

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

15<sup>th</sup> August 2019

### PRESENT:-

#### Conservative Group

Councillor MacPherson (Chairman) and Councillors Brady (substituting for Councillor Whittenham) Mrs. Brown, Churchill (substituting for Councillor Dawson), Fitzpatrick, Patten, Roberts (substituting for Councillor Billings) and Wheelton (substituting for Councillor Mrs Haines).

#### Labour Group

Councillors Dunn, Mrs. Heath, Singh, Taylor and Tilley.

#### EDS/14 APOLOGIES

Apologies for absence were received from Councillor Billings, Dawson, Mrs Haines and Whittenham (Conservative Group).

#### EDS/15 MINUTES

The Open Minutes of the Meetings held on 30<sup>th</sup> May 2019 were noted, approved as a true record and signed by the Chairman.

#### EDS/16 DECLARATIONS OF INTEREST

Councillor Roberts declared a personal interest in relation to Item 8 and Item 9 on the Agenda by virtue of being a private hire licensed driver.

#### EDS/17 QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10

The Committee was informed that no questions from Members of the Public had been received.

#### EDS/18 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions from Members of the Council had been received.

#### EDS/19 REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE

There were no Overview and Scrutiny Reports to be submitted.

### MATTERS DELEGATED TO COMMITTEE

**EDS/20 CORPORATE PLAN 2016-21: PERFORMANCE REPORT (QUARTER 1 – 1 APRIL TO 30 JUNE)**

The Strategic Director (Service Delivery) presented the report to Committee, highlighting the successes, which included a reduction in fly-tipping, and areas which required further action which included the response to the increase in the tonnage of waste. An update was provided that the new software system introduced in the Planning department was operational.

Councillor Taylor sought clarification on the impact of the situation with the Sinfen Waste Facility, to which the Strategic Director (Service Delivery) responded that there was minimal impact.

Councillor Mrs. Wheelton referred to a request made at the last Committee for information on the fly-tipping 'hotspots'. The Strategic Director (Service Delivery) responded that the information would be presented at Item 11 of the Agenda, as part of the report titled 'Annual Enforcement and Compliance'.

**RESOLVED:**

***The Committee considered progress against performance targets set out in the Corporate Plan.***

***The Committee reviewed the Risk Register and Action Plan for the Committee's services.***

**EDS/21 KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT**

The Senior Licensing Officer presented the quarterly report to Committee, which was welcomed by the Committee.

**RESOLVED:**

***That Members noted the performance of the Licensing Department in relation to the Key Performance Indicators.***

**EDS/22 KNOWLEDGE TEST – INCREASE OF FEE**

The Senior Licensing Officer presented the report to Committee, highlighting the request to move from a paper-based test for taxi drivers to being online which explained the reason for the increase in the fee.

Clarification was sought by the Committee on the implementation of the online test; the Senior Licensing Officer explained that the online test would take place in examination conditions at the Civic Offices, where those requesting this facility would need to book in advance.

**RESOLVED:**

***That the proposed fee for a knowledge test be approved to come into effect on 20th September 2019.***

**EDS/23 CORPORATE ENVIRONMENTAL SUSTAINABILITY GROUP**

The Head of Environmental Services presented the report to Committee, highlighting progress and initiatives including the review of staff travel with a view to introduce a staff travel plan, the promotion of a future 'environment week' and the offer to install electric recharge point in the Swadlincote bus car park.

Members welcomed the prospect of the installation of a recharging point. Councillor Churchill sought clarification on the payment method for the use of the electricity, wishing for it to be noted that an accessible payment system would be key to the success of the recharging point. The Head of Environmental Services responded that the delivery of the recharging point would not fall within the Council's remit, only the provision of the land.

**RESOLVED:**

***1.1. That the Committee noted the progress made in improving the Council's environmental performance further to this Committee establishing a Corporate Environmental Sustainability Group in August 2018.***

***1.2. That the Committee noted the content of this report having regard to the Council's decision to declare a Climate Emergency at full Council on 27 June 2019.***

***1.3. That the Committee approved the proposed installation of a publically available electric recharge point in the Bus Station car park, Civic Way, Swadlincote.***

EDS/24 **ANNUAL ENFORCEMENT AND COMPLIANCE REPORT 2018/19**

The Head of Environmental Services presented the report highlighting key achievements including the level of 85% of businesses had achieved a five-star food hygiene rating and the successful outcomes of two prosecutions.

