailed consultations with Parish and Town Councils involved in those play areas identified in annex 5. This will involve addressing their concerns listed in 2.8 above and any other points specific to the identified sites. This is found to be misleading – are we to be consulted further or not over this issue?

He also stated that in annex 5 the scoring for fencing in relation to the Willand sites was misleading as there appears to be little wrong with it. Further the + or – signs referred to in paragraph 3.5 are not in evidence. Further the suggested closure of Chestnut Drive is contrary to comments in the Willand profile where it is stated that “a priority is to improve the play area at Chestnut Drive” – what is the true position please?

Mr Warren continued to ask if play areas are decommissioned what is to become of the land as these play areas were created as part of the planning approval for provision of houses in that area? Would MDDC be seeking to sell off the ground for the building off more houses on a windfall site?

The Chairman informed the public that their questions would be answered at the appropriate agenda item.

#### **54 MINUTES OF THE PREVIOUS MEETING**

The minutes of the last meeting were approved as a true record by the Group and were signed by the Chairman.

#### **55 CHAIRMANS ANNOUNCEMENTS**

The Chairman reminded the Group that this would be the final meeting of this session of the District Council and would therefore be his last as Chairman. He thanked Officers for the time and effort given to the Group and also thanked Members for the help they had given to him as Chair. He had been the Chairman of this Group since its implementation in 2007. The Chairman expressed his best wishes for the future for those who were not intending to return for the next session.

#### **56 MEETING MANAGEMENT**

The Chairman informed the Group that he intended to take item 9 on the agenda before item 5.

#### **57 MOTION 515 (COUNCILLOR MRS N WOOLLATT - 20 JANUARY 2015) (00:11:30)**

The Group had before it, Motion 515, Councillor Mrs N Woollatt, which had been referred by the Council to the Policy Development Group.

The Motion asked that this Council:

- 1 Ban the sale or use of sky lanterns when issuing licenses for open-air events
- 2 Ban the release of sky lanterns from MDDC property
- 3 Urge Devon County Council to consider a similar ban as at (2.) on its property

Councillor Mrs N Woollatt spoke regarding the motion and explained that other organisations throughout the country were calling for a UK wide ban. She stated that 33 other local authorities had introduced bans on their land and that some high profile events such as the Glastonbury Festival had taken this on board. She asked that when the authority was licensing events the licence dictate that sky lanterns were not allowed.

Discussion took place regarding:

- Places such as public halls should be informed too as the licence holder might not pass on the information;
- It would be difficult to enforce a ban as the authority only licensed areas such as music and health and safety;
- It would difficult to directly link lanterns to an event;
- The safety of an event related to the venue, not what may happen miles away when a lantern landed;
- The need to raise awareness of the problems caused by lanterns;
- Awareness could result in public pressure to stop the use of lanterns;
- Organisers might be influenced if premiums were higher on their liability insurance.

Councillor Mrs N Woollatt **AGREED** to alter her Motion having considered the views of the Group and it was **RECOMMENDED** to Council that:

This Council:

- a) Provide advice and guidance to organisers of events and changes could be made to guidance notes to require applicants to provide information regarding the sale and release of lanterns at events;
- b) Uses the Licensing regime to promote a voluntary ban on the use of lanterns;
- c) Bans the release of sky lanterns from MDDC property;
- d) Urges Devon County Council to consider a similar ban as at (c) on its property.

(Proposed by Councillor Mrs N Woollatt and seconded by Councillor J M Downes).

## 58 **PERFORMANCE AND RISK (00:34:31)**

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 the 2014/15 financial year as well as providing an update on the key business risks.

The Audit Team Leader outlined the content of the report.

Discussion took place regarding missed waste and recycling collections. It was **AGREED** that missed collection information should be posted on the website and on Facebook. If there were no missed collections then the website should indicate this. However, the report highlighted that the number of missed collections reported had fallen since the problems earlier in the year.

The performance for dry recycling was below target. However the forthcoming changes to the collection scheme should rectify this and early indications from the trial had been positive.

Note: - Report previously circulated and copy attached to Minutes.

## 59 **PUBLIC CONVENIENCES UPDATE (00:42:30)**

The Group had before it a report \* from the Head of Housing and Property Services updating Members on progress regarding public conveniences.

The Property Services Manager outlined the recommendations within the report.

