

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 11 July 2017 at 2.00 pm

### **Present**

#### **Councillors**

R F Radford (Chairman)  
D R Coren, Mrs G Doe, F W Letch,  
Mrs E J Slade, J D Squire and R Wright

### **Apologies**

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

R Evans and J L Smith

### **Also Present**

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

K Busch, Mrs J Roach, R L Stanley and Mrs N Woollatt

### **Also Present**

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

Andrew Jarrett (Director of Finance, Assets and Resources), Andrew Pritchard (Director of Operations), Stuart Noyce (Waste and Transport Manager), Joe Scully (Operations Manager), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

## **10 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R Evans who was substituted by Cllr Mrs G Doe and from Cllr J L Smith.

## **11 PUBLIC QUESTION TIME**

Mr Mark Hiscock, representing local residents and referring to item 7 on the agenda asked why is the 10 year plan being presented to you today as a discussion document and not as a report seeking the Committee to recommend adoption as was originally planned? Does this mean that the 10 year plan can be deferred for a decision until the overwhelming objections and protests have been forgotten?

Why is the 10 year plan allowing all dogs in the future to mix with young children when for decades the children have been able to play in a safe and secure dog free environment?

Why is the 10 year plan allowing dogs to toilet in areas designated for young children when for decades dogs have been physically prohibited?

Why is the 10 year plan ignoring the medical risks associated with young children coming into close contact with dog and fox faeces? Nothing has changed in the dangers of contracting Toxocariasis, E.coli and Hepatitis.

Why is the 10 year plan ignoring the statistics that dog bites and attacks have increased by 76% over the last decade?

Why is the 10 year plan ignoring the fact that paedophiles are attracted to open young children play areas and parks? It is quite rare for such a person to enter a fully fenced enclosed area as they are restricted in law (if on the sex offenders register) to be found in such places. However, open spaces are intended for use by all persons and not just young children in particular.

Why is the 10 year plan ignoring the fact that since the introduction of fully fenced young children play parks, paedophilia activity in them has become rare? I suggest that if the fences come down the prevention of that crime will be lost.

The 10 year plan claims that it will encourage freedom for children but why is it ignoring the fears of parents and carers that partially fenced young children's play parks will have the complete opposite effect? In fully fenced young children's play parks the children are contained in a safe and secure environment to run, play, roam and experiment in without very close supervision by their carer's. Partially fenced young children's play parks require very close supervision so as to prevent the children from running off or being approached by strange dogs or people.

Is the committee aware that Mr Scully and I had a conversation in February 2017 where he claimed that the 10 year plan was solely being introduced to make savings in the Council budget? How much expenditure is projected to be saved over the next 10 years with the plan (including the funding for the removal of unsuitable old fences) compared to the expenditure of repairing and renewing all the existing fences?

Why has Mr Scully been allowed to implement the 10 year plan at the River Drive, Cullompton young children's play park as the plan is here before you today for discussion and it was not policy in February 2017?

Is the committee aware that Mr Scully sanctioned the removal of two sides of the fully fenced four sided River Drive young children's play park because it was deemed to be beyond economical repair? He refused to repair or replace the two sides of the fence under the 10 year plan although it was not Council policy in February 2017.

Is the committee aware that since the very popular River Drive young children's play park has become partially fenced the users and carer's have drifted away from using it? This may also occur at all the other MDDC parks if the 10 year plan is implemented.

From enquiries made by myself the main reasons for the lack of use at the play park since being partially fenced are:

- a) People do not like strange dogs mixing with their children in case something untoward happens.
- b) People are not happy with dog's toileting in amongst the play equipment (whether picked up or not).
- c) The carers have to be in close supervision of the younger children because it is now easy for them to run off out of the park into danger. The two imaginary fences in the park do not work!!! I have tried to explain to my 3 year old grandson not to go past them but he looks at me and runs.
- d) The carers know that they must supervise their children, but by being so close to them all the time the children are being denied their freedom. This is the exact opposite to what the open space plan is claiming.

e) Carers with two children (one walking and one not) state that the open space puts them in the position of which child do they leave and which one do they run after. At least with a full fence the children cannot 'escape'.

