

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Virtual - Online meeting on Friday, 13th November, 2020 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Knight, Lofthouse, Patrinos, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Resources, Community Protection Officer, Senior Solicitor/Monitoring Officer, Service Lead - Environmental Protection, Parks, Leisure and Culture Officer and Head of Environmental Health and Housing

Also Present:

Councillors Biederman, Gubb, D. Spear, Walker and York

212. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE

The Chair outlined the virtual meeting procedure and etiquette to the Committee and attendees.

The Senior Corporate and Community Services Officers confirmed the Members of the Committee, Members, Officers and external attendees who were present.

213. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

The Senior Corporate and Community Services Officer advised that Councillor Biederman was now present at the meeting.

214. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.

(a) Order of agenda

RESOLVED that item 12 be considered before item 6 on the agenda.

215. DECLARATIONS OF INTERESTS.

There were no declarations of interest received.

216. PUBLIC SPACES PROTECTION ORDERS - DOG CONTROL

The Chair read a statement to the Committee in response to a number of emails and letters that had been sent to Members of the Committee attacking Members personally.

The Committee considered a report by the Environmental Protection Service Lead (circulated previously) regarding the proposed implementation of public space protection orders (PSPO) designed to address anti-social behaviour associated with irresponsible dog ownership.

The Environmental Protection Service Lead highlighted the following:

- Over 3,000 responses had been received in response to the recent public consultation exercise designed to inform the evidence base for implementing any new PSPO.
- Considering the number of responses received and the need for absolute transparency and robustness of the data, an external consultant was commissioned to undertake an independent analysis of the responses received. There was majority support for the controls identified in the consultation exercise.
- Officers have further liaised with the landowners to clarify their views for those aspects of the consultation which presented a majority opposition (the six main amenity beaches and the Tarka Trail).
- On consideration of the data presented following the consultation, the reactive requests of service in relation into this area of work and following consultation with landowners, officers were satisfied that there was legal justification for implementing a suite of measures to enable the Council to better address anti-social behaviour associated with irresponsible dog ownership as detailed in paragraph 4.9 of the report.
- It was recommended that recommendation 2.1 be amended to also include "section 4.10".

In response to questions, the Environmental Protection Service Lead advised the following:

- The proposed measures were for the whole North Devon Council area including the Tarka Trail and would enable officers to instruct people to place their dog on a lead.
- The anti-social behaviour of cyclists could not be included within the proposed PSPO and needed to be considered separately.
- Officers had worked with Parish Councils and land owners to include all areas of land that experienced problems with anti-social behaviour associated with irresponsible dog owners. If there were any other areas not included, officers could review the evidence for these areas and consider recommending measures for implementation by the Committee.
- In relation to buffer zones being put in place around High Tide Roosting, proposed measure 5 stated "issue FPNs' of £100 to people who allow their dogs to be present within the vicinity (to be defined on a site specific basis) of

land used as a High Tide Roosting Site (as identified in Appendix 3, Figure 1) between 1st October and 31st March.” Detailed maps would be drawn up for each site to clearly identify the exact areas to which the controls refer and he would liaise with Ward Members regarding the location of signage.

- Officers had contacted all landowners where a consultation response had not been received. In relation to the Tarka Trail, in response to the question “Do you support the implementation of controls which would allow the issuing of FPN’s of £100 to people who do not place their dog on a lead of 2.0m length or less when directed by a suitable delegated person/Officer?”, Devon County Council (DCC) had responded “unsure – but not probably no”. The Council had contacted DCC on a number of occasions to clarify this response and this had been the final response received. Legal advice had been sought from the Solicitor, who had advised that the Council could still have powers in place to address issues caused by the presence of dogs off lead on the Tarka Trail.

In response to a question, the Solicitor confirmed that in relation to proposed measure 10 he would ascertain whether assistance dogs needed to be registered with a member organisation of Assistance Dogs UK prior to the decision being taken by Council.

RECOMMENDED that Council approve the measures identified in sections 4.9 and 4.10 of the report.

217. CONTRACT FOR ONLINE LEGAL RESOURCES

The Committee considered a report by the Senior Solicitor (circulated previously) regarding the awarding of a contract for online legal resources.

The Senior Solicitor highlighted the following:

- The Council’s legal team (and certain other teams at the Council including Elections and Licensing) utilised online legal resources because these contain access to up to date and maintained legislation, case law, templates and precedents, practice notes and guidance.
- The Council had an allocated budget for subscriptions to online legal resources and had subscribed to a resource offered by Thomas Reuters for a number of years.
- The Council had a budget for legal resources of £16,000 for 2020/21.
- The Council had undertaken a free trial of a competing legal resource, Lexis Nexis and it had been agreed that this resource was comparative to the product offered by Thomson Reuters however there was a substantial price difference and it was over £14,000 cheaper over the three year period.
- There were only two providers on the market which were able to offer online legal resources for the Council. Therefore, there was nothing to be gained from running a tendering process to award a contract to either supplier. Following investigations there were also no appropriate framework agreements under which the Council can call-off a contract to comply with tendering requirements.