Discussion took place regarding:

- If the facilities were sold to the Town and Parish Council's there needed to be restrictions put in place in case there should be an onward sale;
- Works that would be carried out at the Phoenix Lane facility to create a shared storage area for the Town and District Council.

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

1. The Crediton Town Council £5k contribution be accepted for the 2015/16 financial year and keep both Newcombes Meadow and Market Street toilets open. This contribution to meet 100% costs for the provision of public conveniences in Crediton from 2016/17 onwards.
2. The transfer of the Newcombes Meadow convenience from MDDC to Crediton Town Council with the appropriate legal conditions to ensure that the property continues to provide public services for the community be agreed.
3. The transfer of the closed St Laurence Green convenience from MDDC to Crediton Town Council, with the appropriate legal conditions to ensure that the property is not sold for profit or used for commercial purposes, be agreed.
4. The £1k contribution from Cullompton Town Council be accepted and to negotiate 50% funding post the May election for the remainder of the 2015/16 financial year to prevent closure on the 1 September 2015.
5. A 100% contribution from Cullompton Town Council be sought, to be in place for 2016/17 to maintain these facilities.
6. The three year transition plan providing for full costs to be met by Bampton Town Council in 2017/18 be agreed.

7. The asset transfer from MDDC to Bampton Town Council in the 2017/18 financial year includes the appropriate legal conditions to ensure the property continues to provide public services for the Community.
8. The £500 contribution from Sampford Peverell Parish Council be approved for the 2015/16 financial year and to continue to monitor usage during 2015/16.
9. The three year transition plan providing for full costs to be met by Hemyock Parish council by 2017/18 be agreed.
10. The transfer of the Hemyock convenience in the 2017-2018 financial year from MDDC to HPC, with the appropriate legal conditions to ensure that the property is not sold for profit or used for commercial purposes, be agreed.
11. Any future onward sale of facilities that had been transferred to Town and Parish Councils would be subject to appropriate valuation to agree terms of sale and if applicable any claw back amount.

(Proposed by Councillor Mrs N Woollatt and seconded by Councillor D R Coren.)

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

## 60 **CONTAMINATED LAND COST RECOVERY POLICY (01:02:00)**

The Group had before it a report \* from the Public Health and Professional Services Manager providing a revised Contaminated Land Cost Recovery Policy.

The Officer presented a revised version of the current Contaminated Land Cost Recovery Policy approved by the Community Well Being PDG in June 2009 and subsequently adopted by Cabinet and Council. It was recommended that the policy be reviewed every 5-years and revised where necessary. A review had been undertaken and the policy did not require substantial revision therefore was largely unchanged from the previous version. Minor changes had however been made to reflect the following:

- Changes to over-arching legislative references brought in by amended regulations in 2012
- Updated Defra Statutory Guidance (April 2012)
- Closure of the Defra Contaminated Land Capital Projects Programme in April 2014
- Removal of availability of Housing Repair Grants (replaced by loans issued in partnership with Wessex Home Improvement Loans)

The Policy highlighted the types of appropriate person responsible for remediating a contaminated site. A Class A appropriate person was the polluter, Class B was the owner/occupier of the site and Class C was the local authority, when no appropriate ownership or person with liability could be established. Where a determination notice had been served and the local authority was left with all or part of the liability to remediate contaminated land (as the Class C person) then it could no longer apply for monies under the Defra Contaminated Land Capital Projects Programme. Therefore the Council was potentially liable for the full costs of remediation. Overall,

the policy would act as a guide for the decision making process in respect of the recovery of costs.

It was **RECOMMENDED** to the Cabinet that the updated Contaminated Land Cost Recovery Policy be adopted.

(Proposed by Councillor D R Coren and seconded by Councillor Mrs D L Brandon.)

Note:-Report previously circulated and copy attached to Minutes.

## 61 **PLAY AREA UPDATE (01:13:42)**

The Group had before it and **NOTED** a report \* from the Head of Housing and Property Services updating them on consultation with Parish and Town Councils regarding future provision of play areas and the offer for them to take ownership.

The Open Spaces Manager answered the questions that had been raised by Councillors from Willand Parish Council during Public Question Time.

With reference to questions asked by Mr Ursell, the Officer explained that the map overlays had been too large to send to all Towns and Parishes but that a link had been forwarded to them all so that they could be viewed on the website. He would be pleased to receive any information to update the maps as this was a living document which would evolve over time. The Officer confirmed that he was in receipt of the letter referred to in the question.