Is the committee aware of the following facts relating to young children's play park's

a) Official figures from NHS England in 2016 showed that 7,227 hospital admissions were made for dog attacks, compared with 4,110 in 2006, with under-10s the most likely to be admitted.

b) Children aged under 10 were most likely to be admitted to hospital after being attacked by a dog, with 1,159 requiring inpatient treatment.

c) Many organisations including ROSPA are now recommending that play parks for the 10 year olds and under ought to be fenced. The fencing creates a safe environment for the children to play in and that the adults are confident there are no hidden dangers.

d) By removing the fences it is increasing the danger and putting the children in contact with loose dogs that appear to be biting more frequently.

e) The 10 year open spaces plan is not new as it has been tried in many parts of the western world and has been rejected by councils, parents and carers alike.

Is the committee aware of a well published recent case of a U turn in open spaces in Christchurch, Dorset where the council refurbished it's very popular community young children's play park. The local council spent a total of £50,000 on refurbishment, but decided to demolish and not replace the parks full fencing. The council came under so much pressure and protest from the public that the council had to make extra plans to erect a full fence costing £10,000's.

Can MDDC afford to make such expensive mistakes on their play parks if it goes with the new 10 year plan?

The Director of Operations explained that in the first instance the paper had been put forward for discussion, in order that policy could be developed.

With regard to questions 6 and 7 concerning paedophiles the Director informed Mr Hiscock that he could reassure the local community that he had made contact with serving Police Officers both locally and nationally and had found that the comments made were not supported from either a policing or community safety aspect. They may be Mr Hiscock's views but they were not supported by current serving officers.

Cllr Barry Warren of Willand Parish Council asked how many people were on the Sex Offenders Register in the area. The Director of Operations responded that he did not consider this question to be appropriate and that precautions were in place, he informed Mr Warren that he considered it unnecessary to scaremonger in this way.

Cllr Warren then said referring to item 7 on the agenda that un-fencing play areas were referred to at paragraph 7.2.2 and repair would appear to be a last resort as per paragraph 7.2.3.

Paragraph 8.2 refers to a 156 page document "Play England – Making Space for Play" and paragraph 8.3 uses the words 'Fenced play areas are no longer considered best practice in play design; clearly there may be circumstances when retaining fencing is appropriate, yet the clear direction of travel is to provide unfenced play areas where there is less reliance on traditional play furniture'.

Have members had the opportunity of studying Making Space for Play in detail? Some of the research quoted is 10 years old. I have been unable to find words to mirror the aforementioned officer assertion.

On page 28 it says 'that the play environment should not be dictated or reduced by concerns about maintenance'.

On page 32 it says 'It is important to think carefully about the use of fencing, which is often installed partly to keep out dogs. Parents with young children may value fencing around play areas, but older children may be discouraged from usage, and assume that the fenced area is not for them'

Page 68 contains a section on Boundaries and Fencing and the first paragraph deals with factors which may not make fencing a good option. The second paragraph states 'on the other hand although there is no legal requirement or recommendation for fencing in industry standards, a barrier may sometimes be desirable. Parents and carers – especially of younger children – may appreciate the sense of security which a fenced boundary creates to keep their children safe from straying outside the play space or from dogs.'

Reference is made to 'industry standards' – Do Members put any great value on industry standards when it comes to the safety of our children and their protection from potential harm?

I suspect that there may be some residents of high rise flats who may have some views on 'industry standards' in relation to cladding!

We have been told that there is no policy to remove fencing from around play areas in Mid Devon in spite of it having happened.

Will Members please give real thought to refusing to adopt this section of the report and to have fencing repaired or reinstated rather than removed on what is only a cost cutting exercise?

Any decisions should only be taken after meaningful and honest consultation with the local residents who know their area. It only takes one child to wander off, be attacked by a dog or abducted to negate all the cost cutting on a few yards of fencing.

