

## **EXECUTIVE**

**TUESDAY, 30 OCTOBER 2018**

Present:

Councillors Christophers (Leader), Clemens (Deputy Leader), Bullivant, Barker, Golder, Goodey, Lake and Russell

Members Attendance:

Councillors Clarence, Haines, G Hook, Dennis, Dewhirst, Hockin, Nutley, Wrigley and Prowse

Officers in Attendance:

Phil Shears, Managing Director  
David Eaton, Environmental Protection Manager  
Chris Braines, Waste & Cleansing Manager  
Andrea Furness, Licensing Manager  
Chris Smith, Estates Surveyor  
Sarah Selway, Democratic Services Manager (Exeter City Council)

**These decisions will take effect from 10.00 a.m. on 6 November 2018  
unless called-in or identified as urgent in the minute**

### **185. MINUTES**

Minutes of the meeting on 2 October 2018 were confirmed and approved and signed as a correct record.

### **186. MATTERS OF URGENCY/MATTERS OF REPORT BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN**

The Leader brought to Members attention the recent Devon County emergency exercise day that had taken place in the District, which had been a successful learning exercise. He had received a positive letter from Kit Malthouse, the Minister of State for Housing, following on from the meeting with Homes England regarding investment in infrastructure and self-build at Wolborough.

Members wished Councillor Mike Pilkington a speedy recovery.

**187. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**188. AMENDMENTS TO THE GAMBLING ACT**

The Licensing Manager presented the circulated report on the draft Statement of Principles, which had been prepared under the Gambling Act 2005. Members were advised that the Council was required every three years, to prepare and keep under review, a statement of the principles which were proposed to apply when exercising its functions, the statement to be subsequently published. The Council had prepared its statement which had been subject to consultation. The Licensing Manager advised that the Statement of Principles had been updated in relation to safeguarding and incorporating weblinks to keep the document continually up to date.

During discussion, Members raised the following:-

- What was the size of the problem in the District?
- Had Social Services been consulted?
- What enforcement took place?
- There were over 5,400 problem gamblers in Devon
- Had serious concerns regarding the protection of children and should the Safeguarding Children Act (2015) be referenced as this Act explicitly stated that under 18's were children.

In response to Members, the Licensing Manager clarified that wording used in the statement were those used in the legislation, there were yearly inspections with the Gambling Commission with any necessary follow up visits. The Gambling Act was the primary legislation which had clear definitions and Devon County Council Social Services had been consulted. She was not aware of any readings relating to 16-18 years old's with a gambling addiction in the District.

The Portfolio Holder for Corporate Resources commented that, in the next review, the Adult Safeguarding Board and Devon Partnership Trust should be consulted and data from the Public Health Board should be obtained to inform the report.

The Leader stated that the addiction to gambling was even more difficult to address with the increased use of the internet and that representation needed to be made to other agencies to look to tackle this.

The Portfolio Holder for Health & Well-being commented that there was no control over the use of the internet and that the Community Safety Partnership had raised safeguarding issues around this. Legislation was needed to stop children accessing gambling websites.

**RECOMMENDED** to Full Council that the Statement of Principles be approved as set out in the report.

**189. PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE**

The Environmental Protection Manager presented the report on the Implementation of a Public Spaces Protection Order (PSPO) for responsible dog ownership. Members were advised on the purpose of a PSPO and of the two conditions that the local authority must be satisfied on reasonable grounds that are met. An officer working group had reviewed the project and there had been an extensive consultation. The eight suggested controls were outlined, these included existing control, improvements on existing controls and new controls. Members were advised that there was no specific statutory guidance to assist when setting a restriction on the number of dogs that could be walked by a single individual on or off a lead. Members were asked to recommend setting the restriction on the number of dogs and attention was brought to the comments in the consultation on this matter and the responses from interested organisations.

During discussion, Members raised the following points:-

- Should the seasonal dog exclusion date commence from 1 April on beaches? Not just Dawlish Warren Beach
- The majority of dog owners were responsible it was just those few irresponsible owners that caused the issues
- How would enforcement be undertaken and by whom?
- How would public evidence of an offence be acted on?
- There was an issue with dogs being left to roam
- Dog fouling was a real issue in the parishes across the District
- Concerns about working dogs in rural areas; these should be excluded
- What about the existing bye laws?
- How were children play areas defined?
- There was an issue with dog walkers putting dog faeces in bags and hanging on hedges in rural areas
- The maximum number of dogs on a lead should be four.