In answer to the question asked by Mr Grantham the Officer informed the Members of the Parish Council that before the matter of ownership of the play areas could be agreed he would need to meet with individual Parish/Town Councils to discuss details and to discuss individual requirements.

Regarding the question asked by Mr Mander, the Officer informed the Willand Parish Councillors present that he had considered the précis of their answers to be adequate but he apologised if they did not consider this to be the case.

In answer to the question asked by Mr Warren the Open Spaces Manager confirmed that this was a typing error and that the sentence should have read that further consultation would be necessary. He also confirmed that there were 9 play areas in Willand.

Referring to the question regarding fencing, the Officer replied that he agreed with the Parish Councillors and that the fencing was in good condition.

In answer to Mr Warrens question the Officer stated that should a play area be decommissioned there would be consultation regarding future use of the land.

Discussion took place regarding:

- The terms of transfer should play areas be taken over by the Town and Parish Councils;
- How usage was identified;
- Conflicting information in this report and the consultant's report;

- Lack of feedback received from Town/Parish Councils.

It was **RESOLVED** that:

- a) Officers consult with Town and Parish Councils regarding the future of the play areas listed in annex 5 of the report.
- b) Officers set up a questionnaire on Survey Monkey and post notices in play areas to identify the value of the play areas listed in annex 5 to their communities.

(Proposed by Councillor Mrs N Woollatt and seconded by Councillor Mrs D L Brandon.)

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

## 62 **FINANCIAL MONITORING (01:46:58)**

The Group had before it and **NOTED** a report \* of the Head of Finance detailing financial monitoring in respect of the ten months to 31 January 2015.

The Officer identified the areas showing significant movement, relevant to this Group, identified in the report, which included:

- A reduction in recycling income due to a fall in the value of glass;
- An improvement to car parking income, possibly due to more proactive enforcement of night time parking;
- A saving on fuel due to a fall in price and a reduction in vehicle maintenance following the introduction of new vehicles

Discussion took place regarding play area and open spaces expenditure and total spend on consultants across the authority.

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

## 63 **CAR PARKING WORKING GROUP UPDATE (01:55:00)**

The Chairman of the Car Parking Working Group outlined the work that had been carried out to date. She explained that the Group had held two meetings. Officers had been tasked to compile information about all car parks, including usage, condition and income, along with recommendations for future use. At the next meeting of the Working Group the Members would be looking at this. It was anticipated that a report with recommendations would be presented to the June meeting of this Group.

## 64 **WASTE AND RECYCLING UPDATE (01:58:54)**

The Group had before it information regarding the recent Waste and Recycling Trial which had taken place during February. The briefing paper provided an overview of the trial, information regarding the materials collected, feedback from Customer Services and some initial conclusions.

The Head of Finance explained that though the information gained was useful it was only for a four week period to one urban and one rural area covering 1042 households. Further analysis would be needed but the trial had shown an increase in dry recycling collected and participation had been high.

Plastic and card would continue to be collected from the trial area and these collections would now be rolled out across the District in June. This was something that the public had requested and this would also generate income.

The communications plan for the trial appeared to have been successful with high participation rates and the amount of food waste increased each week of the trial.

The Officer would be looking into the number of telephone enquiries that were received and any issues highlighted. This would help in preparation for the full roll out.

The weights collected indicated that the Kg of dry recycling had increased and that the Kg of waste to landfill had reduced but overall tonnages collected had increased, this might cause volume problems with vehicles in future.

The Head of Finance and the Waste and Transport Manager would be undertaking further work on the information gathered during the trial and would report back to Members at the next meeting of the Group.

Note: - Information previously circulated and attached to Minutes.

#### 65 **CHAIRMAN'S ANNUAL REPORT (02:16:45)**

The Group had before it and **NOTED** a draft report \* by the Chairman on the work of the Group since May 2014, a final copy of this report would be submitted to Council on 29 April 2015.

Note: - Report previously circulated and attached to Minutes.

#### 66 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Election of Chair  
Election of Vice Chair  
Performance and Risk  
Financial Monitoring  
Air Quality update following the opening of the link road in Crediton  
Waste/Planning Guidelines  
Waste Update  
Car Parking Working Group Report

(The meeting ended at 4.24 pm)

**CHAIRMAN**