RESOLVED that the requirement to tender in the Contract Procedure

Rules (Part 4 of the Constitution) be set aside to allow the award of a contract for online legal resources to LexisNexis.

218. PUBLIC SPACES PROTECTION ORDERS

The Committee considered a report by the Community Protection Officer (circulated previously) regarding proposals for Public Space Protection Orders (PSPO).

The Community Protection Officer highlighted the following:

- The previous order expired on 20 October 2020.
- The proposed restrictions as detailed in paragraph 4.7 of the report.
- The Committee approved a consultation exercise at its meeting on 2 March 2020 and this was held for a period of 6 weeks, beginning 5 March 2020.
- The consultation period coincided with the start of the strict national Covid-19 lockdown restrictions. This may have led to less people responding as would do in normal circumstances. In total, there were 38 responses of which over 90% were supportive of the restrictions.
- In order to augment the findings of the consultation, selected interested parties were approached and asked to give their views on the restrictions. These were: Devon & Cornwall Police, Barnstaple Town Council, Ilfracombe Town Council, Barnstaple Town Centre Management and homeless charities Freedom Social Projects and Encompass South West. Both Town Councils approved the plans and Devon and Cornwall Police returned a detailed response fully in support of the Order. The Barnstaple Town Centre manager also expressed support for the restrictions. Both charities supported the prohibitions contained in the order. Encompass South West have offered to undertake outreach work to explain the restrictions to their service users. Outreach workers from North Devon Council and The Freedom Centre will also undertake this work.
- At the meeting of the Committee on 2 March 2020, the Committee raised concerns regarding some coastal areas. It was proposed that the Council could consider the imposition of new seasonal restrictions on public alcohol use in some areas and towns and a report would be brought to a future meeting of the Committee for consideration. Sound evidence base would need to be collated prior to consideration by the Committee and consideration of other areas.

In response to questions, the Community Protection Officer advised the following:

- The new order included both alcohol and drugs/intoxicating substances.
- It was important that non-aggressive begging was not criminalised and that they were provided with the appropriate support. The Council was exploring options for introducing contactless payment points within Barnstaple to enable donations to be made.
- The provisions within any future new orders would be tailored to address the issues within those areas.
- Maps in Appendix A detailed the areas that would be covered under the PSPO. The inclusion of any other areas would be subject to a new PSPO for that area.

RECOMMENDED that the findings of the consultation be approved regarding the proposals for Public Space Protection Orders and proceed to Full Council for adoption.

219. APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - CHULMLEIGH

The Committee considered a report by the Parks, Leisure and Culture Officer (circulated previously) regarding the allocation of Section 106 public open space funds towards projects in Chulmleigh.

RESOLVED:

- (a) That £4,949.00 be allocated to Chulmleigh Cricket Club towards improvements of the Pavilion at Chulmleigh Cricket Club;

RECOMMENDED:

- (b) That Council vary the capital programme by £4,949.00 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

220. APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - NORTH MOLTON

The Committee considered a report by the Parks, Leisure and Culture Officer (circulated previously) regarding the allocation of section 106 public open space funds towards projects in North Molton.

RESOLVED:

- (a) That £12,995.50 be allocated to North Molton Parish Council towards the enhancement of Laurels Play Area, North Molton;

RECOMMENDED:

- (b) That Council vary the capital programme by £12,995.50 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

221. APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - INSTOW

The Committee considered a report by the Project, Procurement and Open Space Officer (circulated previously) regarding the allocation of section 106 public open space funds towards projects in Instow.

RESOLVED:

- (a) That section 106 public open space funds be allocated to the following:
 - (i) £2,000.00 to North Devon Cricket Club (Instow) towards improvements in the Pavilion.
 - (ii) £3,550 to North Devon Yacht Club (Instow) towards the provision of a new training room.
 - (iii) £5,225.33 to Instow Parish Hall towards improvements in Instow Parish Hall.

RECOMMENDED:

- (b) That Council vary the capital programme by £10,755.33 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

222. APPROVAL AND RELEASE OF S106 FUNDS - FREMINGTON

The Committee considered a report by the Parks, Leisure and Culture Officer (circulated previously) regarding the allocation of section 106 public open space funds towards projects in Fremington.

In response to a question, the Parks, Leisure and Culture Officer advised that the enhancement of the footpath would replace the compacted gravel and make it more accessible to all users. He was unaware if the materials were already on the site and would need to seek confirmation from the Parish Council.

RESOLVED:

- (a) That £6,212.80 be allocated to Fremington Parish Council towards the enhancement of the footpath at Griggs Field, Fremington;

RECOMMENDED:

- (b) That Council vary the capital programme by £6,212.80 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior

Solicitor, for external projects.

Chair

The meeting ended at 11.05 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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