Councillor Mrs Brown commended the report noting the food services' team's performance, where the interface between food outlets and customers is essentially based on this food hygiene rating.

Councillor Taylor commented that the fly-tipping statistics for South Derbyshire were very small when compared nationally and commended the service provision on this basis.

**RESOLVED:**

***That the Committee noted the contents of the report, that the Council is using its regulatory powers in a way proportionate to the demands for all regulatory services it provides.***

EDS/25 **ENVIRONMENTAL AWARENESS AND LOCAL COMMUNITY ACTION**

The Head of Environmental Services presented the report to Committee, highlighting the success of initiatives including the 'We're Watching You' Campaign which was implemented to assist in the prevention of dog-fouling. Members were advised that a new 'Frequently Asked Questions' webpage

had been set up and it was noted that the number of complaints had been reduced by 35%. The Head of Environmental Services informed Committee that a recent initiative, 'Swadlincote Heroes' involving volunteers assisting with litter-picking, had highlighted that public land was relatively clean in comparison to private land. Committee was advised that as a result, the Environmental Services responded by identifying hotspots and liaising with landowners in order to address of the matter.

**RESOLVED:**

***1.1 That the Committee noted the outcomes of recent activities by the Council to raise environmental awareness and the lessons learned from these activities.***

***1.2 That the Committee approved the proposed community engagement activity for the next 12 months to build upon the progress made to date.***

EDS/26 **FOOD SERVICE PLAN 2019/20**

The Head of Environmental Services presented the report highlighting that at the recommendation of the Internal Audit team, the Food Service Plan was being submitted to this Committee.

Councillor Dunn, whilst referring to paragraph 3.1 and the internal audit of the Council's food safety service, sought reassurance that the team monitoring this service was now adequately resourced. The Head of Environmental Services responded that with the addition of a contractor, the staffing matter had been addressed.

**RESOLVED:**

***1.1 That the Committee approved the 2019/20 South Derbyshire Food Service Plan.***

***1.2 That Committee resolved that future sign-off of the Food Service Plan be delegated to the Chairman of this Committee.***

EDS/27 **SWARKESTONE PUBLIC FOOTPATH No. 9 (PART) STOPPING UPORDER**

The Head of Planning and Strategic Housing presented the report to Committee.

**RESOLVED:**

***1.1 That the Committee authorised the making of an Order under Section 257 of the Town and Country Planning Act 1990 in respect of the Proposed Permanent Stopping Up of Public Footpath No 9 (Part) in the Parish of Swarkestone, as shown the attached plan; and***

***1.2 That Committee agreed to the subsequent confirmation of the Order in the event of there being no unresolved objections arising from the formal consultation stage.***

EDS/28 **PROPOSED STRATEGIC PLAN FOR NATURE**

The Planning Policy Officer presented the report to the Committee updating on proposals to bring forward a Strategic Action Plan for Nature and to advise of other actions being taken to protect and improve biodiversity within the District.

Councillor Tilley made reference to Swadlincote Woodlands which was mentioned in the appendix to the report and sought clarification on the effect of land ownership issues and the available Section 106 funding to deliver the development of this site.

**RESOLVED:**

***That the Committee:***

***1.1 Noted the Draft Terms of Reference of the Biodiversity Working Group set up under the umbrella of the Corporate Environmental Sustainability Group.***

***1.2 Approved the preparation of a Strategic Action Plan for Nature and that the final version of the Plan be reported to this Committee at a later date.***

***1.3 Noted the content of the appended Nature Site List and agreed to its use as the basis for future actions on priority sites, ahead of the adoption of a more comprehensive and integrated Strategic Action Plan for Nature, to deliver quick wins where appropriate.***

EDS/29

**CALL FOR SITES STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT**

The Planning Policy Team Leader presented the report to Committee outlining the format and purpose of the Call for Sites process which would in turn inform the Strategic Housing and Economic Land Availability Assessment and the Gypsy and Travellers Development Plan Document.

**RESOLVED:**

***1.1 That Members noted the proposed approach for launching a Call for Sites.***

***1.2 That Members authorised the Call for Sites process.***

EDS/30

**GYPSY AND TRAVELLERS DEVELOPMENT PLAN DOCUMENT SUSTAINABILITY APPRAISAL & SCOPING REPORT**

The Planning Policy Officer presented the report outlining the scope of the Sustainability Appraisal process proposed to assist in the identification of gypsy and traveller sites. The Officer sought authorisation to consult appropriate Consultation bodies on the scope of the proposed appraisal.

