

**Please ask for Democratic Services**

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Our Ref: DS

Your Ref:

Date: 7 August 2019

Dear Councillor,

**Environmental and Development Services Committee**

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 15 August 2019** at **18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor MacPherson (Chairman), Councillor Mrs. Haines (Vice-Chairman) and Councillors Billings, Mrs. Brown, Dawson, Fitzpatrick, Mrs. Patten, and Whittenham

**Labour Group**

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

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To receive the Open Minutes of the following Meetings:  
  
Environmental and Development Services Committee 30th May 2019 Open Minutes **5 - 8**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6** Reports of Overview and Scrutiny Committee
- 7** CORPORATE PLAN 2016-21 PERFORMANCE REPORT **9 - 32**
- 8** KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT **33 - 34**
- 9** KNOWLEDGE TEST – INCREASE OF FEE **35 - 36**
- 10** CORPORATE ENVIRONMENTAL SUSTAINABILITY GROUP **37 - 43**
- 11** ANNUAL ENFORCEMENT AND COMPLIANCE REPORT 201819 **44 - 53**
- 12** ENVIRONMENTAL AWARENESS AND LOCAL COMMUNITY ACTION **54 - 59**

<b>13</b>	<b>FOOD SERVICE PLAN 2019-20</b>	<b>60 - 96</b>
<b>14</b>	<b>SWARKESTONE PUBLIC FOOTPATH No. 9 (PART) STOPPING UP ORDER</b>	<b>97 - 100</b>
<b>15</b>	<b>PROPOSED STRATEGIC PLAN FOR NATURE</b>	<b>101 - 116</b>
<b>16</b>	<b>CALL FOR SITES- STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT</b>	<b>117 - 124</b>
<b>17</b>	<b>GYPSY AND TRAVELLERS DEVELOPMENT PLAN DOCUMENT SUSTAINABILITY APPRAISAL &amp; SCOPING REPORT</b>	<b>125 - 128</b>
<b>18</b>	<b>PICTORIAL WILD FLOWER PLANTING TRIAL</b>	<b>129 - 133</b>
<b>19</b>	<b>OVERSEAL RECYCLING SITE REMOVAL</b>	<b>134 - 136</b>
<b>20</b>	<b>SECTION 106 AGREEMENTS AND ADOPTION OF OPEN SPACE ETC.</b>	<b>137 - 148</b>
<b>21</b>	<b>PUBLIC SPACES PROTECTION ORDERS</b>	<b>149 - 154</b>
<b>22</b>	<b>COMMITTEE WORK PROGRAMME</b>	<b>155 - 160</b>

#### **Exclusion of the Public and Press:**

- 23** The Chairman may therefore move:-
- 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 paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 24** To receive the Exempt Minutes of the following Meetings:  
Environmental and Development Services Committee 30th May 2019 Exempt minutes
- 25** To receive any Exempt questions by Members of the Council

pursuant to Council procedure Rule No. 11.

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

30<sup>th</sup> May 2019

### **PRESENT:-**

#### **Conservative Group**

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

#### **Labour Group**

Councillors Dunn, Mrs. Heath, Singh and Tilley.

#### EDS/1 **APOLOGIES**

Apologies for absence were received from Councillor Fitzpatrick and Councillor Mrs. Patten (Conservative Group) and Councillor Taylor (Labour Group).

#### EDS/2 **MINUTES**

The Open Minutes of the Meetings held on 24<sup>th</sup> January 2019, 28<sup>th</sup> February 2019 and 17<sup>th</sup> April 2019 were noted, approved as a true record and signed by the Chairman.

#### EDS/3 **DECLARATIONS OF INTEREST**

Councillor Roberts declared a personal interest in relation to Item 8 on the Agenda by virtue of being a private hire licensed driver and advised he would leave the Chamber whilst the item was discussed.

#### EDS/4 **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/5 **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/6 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

**MATTERS DELEGATED TO COMMITTEE****EDS/7      CORPORATE PLAN 2016-21: PERFORMANCE REPORT (YEAR END 2018-19)**

The Strategic Director (Service Delivery) presented the report to Committee, highlighting the successes, which included a reduction in fly-tipping and an increase in the number of food businesses with five star food rating, and areas which required further action.

