

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

8th March 2007

PRESENT:-

Labour Group

Councillor Taylor (Chair), Councillor Dunn (Vice-Chair) and Councillors Carroll, Mrs. Lane, Shepherd, Tilley, Venning and Whyman, M.B.E.

Conservative Group

Councillors Ford, Mrs. Hood and Hood (Substitute for Councillor Bale)

In Attendance

Councillor Lane (Labour Group).

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Bale (Conservative Group) and Councillor Mrs Walton (Independent Member)

EDS/80.**MINUTES**

The Open Minutes of the Special Meeting held on 9th January 2007 and the Open Minutes of the Meeting held on 1st February 2007 were taken as read, approved as true records and signed by the Chair.

EDS/81.**DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in respect of the scrutiny item on the "Street Scene" Review, as he was a Member of the Derbyshire County Council Scrutiny Committee that had looked at this issue. Councillor Whyman, M.B.E., declared a prejudicial interest in respect of the item on the East Midlands Airport Masterplan, as he was Independent Chair of the Airport's Consultative Committee.

MATTERS DELEGATED TO COMMITTEE

EDS/82.**REPORT TO COMMUNITY SCRUTINY COMMITTEE – "STREET SCENE" REVIEW**

The Committee gave consideration to a proposed response to the Community Scrutiny Committee, following its report on the "Street Scene" Review. There were a number of unknown factors related to implementation of the report's recommendations. It was necessary to liaise with County Council colleagues to establish the detailed and practical arrangements necessary to implement the recommendations and to identify any associated costs.

Once these had been established, a further report would be submitted to the Policy Committee, to agree the final course of action.

RESOLVED:-

- (1) That the Environmental and Development Services Committee accepts, in principle, the recommendations of the Community Scrutiny Committee's report of 1st February 2007.***
- (2) That the Heads of Environmental Services and IT and Customer Services work with County Council partners, to establish the detailed and practical arrangements necessary to implement the recommendations and to identify any associated costs.***
- (3) That a further report be made by the Head of Environmental Services and the Head of IT and Customer Services, following this work.***

EDS/83. SWADLINCOTE TOWN CENTRE STUDY AND MASTERPLAN; JITTY NAMING

Members were reminded of the previous consideration of the Swadlincote Town Centre Masterplan and the scope of works for the first phase at the east end of the Town, including re-paving and naming three jitties. The first phase of works had commenced and each jitty would be re-paved using blue bricks with wide pink granite threshold strips at either end. It was proposed to place the jitty names at each end of the routes, either carved and leaded into the granite or through wall mounted signs. The cost and feasibility of this element was being investigated.

The report outlined the efforts to seek community feedback on the names for these routes. The response had been disappointing with only six replies, suggesting the use of surnames or former shop names. The Heritage and Conservation Officers had considered potential names in consultation with the Building Inspectors, who were responsible for street naming. It was considered appropriate to choose names relating to local heritage and particularly the pipe, pot and coal mining industries. Accordingly, it was proposed to use the generic names of Colliers, Potbank and Pipeyard. The next question considered was the suffix and in accordance with other Town Centre routes, 'passage' was an established local term. They Royal Mail had been consulted on the proposed names and had no objections.

Councillor Carroll sought further information about the consultation undertaken. She felt it would have been worthwhile to talk to people in the Town Centre. The Chair noted that these routes were relatively new and had become used more in recent years following the opening of Civic Way. Councillor Venning questioned the proposed name of 'Colliers Passage' and felt that the term 'Miners' was more recognised locally.

RESOLVED:-

That the following jitty names be approved:-

***Miners Passage – at the side of No. 47 High Street (Instore)
Potbank Passage – at the side of No. 53 High Street (Ashley Adams)
Pipeyard Passage – at the side of No. 63 High Street (John Paul)***

EDS/84. **IMPLEMENTING THE HEALTH ACT 2006 : SMOKE FREE LEGISLATION**

It was reported that the Smoke Free provisions of the Health Act 2006 came into force on 1st July 2007. The Government had proposed that first tier local authorities would have the enforcement responsibilities. An outline was given of the provisions made by this new Act. Implementing the legislation offered a significant opportunity to promote healthier lifestyles and particularly the cessation of smoking. Funding was being made available by the Department of Health to undertake this new work. It wished to approach enforcement in a non-confrontational way, focused on raising awareness and understanding, to ensure compliance. Enforcement Officers would work closely with business to build compliance through education, advice and support before the legislation came into force. The Council would have enforcement responsibilities for smoke free premises and work vehicles in the South Derbyshire District.