Alderman M A Lucas, referring to item 6 on the agenda highlighted that there may be a clash with agenda item 7 regarding the enclosure of primary age play-grounds as within the report there was a reference to reducing enclosures within play areas and this needed clarification.

Alderman M A Lucas, referring to item 7 on the agenda then asked if the Group would consider widening the scope of the plan to include Parish Councils, whom in my view should be included, based on the fact that certain parties within those Parishes may have land suitable for future ecological improvement, such as church yards and village halls. I ask that MDDC accept the principles contained within this report as a lead in ensuring that any future ecological requirements deemed necessary will be in place and able to manage requests. My own feeling is that

MDDC should take a lead in progressing ecological improvements throughout the district, we as a people, are at a cross roads when it comes to the planet's future and every step to improve our current situation should be made and taken. We are the guardians of the future generations to come and need to take a lead to ensure that they have a heritage.

I would like to pass congratulations to all of the teams involved regarding the introduction of wild flowers to our roundabouts and parks.

The Chairman indicated that those questions that could be answered today would be at the agenda item and those that could not be answered today would be answered in writing.

## **12 MINUTES OF THE PREVIOUS MEETING**

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

## **13 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Group that as agenda item 7 may involve discussion that could inform members and aid decision making regarding the Motion at agenda item 6 he intended to take item 7 before agenda item 6.

## **14 COMMUNITY ENGAGEMENT PROJECT**

The Group received a presentation \* from officers from Devon County Council and Resource Futures.

The Officer from Devon County Council updated Members on the Waste and Recycling Advisor Contract. This contract had been agreed by the Devon Authorities Strategic Waste Committee, of which Mid Devon was a member. The contract funded 3 advisors who worked in all districts within Devon and Torbay. Approximately 10 weeks per year would be spent in Mid Devon, checking contamination, visiting low recycling households, running a social media campaign.

The Officer also outlined the Community Engagement Project which was based on an Oxfordshire initiative and was funded by Devon County Council. Its aim was to identify new and innovative ways to reduce waste and increase levels of reuse, recycling and composting by targeted communities. Tiverton had been selected as a target community for this initiative and work had been undertaken to hold a number of community vents to promote sustainable waste management such as repair cafes, community swap events and group networking events.

The officer from Resource Futures outlined the work being undertaken with Community Action Groups in Tiverton and explained their aims. A number of groups had been set up such as Grubs Up, the Tiverton Repair Cafe and Food Champions.

Discussion took place regarding:

- Communal waste collection points and the difficulty in identifying offenders;

- Areas to be targeted had been identified by crews and enforcement officers;
- Houses of multiple occupation and how site visits by officers could help with storage issues;
- The Waste Transfer Station at Carlu Close was due to open in September and from that date the amount of waste sent to Exeter for incineration would increase with waste to landfill ultimately ceasing;
- An analysis of bin contents that had taken place in 2012 and would be undertaken again to indicate what materials should be focused on;
- Tiverton was the main focus for the Community Engagement Project but good practice was being shared with neighbouring areas.
- Educational work with schools was ongoing.

The Chairman thanked the visitors for their presentations.

Note: - \* Presentations attached to Minutes.

## 15 **PARKS AND OPEN SPACES 10-YEAR MANAGEMENT PLANS AND DESIGN PRINCIPLES**

The Group had before it a report \* from the Director of Operations inviting Members to discuss potential landscape design principles for parks and open spaces.

The officer introduced the report, explaining that his intention was to bring forward a different way of approaching the management of open spaces over the coming years. The paper was intended as a means to start discussion and set out the framework for this to happen. The officer highlighted that all open spaces were subtly different and it was necessary to put some guidelines in place so that consistency was used, whilst allowing for these differences.