Councillor Dunn commented that whilst it was positive to see the target for food hygiene rating had been surpassed, it had been raised within the Audit Sub-Committee an inspection had been overdue by more than 100 days due to a long-term sickness and had only taken place following a complaint. He queried if there were sufficient resources available to meet demands of the service. The Strategic Director (Service Delivery) responded to the query and noted the audit recommendations had been taken on board and there were now mitigating steps in place and temporary resources available.

Members discussed the merits and disadvantages of the Planning Committee being held every four weeks instead of three, with consideration being given to bringing the topic back to a future Committee to be debated.

Councillor Tilley requested a press release was published regarding the progress in addressing fly-tipping, though noting more was still required in tackling the problem. Councillor Mrs. Wheelton requested information on the fly-tipping 'hotspots'. The Strategic Director (Service Delivery) noted efforts were being made to engage with communities about fly-tipping and information regarding locations could be included in the annual enforcement report being brought to a later Committee.

The Chairman agreed with the importance of the wider community being aware of the successes in addressing fly-tipping through the efforts of staff and residents through a press release.

Councillor Mrs. Brown requested the bin collection schedule along the A38 was reviewed and increased as had previously been raised, if possible. The Strategic Director (Service Delivery) noted the request and committed to investigating the current bin collection schedule and reviewing if the previous request had not been implemented.

**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.***

Councillor Roberts left the Chamber at 6.20pm.

**EDS/8      UPDATE TO PRIVATE HIRE LICENSING POLICY AND CONDITIONS**

The Senior Licensing Officer presented the report to Committee, highlighting the requested changes to the Private Hire Licensing Policy following an eight week consultation.

Members raised queries regarding the availability of suitable vehicles with a minimum light transmission of 70% taxi drivers could purchase; the protection of passengers, mainly young children, from sunrays within vehicles with light transmission of 70% or greater; and the correlation between tinted windows and safeguarding incidents.

The Senior Licensing Officer addressed each query, noting popular licensed vehicles could be purchased without privacy windows and there were alternative ways to protect passengers, mainly young children in car seats, in vehicles. In relation to safeguarding incidents, the Senior Licensing Officer informed the Committee the proposed changes to the policy was a proactive response to national concerns around Child Sexual Exploitation and county lines. The Strategic Director (Service Delivery) informed Members the proposals contained in the report were in response to government recommendations following the grooming of young and vulnerable children by taxi drivers in Rotherham.

Councillor Singh queried the impact on currently licensed vehicles that do not meet the minimum light transmission requirement. The Senior Licensing Officer noted a compromise had been made in the policy to allow for a phased transition of the currently licensed vehicles that do not meet the requirement.

**RESOLVED:**

***The Committee approved the proposed changes to the Private Hire Licensing Policy and Private Hire Vehicle, Driver and Operator Conditions to come into effect on 1st July 2019.***

***The Committee approved the proposed fee for a private hire vehicle licence for a hire vehicle to come into effect on 1st August 2019.***

Councillor Roberts returned to the Chamber at 6.40pm.

EDS/9

**COMMITTEE WORK PROGRAMME**

Councillor Billings requested information regarding dog fouling hotspots, in addition to the fly-tipping hotspots, be included within the Annual Enforcement Report. The Strategic Director (Service Delivery) noted the request and advised this would be passed on to the Officer.

The Strategic Director (Service Delivery) informed Members that following an initial report in April 2019, a second report regarding the work undertaken by the Corporate Environmental Sustainability Group would be brought to Committee to highlight the activities taken to improve the Council's environmental performance.

**RESOLVED:**

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

EDS/10 **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 Meetings held on the 24<sup>th</sup> January 2019 and 17<sup>th</sup> April 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.*

**SERVICE LEVEL AGREEMENT – DERBYSHIRE WILDLIFE TRUST**

*The Committee approved the recommendations contained in the report.*

The meeting terminated at 7.05pm.

COUNCILLOR A MACPHERSON

CHAIRMAN



<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>LEADERSHIP TEAM</b>	<b>OPEN DOC:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ALLISON THOMAS (EXT. 5775) FRANK MCARDLE (EXT. 5700)</b>	
<b>SUBJECT:</b>	<b>CORPORATE PLAN 2016-21: PERFORMANCE REPORT (QUARTER 1 – 1 APRIL TO 30 JUNE)</b>	
<b>WARD (S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

## **1.0 Recommendations**

- 1.1 That the Committee considers progress against performance targets set out in the Corporate Plan.
- 1.2 That the Risk Register and Action Plan for the Committee's services are reviewed.