In order to implement this legislation successfully, it would be necessary to develop a database of premises and businesses affected by the regulations. Support would be offered to businesses and others affected during the introductory period.

It was proposed to undertake a degree of joint working and funding with the Primary Care Trust. This would involve the employment, on a temporary basis, of a tobacco control worker and an outline was given of the duties of this post. The person would cover three local authority areas in Derbyshire and negotiations were at an early stage regarding the possible funding of this post. In order to visit premises prior to the end of June 2007, it was intended to employ a Technical Officer on a fixed term contract. This Officer would determine the degree of compliance and give advice where necessary, prior to the legislation coming into force. After this time, it was proposed that both day and night time inspections be undertaken, by both Enforcement Officers and the Technical Officer. This would determine compliance on a risk basis and following complaints from members of the public. It was proposed to allocate a sum of money to pay officers overtime for the specific inspections at night, so as not to disrupt the normal running of sections.

The financial implications showed the money allocated by the Department of Health and the proposals for expenditure of these resources. Members discussed the financial support from the Primary Care Trust, which would be used to fund the shared Officer. Councillor Carroll asked about the arrangements for the Melbourne area, which was covered by another Primary Care Trust. It was noted that when working for this District Council, the Officer would cover the whole of South Derbyshire. In response to a question from the Leader, it was confirmed that the control worker would also be employed on a 12 month contract. The issue of lone working was discussed and Officers explained that there were other staff within Environmental Health who could assist, if the assessed risk warranted support. It was questioned how the legislation would apply to areas adjacent to public buildings, such as the Civic Offices. In some cases, the whole of a site was designated and this applied to the Civic Offices, including its grounds.

Councillor Dunn referred to the efforts to accommodate smokers with sheltered areas outside public houses. He questioned how the District Council would approach this issue and it was explained that there might be

both enforcement and planning issues. From an environmental health viewpoint, each site would be assessed on an individual basis. Reference was made to the resources being spent on educating people. After this period of education, there would be enforcement action. An outline was given of the sanctions that could be imposed and where prosecutions were secured, a fine of up to £2,500 could be levied. Alternatively, fixed penalty notices could be served and it was understood that the level of fine was in the order of £50 to £75. Members discussed the practical difficulties of enforcing this legislation. It was noted that there were prosecution powers against business owners. In Scotland, where this legislation had already been introduced, there were high compliance rates. In response to a question from Councillor Lane, Officers confirmed that litter provisions could also be enforced where cigarette stubs were not disposed of properly.

RESOLVED:-

That the funding supplied by the Department of Health for the implementation of the Smoke Free legislation (The Health Act 2006) be allocated to Environmental Services for that purpose, in accordance with the proposals contained in the report

EDS/85. **REVIEW OF IN-VESSEL COMPOST SCHEME**

It was reported that the in-vessel composting (IVC) scheme commenced in September 2006. It served approximately 3,000 households in Findern, Mickleover and Stenson Fields, providing an alternate weekly collection service for a wider range of recyclable materials.

The scheme had made a successful start with 616 tonnes of waste collected in the first four months, of which 268 tonnes had been composted. This represented an impressive composting rate of 43%. The Waste Management Team undertook a household satisfaction survey using residents who were on the Citizens Panel. There was a high response rate of 84% and the report outlined the types of questions in the survey and the feedback received.

A sample of waste was taken for analysis, during October, November and December. The contents of the bins were taken to Transcycle in Derby, where they were sorted into different types of waste and weighed. The results of this exercise were set out in a table within the report. This analysis showed that 68% of the waste being placed in the black wheeled bin, could have been recycled. This indicated that there was no requirement for a side refuse collection and that households with five or more occupants could manage with a standard size wheeled bin, which would save approximately £4,000 for the cost of purchasing larger bins.