The Environmental Protection Manager clarified the following:-

- cycle paths, both those adjacent and not adjacent to a Highway, would be covered by the PSPO
- The three Community Environment Wardens would undertake the role of enforcement
- Complaints could be reported on-line
- Hotspots would be targeted
- Walking patterns of offenders would be identified
- Recording of car number plates would help to trace offenders - this would be a non-confrontational way of reporting an offence
- The existing bye laws would remain in place
- Would investigate if Dawlish Town Council Water Fowl Wardens would be able to enforce the PSPO

- There would be a publicity plan to make the public aware of the order and its contents
- The Community Environment Wardens work patterns do vary to cover different times of the day to address issues.

Executive Members discussed the seasonal dog exclusion dates on the beaches, the needs for signage to be clear and the number of dogs that could be walked by a single individual.

**RESOLVED** that the:-

- (1) implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 be approved subject to the inclusion of:-
  - Cycle paths to be added as a highway
  - working dogs to be added to the existing list of exemptions - farm dogs moving livestock on the highway are not expected to be on a lead
  - the maximum number of dogs permissible on or off a lead with a single individual to be four;
- (2) Council's Solicitor be authorised to draft and make the Order;
- (3) Council's Environmental Protection Manager be authorised to issue fixed penalty notices under the PSPO; and
- (4) seasonal dog exclusion areas on beaches from 1 April to 30 September be approved. This to be reviewed in 12 months.

## **190. DRIVER AND OPERATION STAFF SALARIES - MARKET FORCES**

The Waste and Cleansing Manager presented the report on the ongoing difficulties being experienced in the recruitment and retention of Large Goods Vehicle (LGV) Drivers and the implications of applying the Council's Market Forces Policy to resolve the issue.

Members were advised that the LGV driver recruitment issues were compounded by the fact that other operational staff received a higher percentage pay increase as part of the recent Local Government Pay Award. This effectively closed the gap between the roles and reduces the incentive for the additional responsibilities and qualifications required to be an LGV driver. He outlined the pay differentials for Operational Management and the total cost for all the implicated staff. The recent recruitment exercise for four LGV Drivers had received no applications. The Council did offer to cover the training costs of staff to gain an LGV qualification but currently only one current member of staff was participating.

A Member recognising the critical service that the LGV Drivers provide raised questions to the number of vehicles ratio to the number of drivers, the shortfall in budget and if this could be addressed by an increase in the cost of the collection of garden waste.

In response to Members' questions, the Waste and Cleansing Manager clarified the following:-

- There had been pressure from the increase in weekly recycling collections
- Income from garden waste has been factored into the budget calculations
- Fees and Charges and other possible sources of income across the service would be looked at as part of the budget setting process
- There were 36 rounds a day and holidays and sickness need to be factored into the rotas for the rounds
- The cost to the Council to train up an employee to a LGV Driver was approximately £1,000.

The Portfolio Holder for Environment Services commented that the Council did offer good in-house training and there was a need to have a leeway in staff resources to cover for holiday and sickness absence. There was a demand on the service with the increase in house building in the district and there was a national shortage of LGV Drivers.

Executive supported the recommendation.

**RESOLVED** that the:-

- (1) implementation of the Council's Market forces Policy to increase LGV driver's salaries to Grade 16a equivalent be approved; and
- (2) increases to the posts in the operational management team to maintain the grade differential as detailed be approved.

## **191. EXECUTIVE FORWARD PLAN**

The Leader stated that Teignmouth Regeneration would be added to the Forward Plan.

**RESOLVED** that the Forward Plan be noted.

## **192. EXCLUSION OF PRESS AND PUBLIC**

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

## **193. LAND AT SANDY LANE, DAWLISH**

The Interim Head of Commercial Services introduced the report to consider the request of the 1<sup>st</sup> Dawlish Scout Group for a renewal lease of Land.

The Estates Surveyor advised of the background and the terms of the new lease.

In response to Members' questions, officers clarified how community based rents were calculated and any rent reductions and grants that could be applicable.

**RESOLVED** that the ground lease to 1<sup>st</sup> Dawlish Scout Group be renewed for a further 28 years.

Chairman