## **2.0 Purpose of Report**

- 2.1 To report progress against the Corporate Plan for the year end performance under the themes of People, Place, Progress and Outcomes.

## **3.0 Detail**

- 3.1 The Corporate Plan 2016 – 2021 was approved following extensive consultation into South Derbyshire's needs, categorising them under four key themes: People, Place, Progress and Outcomes. The Corporate Plan is central to the Council's work – it sets out its values and vision for South Derbyshire and defines its priorities for delivering high-quality services.
- 3.2 This Committee is responsible for overseeing the delivery of the following key aims:

### **People**

- *Reduce the amount of waste sent to landfill*

### **Place**

- *Facilitate and deliver integrated and sustainable housing and community infrastructure*
- *Help maintain low crime and anti-social behaviour levels in the District*
- *Deliver services that keep the District clean and healthy*

### **Progress**

- *Work to attract further inward investment*
- *Unlock development potential and ensure the continuing growth of vibrant town centres*
- *Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists*
- *Provide business support and promote innovation and access to finance*

### **Outcomes**

- Enhance environmental standards

These aims are underpinned by outcomes including financial health, improved customer focus, good governance, enhanced environmental standards and maintaining a skilled workforce.

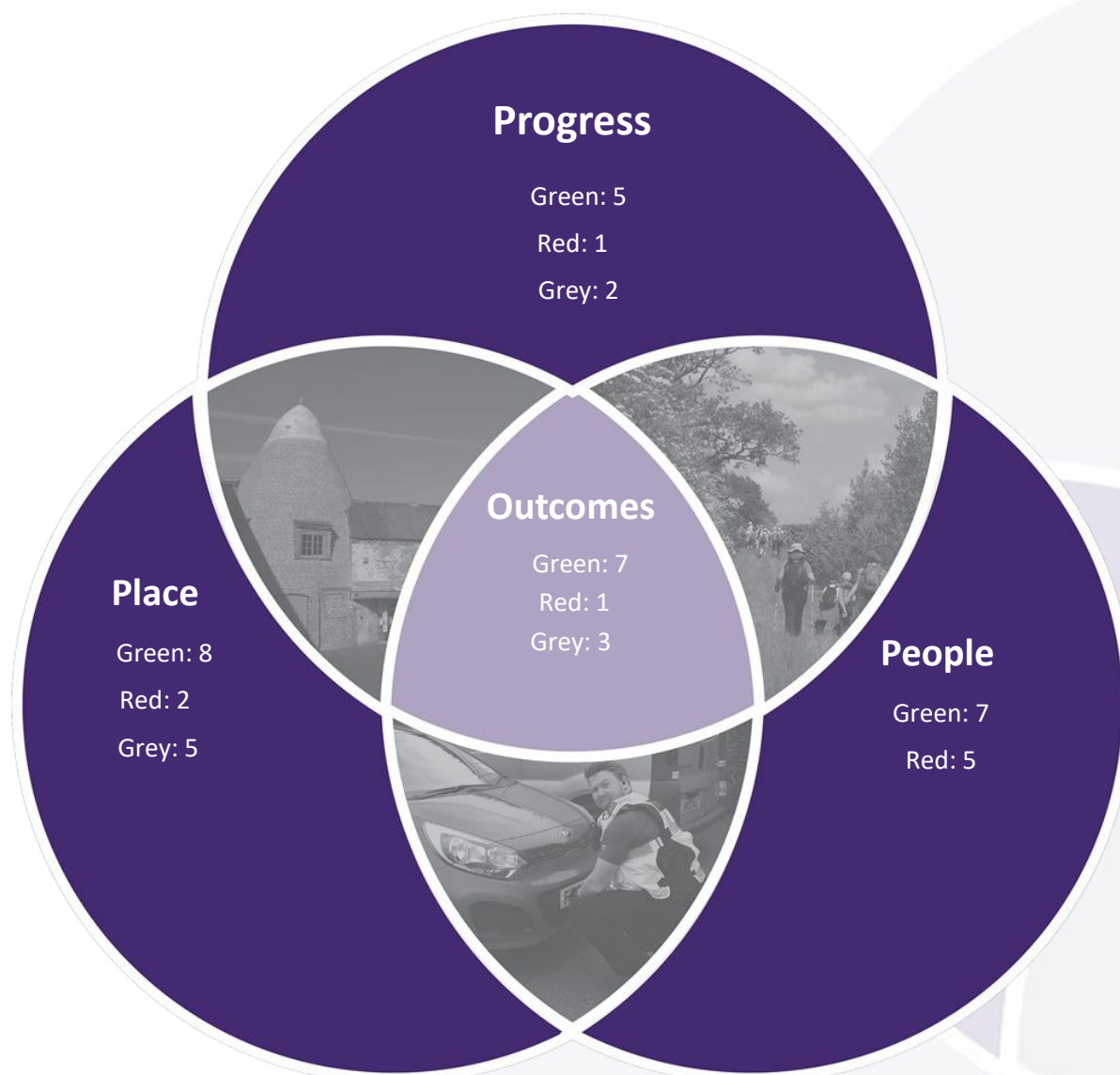
- 3.3 Of the 21 measures and projects under the jurisdiction of the Environmental and Development Services Committee, 12 are green, three red and six grey. More information can be found in the Performance Board in **Appendix A**. A detailed breakdown of performance for the committee is available in the performance summary, success areas and action plan documents (**Appendices B C and D respectively**).