Councillor Ford was delighted with the report and commented on the introduction of the recycling scheme into the Findern and Willington Ward. He suggested that a letter of thanks be sent to the relevant Parish Councils to recognise residents' efforts during the introduction of the scheme. Councillor Shepherd had been apprehensive about the scheme's introduction, but noted the low level of complaints and the wide acceptance of the new scheme. He referred to the survey undertaken and suggested the use of the Council's Website in the future, to achieve a higher response rate. Officers explained the approach used on this occasion to target those on the Citizens Panel, who lived in the area where the IVC was being introduced.

However, it was acknowledged that higher of levels of feedback could be received from using the website.

The Chair noted the positive messages within this report and the feedback from local Members. He hoped the Council could continue to make significant progress on recycling through the IVC scheme. He also spoke about the composting operation, based at Ashbourne and the high quality compost produced.

The Leader sought clarification about the amount that could be recycled if residents separated all recyclable materials from the waste placed in the refuse bin. It was suggested that a press release be issued to praise residents efforts, whilst explaining the potential to increase the proportion of recycling even further. It was also suggested that this information be included in the Council's Newspaper.

RESOLVED:-

- (1) That the Committee receives the findings of the "In-Vessel" Compost Scheme Satisfaction Survey and Waste Analysis report.***
- (2) That following these positive responses, the Committee confirms the following policies, to apply to the IVC Kitchen and Composting Scheme:-***
 - Nil side refuse collection***
 - That larger refuse bins are only issued, if requested, for households of six or more people***
 - That the alternate collection scheme operates for 48 weeks of the year.***
- (3) That the Waste Management Team undertakes further promotion work in the IVC Scheme area, to seek an increase in the amount of food waste being placed in the brown bins for composting.***

EDS/86.DRAFT RIGHTS OF WAY IMPROVEMENT PLAN FOR DERBYSHIRE 2006-11

It was reported that under new legislation, the County Council had a duty to produce a Rights of Way Improvement Plan for Derbyshire. Members were advised of the issues to be considered within such an Improvement Plan and the broad definition of the term 'Local Rights of Way', for the purposes of this document.

Extensive public consultation had already taken place. An assessment of the current access network had resulted in the identification of a number of themes and aims, which had formed the basis for production of a 'Statement of Action'. A summary of the needs identified under each of these aims was appended to the report. There were a series of proposed actions to deliver the aims and to secure improvements to the network. The Statement of Action also provided an indication of the level of resources required, whether the actions were achievable within existing budgets, the key partners involved and an estimated timescale to deliver the actions. The Plan stated that improving rights of way maintenance and enhancement measures was

likely to be reliant on partnership working with local groups, parishes and town councils. The report concluded by welcoming the Improvement Plan. Specific comments were made on themes related to the National Forest, Economy & Tourism, encouraging healthier and more sustainable travel choices, Bridleways, conservation and bio-diversity and issues relating to the definitive map.

Councillor Ford felt it was vital to maintain public rights of way. He spoke about the community's role and that of local organisations like the Findern Footpaths Group. Finally, Councillor Ford referred to an appeal hearing held that day in London for a public right of way in Willington.

Councillor Tilley recognised the benefits of the computer-based mapping system, whilst questioning the facilities for those without access to the internet. In reply, Officers referred to the production of walking leaflets and the availability of mapping information through Customer First.

RESOLVED:-

That the conclusions contained within the report and the comments made by Members at the Meeting be submitted in response to the consultation document on the Draft Rights of Way Improvement Plan.

NOTE : 6.50pm Councillor Whyman M.B.E. left the Meeting.