**RESOLVED:**

***1.1 The Committee noted the proposed approach for considering Gypsy and Travellers (G&T) sites as summarised in this report.***

***1.2 The Committee authorised the publication of the Council's Scoping Report Document for a statutory five week consultation with the 'Consultation Bodies' and other appropriate stakeholders***

EDS/31 **PICTORIAL WILD FLOWER PLANTING TRIAL**

The Head of Operational Services presented the report to Committee seeking approval to undertake pictorial wildflower planting as a pilot scheme at four locations within the District.

Councillor Mrs Patten commended the report noting the initiative had been supported by the residents of Hilton Ward and felt that it would improve the Council's environmental credentials.

The Strategic Director (Service Delivery) advised that education and an awareness campaign would be launched in conjunction with the Communications team.

**RESOLVED:**

***1.1 That Committee approved a pilot scheme for pictorial wildflower planting at four locations within the District.***

***1.2 That Officers apply for the appropriate cultivation licences from Derbyshire County Council, in respect of highway verges identified for pictorial wildflower planting.***

***1.3 That the financial implications of the trial be referred to the Finance and Management Committee for approval.***

EDS/32 **OVERSEAL RECYCLING CENTRE CLOSURE**

The Head of Operational Services presented the report which put requested that Committee considered the request from Overseal Parish Council to remove the recycling site from the Woodville Road Car Park, Overseal.

**RESOLVED:**

***1.1 That following a request from Overseal Parish Council, Committee approved the removal of the recycling bins at the Woodville Road Car Park, Overseal at the earliest opportunity.***

***1.2 That the Committee approved officers give relevant notice, to the contractors servicing the recycling bins at Woodville Road, that the service is to be terminated.***

EDS/33 **SECTION 106 AGREEMENTS AND ADOPTION OF OPEN SPACE ETC.**

The Head of Planning and Strategic Housing presented the report to Committee explaining that a recent analysis of the Section 106 process for the adoption of public open space as it affects the Council had been undertaken in light of the sustained and increasing levels of development. The Committee was advised of the outcome and the proposed working practices going forward. The Committee was informed that housebuilders were opting to adopt and maintain open space themselves or offering this to a third-party who would purchase this open space from the housebuilder and highlighted

concerns in relation to the impact of this. The Head of Planning and Strategic Housing clarified that it would not be the task of this report to cover other obligations secured under Section 106 agreements and that this report would concentrate on obligations insofar as the Council itself is the recipient of funds.

Councillor Singh, whilst expressing concern in relation to leaseholds and management companies adopting to maintain open space, commented that increased management costs were being imposed without the residents' prior knowledge. Other Members of the Committee concurred that as one of the fastest growing districts in the East Midlands, this matter needed to be tackled.

**RESOLVED:**

***1.1 The Committee endorsed the proposed enhanced process for the delivery of high quality public open space and recreational facilities negotiated as part of new development in the District.***

***1.2 The Committee noted that work is being undertaken in relation to the Council's policy for the adoption of land and sustainable urban drainage systems (SUDS) which will culminate in a further report to Committee in due course.***

EDS/34 **PUBLIC SPACES PROTECTION ORDERS**

The Head of Environmental Services presented the report to Committee advising of the current matters contained within South Derbyshire Public Spaces Protection Orders, of the effect of the existing Orders and of the legal tests which must be met to enable Orders to be extended. Approval was sought to extend six existing Public Spaces Protection Orders for the maximum permissible three-year period. The Head of Environmental Services also sought approval to undertake public consultations on possible additional matters to be included within future Public Spaces Protection Notices.

Councillor Mrs Patten commended the report advising that Area Forums could also provide a platform to conduct the consultation.

**RESOLVED:**

***1.1 That the Committee approved the proposed three-year extension of six Public Spaces Protection Orders for South Derbyshire which were originally approved in 2017 and 2018.***

***1.2 That the Committee approved that officers commence a consultation process on the possible inclusion of various other matters within additional Public Spaces Protection Notices.***

EDS/35 **COMMITTEE WORK PROGRAMME**

**RESOLVED:**

***The Committee considered and approved the updated work programme.***

EDS/36 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**MINUTES**

***The Exempt Minutes of the Meeting held on the 30<sup>th</sup> May 2019 were received.***

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

***The Committee was informed that no exempt questions from Members of the Council had been received.***

The meeting terminated at 7.50pm.

COUNCILLOR A MACPHERSON

CHAIRMAN