- 3.5 The Risk Register for the Committee's services is detailed in **Appendix E**. This includes the registers and risk mitigation plans for the Service Delivery Risk Register.
- 3.6 Each risk has been identified and assessed against Corporate Plan aims and are considered to be the most significant risks to the Council in achieving its main objectives. The Risk Registers detail a matrix to show how each identified risk has been rated.

#### 4.0 Overall Council performance – Quarter 1 19 20

Of the 46 Council projects/measures, there are 27 green, nine red and ten grey at the end of Quarter 1 2019/20.



#### 5.0 Financial and Corporate Implications

##### **Employment Implications**

5.1 None directly.

##### **Legal Implications**

5.2 None directly

##### **Corporate Plan Implications**

5.3 This report updates Members on the progress against the key measures agreed in the Corporate Plan and demonstrates how priorities under the People, Place, Progress and Outcomes themes contribute to that aspiration.

## **Risk Impact**

- 5.4 Key risks impacting on this Committee are detailed in Appendix E, alongside the treatment and the mitigating actions in place to manage these risks.

## **6.0 Community Impact**

### **Consultation**

- 6.1 None required

### **Equality and Diversity Impact**

- 6.2 Not applicable in the context of the report

### **Social Value Impact**

- 6.3 Not applicable in the context of the report

### **Environmental Sustainability**

- 6.4 Not applicable in the context of the report

## **7.0 Appendices**

Appendix A – Performance Board  
Appendix B – Environmental and Development Services: Performance Summary  
Appendix C – Environmental and Development Services: Key Successes  
Appendix D – Environmental and Development Services: Action Plans  
Appendix E – Service Delivery Risk Register