EDS/87. **EAST MIDLANDS AIRPORT MASTER PLAN**

It was reported that, at its Meeting on 9th November 2006, the Council considered the response to the request to the Secretary of State for Transport for the designation of East Midlands Airport (EMA). It was agreed to establish a Working Panel to evaluate the final version of the Masterplan which was subsequently published in December 2006. The Working Panel met on 17th January and 21st February 2007. It had agreed not to recommend to the Council to pursue designation of the Airport for the time being, as it was felt this would not necessarily lead to a reduction in noise levels, could have an adverse impact on community liaison and the ability to negotiate locally on issues of concern. However, it was agreed to seek regular updates, to enable monitoring of the Airport's performance against its Masterplan. It was considered that Members should be appraised of the Airport's responses to the issues raised by the Council in commenting on the draft Masterplan. The responses taken from the Airport's consultation process and responses document were appended to the report. It had not responded to representations individually in most cases, but rather had grouped similar comments together and provided a more general response.

The Panel considered that the Airport should be notified of the Council's disappointment, that the Masterplan gave no commitment to provide significant additional financial assistance at this time, to mitigate against the impact of Airport operations on South Derbyshire residents. It was noted, however that the night-time noise contour forecast for 2016 suggested that most dwellings in Kings Newton and a number in the northern part of Melbourne, would be eligible to receive the basic sound insulation grant at that time.

The Panel had considered information submitted to support a request made by a local group 'Save Aston Village Environment' (SAVE) for the alteration of the routes used by aircraft for training flights. At present, these routes passed over both Aston and Weston-on-Trent. Evidence had been compiled to demonstrate the realignment of this route could significantly reduce noise disturbance to residents. Further appendices to the report showed the links between the flight paths and noise levels, dependant on the volume of aircraft flights. The Panel agreed that the Council should support SAVE in its endeavours. It was considered that the recent change in name of the Airport should be noted and welcomed, as recognising that the Airport served the region as a whole.

The Chair spoke about the work of the Panel and Councillor Carroll voiced Members' thanks to the Planning Policy Officer for his assistance on this matter. There was disappointment that East Midlands Airport had made no concessions on noise nuisance, that would benefit Melbourne residents. She touched on the compensation payment scheme and the Panel's desire to retain documents used for this exercise for future reference. She also spoke about the difficulties of monitoring compliance with the Masterplan. Councillor Ford referred to the report recommendations specifically about support for SAVE and the highway improvements needed in Church Street, Melbourne.

RESOLVED:-

- (i) That the responses made by East Midlands Airport (EMA) to the representations made by this Authority in regard to the Draft Master Plan be noted.***
- (ii) That disappointment be expressed in regard to the fact that the Airport has not committed to providing significant additional financial assistance to South Derbyshire residents affected by noise disturbance.***
- (iii) That it be stated that concern remains that EMA has not responded in the "Consultation Process and Responses" document to points "e", "h", "i", "m", "u", "v", "bb", "cc" and "hh" made by the Council in its response to the Draft Master Plan.***
- (iv) That the change of name from "Nottingham East Midlands Airport" to "East Midlands Airport Nottingham Derby Leicester" be noted and welcomed.***
- (v) That support be expressed in regard to the proposal put forward by Save Aston Village Environment for the alteration of the route used by aircraft for training flights at EMA.***
- (vi) That proposed arrangements for the ongoing monitoring of Airport activity and impacts, as set out in paragraphs 8.26 – 8.29, be approved.***
- (vii) That as Highways Authority, Derbyshire County Council be requested to address the urgent need for resurfacing of Church Street, Melbourne at the earliest opportunity.***

(viii) That a copy of this report be provided to the following: the Member of Parliament for South Derbyshire, the European Members of Parliament for the East Midlands area, the Civil Aviation Authority, the Government Office for the East Midlands and East Midlands Airport.

EDS/88. **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 is 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 Special Meeting held on 9th January 2007 and of the Meeting held on 1st February 2007 were received.

SWADLINCOTE MARKET (Paragraph 3)

The Committee agreed to a contract for the future management of the Swadlincote Town Centre Market.

FORMATION OF A PARTNERSHIP FOR THE DELIVERY OF THE COUNCIL'S BUILDING CONTROL SERVICE (Paragraph 3)

The Committee agreed to receive a further report on this matter.

S. TAYLOR

CHAIR