The officer worked through the report and discussion took place regarding:

- The importance of consultation prior to works taking place;
- The importance of the Ward Member being informed prior to work starting;
- The natural environment and the length of time it took to establish;
- Compliments on the wild flower beds that had been sown in the District on roundabouts and in parks;
- The need to have a rolling plan to enable and budget over a period of time;
- Shrub bed maintenance and the fact that they needed attention with an aim to move towards long term sustainable planting;



- Tree stock and the fact that there was a tree specialist and a dedicated tree gang within the Grounds Maintenance team;
- The built environment and a proposal to consider remove, reduce and repair as a hierarchy of questions to be used when responding to maintenance requirements;
- The need to consider facilities that needed to be provided as well as cost savings;
- A potential £400k unbudgeted cost to fence all play areas within the District.
- Cemetery work was required to ensure safety with regards to health and safety.

The officer informed Members that he considered play areas had an impact on the health and wellbeing of children and that this should be the primary decider when looking at future development. The Community PDG had specific responsibilities for health and wellbeing and it was therefore **RESOLVED** that the Community PDG be asked to discuss the paper with regard to the health and wellbeing of families using open spaces, in particular section 8 concerning play areas. The Group would debate the matter again at its meeting on 5 September and would take the views of the Community PDG into consideration when doing so.

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

## 16 **MOTIONS FROM COUNCIL**

The following Motion had been forwarded to PDG for consideration:

### Motion 537 (Cllr Mrs N Woollatt – 25 May 2017)

That this council should adopt a policy of ensuring that play areas in the district that contain play equipment aimed at pre-school or primary school age children are enclosed to facilitate the health and safety of its young users.

Cllr Mrs Woollatt said ‘this Motion came about following the removal, in my ward, of two sides of a play area, leaving the area with equipment for primary age and under children no longer enclosed. Officers stated that they removed the fence because it was no longer safe and was beyond repair (it was a wooden post and chain link type fence). Officers told residents who complained that it would not be replaced as it was policy to open up play areas.

There is in fact currently no policy in place to such effect but as I discovered from talking to officers there is a proposal at item 7 on this agenda. However, you are not being asked to make a decision, just discuss, so even after your discussion of the 10 year plan there will still be no policy.

As officers seem to already be working in line with the principles suggested in the 10 year plan I think it is important that we give direction as to what we as a Council wish to see in relation to this particular issue.

I have received numerous complaints about the removal of the fencing at Culm Lea. There have been reports of dog fouling and people exercising their dogs in the play area which is not fair to the children using the area. Ball games are now a problem as children can be a nuisance in their own play area when their ball runs into the front gardens of adjacent housing, probably a matter of time before it's a window.

This play area is a short dash to the busy A373 and in the other direction access to the gate through to an open space containing the river Culm, known locally as Highbanks. It is aptly named. Which child do you look after if you have two and they go in different directions? What happens whilst your back is turned when one child falls off the swing and has your attention? We all know what mischief little ones can get up to when our back is turned, at least in an enclosed play area they are safe. Some people have stopped using this play area because it is no longer enclosed.

The Play England report suggests increasing play value by opening up play areas in suitable locations. Whilst that may be true for older children who need less supervision, for younger children such play areas result in less freedom for them as carers will need to more carefully supervise them. Carers, parents and grandparents cannot relax as they need to remain hypervigilant.

Sadly it is clear from the report at item 7 that the motives behind the proposal not to replace fencing which has come to the end of its life is more about money than improving play value. Is it acceptable to compromise the safety of our young children to manage budgets? For that reason and the other problems which have occurred following this approach at Culm Lea I consider any play area containing equipment for pre-school and primary age children should be enclosed, I therefore ask the Committee to support my motion and recommend to the Council that the policy I propose is adopted. I have received emails of support from Sampford Peverell Parish Council and residents from Willand."

Discussion took place regarding:

- Other play areas in the District that were not fenced;
- The differing requirements depending on the age of the children using the play area;
- Whether or not it was appropriate to consider fencing areas not currently fenced or whether it would be better to propose that existing areas with fencing were kept and new play areas were fenced;
- Section 106 monies that were in place to bring forward design for the Culm Lea play area, meaning that the Culm Lea issue had been addressed;
- The fact that the Group had already asked the Community PDG for their views on this matter.

Following discussion Cllr Woollatt agreed to amend her Motion to say that 'this council should adopt a policy of ensuring that play areas in the district that contain play equipment aimed at pre-school or primary school age children **and are currently enclosed remain enclosed and that new facilities be enclosed**, to facilitate the health and safety of its young users.'