Theme	Key Aim	Strategic measure / projects	Q1 Target	Q1 Performance	Detail
Outcomes	Maintain financial health	<b>O1.1</b> Identify £1m of budget savings and additional income by March 31, 2023	No Action required		No Action required for Quarter 1
Outcomes	Maintain financial health	<b>O1.2</b> Rent arrears as a % of rent due.	< 2.5%	2.47%	Current Tenant arrears at the end of Quarter 1 were £295,838. The total rent due during Quarter 1 was £11,978,160
Outcomes	Maintain proper corporate governance	<b>O2.1</b> An unqualified opinion in the Annual Audit Letter.	No Action Q1.		No Action required for Quarter 1
Outcomes	Enhance environmental standards.	<b>O3.1</b> Uphold strong environmental management standards.	Address all minor non-conformities and observations from the October ISO14001 audit.		All 5 minor non-conformities have now been addressed.
Outcomes	Maintain a skilled workforce.	<b>O4.1</b> The average working days lost per employee.	< 2 days	2 days	On target at end of Quarter 1. 20% improvement on performance when compared to the same period over the previous two years.
Outcomes	Maintain customer focus.	<b>O5.1</b> Expand services in the Customer Contact Centre and maintain facilities for face to face enquiries where required	> 80%	76%	See Action Plan
Outcomes	Maintain customer focus.	<b>O5.2</b> Expand services in the Customer Contact Centre and maintain facilities for face to face enquiries where required	< 8%	8%	April and especially May were had more contact than was expected and the abandoned rate was higher than normal, the Council able to pull it back in June to meet the quarter average.
Outcomes	Maintain customer focus.	<b>O5.3</b> To gather customer satisfaction data in a cost effective way and use the data to manage and improve services	Review and implement a new method of collection for tenant satisfaction across Housing.		Preliminary discussions have taken place with providers of STAR(T) customer satisfaction method. Wider discussions to be had with IT and Business Change relating to potential Council wide solutions.
Outcomes	Maintain customer focus.	<b>O5.4</b> To provide a value for money service that fully meets the needs of our tenants and delivers high levels of customer satisfaction	Develop proposals to implement findings following the Housing Quality Network review of the Housing service.		Outcome of the HQN Review reported to Committee in June 2019. Action plan and project team are now in place
Outcomes	Minimise business risks and realise the benefits of technological opportunities.	<b>O6.1</b> Build IT infrastructure resilience to support change and minimise business risks.	Q1. Procurement and Commission of virtualised servers and Network Storage.  Q1. Commission of secure mobile device management (MDM) and new smartphones.		New virtual servers and network storage have been commissioned. Migration of data is ongoing.  Mobile device management (MDM) installed and smartphones have been issued to over 100 users. Remaining users are being targets on a departmental basis.

Theme	Key Aim	Strategic measure / projects	Q1 Target	Q1 Performance	Detail
Outcomes	Minimise business risks and realise the benefits of technological opportunities.	O6.2 Agree and deliver business change programme to support core objectives.	Q1. Review of Cloud Solution for Revenues and Benefits.  Q1. Housing Service Modernisation Review.		Contract signed for Revenues and Benefits cloud solution. Project to migrate by December 2019 is underway.  Housing Modernisation Review has started and will continue through Quarter 2
People	Enable people to live independently	PE1.1 Average time taken to re-let Council homes (excluding major voids)	< 21 days	99.6	See Action Plan
People	Enable people to live independently	PE1.2 Average length of time for current voids	< 21 days	59.8	See Action Plan
People	Enable people to live independently	PE1.3. Delivery of Better Care Fund (BCF) schemes in accordance with assurance plans. NEW.	Report on the delivery of the £980k BCF programme for 2018/19.		The BCF plan was approved by the BCF Board on 29 <sup>th</sup> April in Quarter 1, the Council have since received a further £792,375 of grant for 2019/20. The BCF projects will continue to be monitored and progressed with quarterly reports taken to BCF Board outlining progress against each scheme and potential carry over of funding into 2020. We have not established Hospital Avoidance Scheme yet which accounts for £100k per year
People	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.1 Number of successful introductory tenancies	> 85%	90%	The pre tenancy and induction process for new tenants are in the process of being reviewed.
People	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.2 Average time for processing new Benefit claims.	< 18 days	22.9	See Action Plan
People	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.3 Average time for processing notifications of changes in circumstances.	< 8 days	10.6	See Action Plan
People	Protect and help support the most vulnerable, including those affected by financial challenges.	PE2.4 Successful roll out of Universal Credit in South Derbyshire.	Embed revised working relationships with Citizens Advice South Derbyshire and City on new claim support.		Meeting has been held between Ben Taylor and Samantha Worthington (Citizens Advice) handing over Personal Budgeting/Assisted Digital Support to 'Help to Claim' on 14th March 2019. A direct email address has been created as a direct referral point for any resident needing assistance in claiming UC. The Chief Executive of Citizen's Advice attends Welfare Reform Group to provide updates on operational development.
People	Use existing tools and powers to take appropriate enforcement action.	PE3.1 Number of empty home intervention plans for dwellings known to be empty for more than two years.	. ≥0	4	Four long term empty properties are now occupied or sold following the Council's intervention. These are at Woodmans Croft, Hatton; Dundee Road, Midway; Bretby Lane and Larch Road, Newhall



Theme	Key Aim	Strategic measure / projects	Q1 Target	Q1 Performance	Detail
People	Increase levels of participation in sport, health, environmental and physical activities.	PE4.1 Throughput at Etwall Leisure Centre, Green Bank Leisure Centre and Rosliston Forestry Centre.	Rosliston: Q1. 50,000  Leisure centres: Quarterly target 172,108, as per contract agreement.  Walking Festival: 1,250  Community Participation: Q1. 21,465		Rosliston 60,079, Green Bank LC and Etwall LC are currently not available for June, participations to date for April and May 198,054. Both months were above target at both centres so anticipated that overall Q1 target will be met when June figures are received. Walking Festival 1,780. 23,135 Community Participation MR to update with Ros and Leisure Centre throughput
People	Increase levels of participation in sport, health, environmental and physical activities. H&CS	PE4.2 Delivery of the Active Derbyshire SLA for South Derbyshire.	Action Plan developed and milestones agreed with Active Derbyshire		Action Plan has been developed with Active Derbyshire and is now being implemented.
People	Reduce the amount of waste sent to landfill.	PE5.1 Household waste collected per head of population (kg)	<130kgs	109kgs	
People	Reduce the amount of waste sent to landfill.	PE5.2 % of collected waste recycled and composted.	>54%	52%*	*Estimated data, verified data not available until September, dry recycling tonnage is increasing. However, residual tonnages have also increased whilst compost tonnages have decreased.
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.1 Total number of affordable dwellings delivered.		53	53 Affordable homes deliver during Quarter 1. 19 at Affordable Rent, 19 at Social Rent and 15 Shared Ownership homes.
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.2 Adopt Countywide Strategy – Housing and Accommodation for an ageing population: Vision for Derbyshire to 2035. NEW.	Q1 and Q2. Ensure at least 10% of all new affordable housing provision secured through Section 106 agreements or planning conditions is either adapted for disabled use or built to lifetime homes standards.		The Countywide 'Older People's Housing Accommodation and Support Strategy' for Derbyshire has now been approved at Derbyshire County Council . There are implications and actions for SDDC to ensure the housing needs of our aging population are met. A report is due to be taken to October's Housing and Community Services Committee that outlines the SDDC specific tasks / housing requirements and takes the Countywide report for formal adoption by SDDC.
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.3 Number of new homes added to the HRA (this indicator incorporates new builds and also acquired properties into the HRA).	Proxy (Annual)		Annual Figure (proxy measure)
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.4 Relevant documents adopted	Submission of Local Green Spaces Document to the Planning Inspectorate. Completion of Gypsy/Traveller Site Allocations Development Plan (GTSADP) scoping.		The Submission of Local Green Spaces Plan to the Planning Inspectorate was sent on the 24th May 2019 and the examination of on this plan will take place on the 12 September. The Gypsy/Traveller Site Allocations Development Plan (GTSADP) scoping has been completed and as a result a report will be taken to EDS on the 15th August.

Theme	Key Aim	Strategic measure / projects	Q1 Target	Q1 Performance	Detail
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.5 Number of decisions made in time over number of decisions made	90%	94%	Despite continued pressure on resources, performance has improved on the previous quarter. This is due to focussed efforts by the Development Management team to ensure applications are handled on time and only taken beyond their statutory timeframe where agreement has been obtained. The overall figure is made up of 3 'groups': major, minor and other applications, of which all three returned at 90% or above.
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.6 Maximise delivery of housing units	Housing survey completed	100%	Bi-monthly meeting continue with site intelligence reported back to responsible officer. Current 5 year housing land supply rate at 5.5 years - most sites started are building at a rate above that originally anticipated such that c.1200 were completed in 2018/19 - work to accelerate progress on two sites underway
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.7 Proportion of good quality housing development schemes (defined using Build for Life criteria) approved.	Reported annually		Reported annually
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.8 Capital maintenance programme for investment in public buildings. NEW.	Draw up proposed programme, consult and match to resources.		See Action Plan
Place	Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	PL1.9 Capital programme for the delivery of enhancements to public open spaces utilising Section 106 contributions. NEW.	Draw up proposed programme, consult where applicable and match to resources.		All Section 106 resources have been referenced against the Open Space, Sport and Community Facilities strategy and allocated to appropriate projects.
Place	Help maintain low crime and anti-social behaviour (ASB) levels	PL3.1 Downward trend in fly-tipping incidents.	<172	174	See Action Plan
Place	Help maintain low crime and anti-social behaviour (ASB) levels	PL3.2 Number of ASB incidents in Swadlincote Centre (reported as a rolling 12 month figure)	400 incidents over 12 month rolling period	332	New Town Centre Community Safety Enforcement Officer employed. Minor issues with two regular street drinkers gathering, Criminal Behaviour Order to be heard in Court for one that will ban him from the Town Centre if successful.