It was **RECOMMENDED** to Council that Motion 537 not be supported.

(Proposed by the Chairman)

Note: - (i) A proposal to support the Motion was not supported.

(ii) Cllrs Letch and Wright asked that their vote in support of the Motion be recorded.

(ii) A request from the Chairman that Cllr Woollatt defer her Motion until such time that the Community PDG had discussed the Parks and Open Spaces Plan was declined.

#### Motion 538 (Cllr Mrs J Roach – 1 June 2017)

Mid Devon District Council is concerned that the present level of grass cutting across the district is the subject of much criticism.

That Mid Devon District Council therefore resolves to urgently review;

1. Whether the budget is sufficient and if it isn't to put forward a request to Council for a supplementary budget to meet the cost of providing an effective service.
2. If it is impossible to provide extra funding the Council should consider asset transfers to Parish Councils and/or individuals. Taxpayers are now facing the second year of a grass cutting regime which leaves the grass uncut for long periods.

Cllr Roach explained that she had put this Motion forward because every time she went out and about in her local area she was approached by members of the public who wanted to complain about the grass and the lack of cutting. It was now July and only two cuts had taken place in Silverton. On communal land which was used by dog walkers there was a problem with ticks and picking up dogs mess in the long grass was difficult. Cllr Roach circulated some photographs of the grass.

Cllr Roach raised the issue of different areas of land being the responsibility of different councils and the possibility of asset transfer. Cllr Roach informed the Group that she always attended 'Estate Walkabouts' with Tenancy Officers and had known of letters being sent to tenants who let their grass grow too long.

Cllr Mrs Roach indicated that she would be happy to defer her Motion to the next meeting to allow officers time to respond to her observations.

It was **AGREED** that a report regarding the current grass cutting situation and what could be done differently in the future to improve the service be prepared for the next meeting, along with a review of the transfer of costs from the Housing Revenue Account for work undertaken by the Grounds Maintenance Service for grass cutting and clarification of the Service Level Agreement. The Head of Finance, Assets and Resources reminded Members that any additional funding for grass cutting might result in difficult choices elsewhere within the budget.

It was **RESOLVED** that Motion 538 be deferred to the next meeting of the Group for further information.

## 17 **REVENUE AND CAPITAL OUTTURN 2016/17**

The Group had before it and **NOTED** a report \* from the Director of Finance, Assets and Resources, regarding the Revenue and Capital Outturn 2016/17.

The officer outlined the contents of the report stating that an underspend of £30K was a very encouraging outcome as was the £380K surplus in the Housing Revenue Account. He highlighted the exceptional collection rates for Council Tax and Housing Benefit and the investments within the town centre which had added to income.

Consideration was given to the General Fund Revenue Account summary and the variances on proposed budgets.

The officer highlighted Waste Services which showed an overspend of £92k but during that period had moved operations to the new site at Carlu Close. A shared landfill arrangement and the financial benefit of collecting more recyclable material had helped to reduce the overspend. Recycling performance was currently at around 53%.

Discussion took place regarding:

- Trade waste collections and the increase in landfill tax;
- Trade recycling was now offered to 85% of trade waste customers;
- The multi-story car park had not reached its budget target but had increased income by 30% on the previous year.

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

## 18 **PERFORMANCE AND RISK**

The Group had before it and **NOTED** a report \* from the Audit Team Leader providing Members with an update on performance against the corporate plan and local service targets for 2017-18 as well as providing an update on the key business risks.

The officer outlined the contents of the report and discussion took place regarding:

- The number of households using the garden waste collection service and the work being undertaken to market the service;
- The financial benefits of collecting less waste for landfill and more recycling;

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

## 19 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS**

Motion 538

Parks and Open Spaces 10-Year Management Plans and Design Principles

Performance and Risk

Financial Monitoring

Grass Cutting Review

Review of HRA payment for Grass Cutting

(The meeting ended at 4.42 pm)

**CHAIRMAN**