Theme	Key Aim	Strategic measure / projects	Q1 Target	Q1 Performance	Detail
Place	<b>Connect with our communities, helping them feel safe and secure.</b>	<b>PL4.1</b> Review and update existing plan. Develop and deliver action plan.	Work with schools to develop delivery plan for community safety input in schools in 2019/20.		Schools have indicated they would again like to have Prison me, no way. The Police have yet to confirm if they will have funding for Your Choice events. The Police and Crime Commissioner is to review all input into Schools as looking at a Countywide approach to input into Schools
Place	<b>Deliver services that keep the District clean and healthy.</b>	<b>PL6.1</b> % adherence to service standards for Grass Cutting.	New indicator, performance figures gathered this year will be used to set improvement targets for 2020/21	90%	90% of all work completed on schedule and in accordance with service standards. The remaining 10% was completed at the commencement of Q2.
Place	<b>Deliver services that keep the District clean and healthy.</b>	<b>PL6.3</b> % of fly-tips cleared within 24 hours	New indicator, performance figures gathered this year will be used to set improvement targets for 2020/21	84%	100% of all reported flytips reported in Q1 were cleared in Q1 on average within 1.48 days
Place	<b>Deliver services that keep the District clean and healthy.</b>	<b>PL6.2</b> Monitoring of street scene services (including fly-tipping, grass cutting and litter collection). NEW.	Annual measure		Discussions with Keep Britain Tidy have commenced now developing measures for the annual survey to take place end of Q2 commencement of Q3
Progress	<b>Work to attract further inward investment.</b>	<b>PR1.1</b> Net additional commercial/employment floor space created	Number of square metres. (Proxy).		Reported in Quarter 2 and Quarter 4 (proxy measure)
Progress	<b>Unlock development potential and ensure the continuing growth of vibrant town centres.</b>	<b>PR2.1</b> Delivery of Vision and Strategy.	Q1A. Review way forward on receipt of National Forest Business Improvement District (BID) feasibility study.  Q1B. Promote town centre investor opportunities.	Q1A One Delayed; Q1B:One Achieved	Quarter 1A: See Action Plan Quarter 1B: Receipt of consultant's feasibility study for Business Improvement District delayed; Town centre investment opportunities promoted online, in Property Bulletin publication and at property exhibition.
Progress	<b>Unlock development potential and ensure the continuing growth of vibrant town centres.</b>	<b>PR2.2</b> Vacant premises in Swadlincote, Hilton and Melbourne	N/A		Reported in Quarter 2 and Quarter 4 (proxy measure)

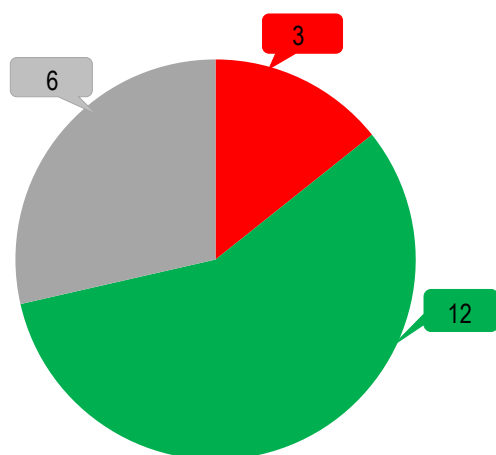
Theme	Key Aim	Strategic measure / projects	Q1 Target	Q1 Performance	Detail
Progress	Work to maximise the employment, training and leisure uses of The National Forest by residents and increase the visitor spend by tourists.	PR3.1 Promote entrepreneurial opportunities to improve employability skills and raise awareness of self-employment.	Q1. Deliver Love Your Local Market young enterprise activity. Q1. Stage Swadlincote Jobs and Skills fair. Q1. Deliver Thinking of Starting a Business workshop.		Young Enterprise activity delivered with William Allitt School; Job Opportunities Day held at Green Bank Leisure Centre; 'Thinking of Starting a Business?' workshop held in Hilton.
Progress	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.1 Food businesses which have a Food Hygiene Rating score of five.	>83%	85.4%	This performance is an increase on the figure reported at the 31st March 2019 and is at the highest level ever recorded by the Council.
Progress	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.2 Registered food businesses active in the District	≥810	859	This performance is an increase on the figure reported at the 31st March 2019 by an additional 17 businesses.
Progress	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.3 Visitor economy businesses supported through Swadlincote Tourist Information Centre (no. visitor enquiries, website hits, social media, etc.)	150,000	973,889	In addition to visitor enquiries serviced, other activities included staging of the National Forest Walking Festival 2019, promotion of the service at Festival of Leisure and publication of the Summer edition of What's On
Progress	Provide support to businesses and the not for profit sector and promote innovation and access to finance, including in rural areas	PR5.4 Guidance offered to businesses or people thinking of starting a business (through the South Derbyshire Business Advice Service).	40	71	In addition to one-to-one advice sessions with businesses/entrepreneurs, a 'Thinking of Starting a Business?' workshop was held in Hilton

# Environment & Development Services Performance and Project Overview 2019/20 Quarter 1



## Appendix B

### E&DS Overview



Green (43 %) Red (5%) Grey (29%)

**PL1.5**  
decisions made in time  
Target >90%



**94%**

**PL1.7**  
good quality housing  
Target >90%



**N/A**

**PE5.1**  
Household waste collected  
Target < 130kgs



**109Kg**

**PE5.2**  
% of collected waste  
Target < 54%



**52%**

**PL6.1**  
% grass cutting  
Proxy



**90%**

**PL1.1**  
affordable dwellings delivered  
Target >150 for the year



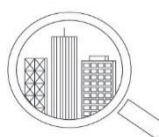
**53**

**PL6.3**  
% of fly-tips cleared within 24 hours  
Proxy



**84.3%**

**PR1.1**  
Net additional floor space  
Number of Sq. Mtrs.



**N/A**

**PR2.2**  
Vacant premises  
Proxy reported twice a year.



**N/A**

**PR5.1**  
food hygiene rating score of 5  
Target > 83%



**85.4%**

**PR5.2**  
food businesses active in the district  
Target > 810



**859**

**PR5.3**  
Visitor economy  
Target 150,000



**973k**

**PR5.4**  
Guidance offered  
Target 40










**71**

# Environment & Development Services Performance and Project Overview 2019/20 Quarter 1



## Appendix B

	Strategic Project	Project Q1 Target	Q1 Performance
	<b>03.1</b> Upload strong environmental management standards.	Address all minor non-conformities and observations from the October ISO14001 audit.	<b>Achieved</b>
	<b>PL1.2</b> Adopt Countywide strategy – Housing and Accommodation for an aging population: Vision for Derbyshire to 2035.	Ensure at least 10% of all new affordable housing provision secured through section 106 agreements or planning conditions is either adapted for disabled use or built to lifetime homes standards.	<b>Achieved</b>
	<b>PL1.4</b> Relevant documents adopted.	Submission of Local Green spaces to the planning inspectorate. Completion of Gypsy/Traveller site allocations development plan (GTSADP) scoping	<b>Achieved</b>
	<b>PL1.6</b> Maximise delivery of housing units.	Housing survey completed	<b>Achieved</b>
	<b>PL6.2</b> Monitoring of street scene services (including fly-tipping, grass cutting and litter collection).	Annual Measure	<b>Annual</b>
	<b>PR2.1</b> Delivery of vision and strategy.	Review way forward on receipt of National Forest Business Improvement District feasibility study. Promote town centre investor opportunities	<b>Not Achieved</b>
	<b>PR3.1</b> Promote entrepreneurial opportunities to improve employability skills and raise awareness of self-employment.	Deliver love your local market young enterprise activity. Stage Swadlincote Jobs and Skills fair. Deliver Thinking of starting a business workshop.	<b>Achieved</b>

# Environment & Development Services Strategic and Service Key Success Areas 2019/20 Quarter 1

## Appendix C

Target >150 for  
the year



53

**Theme** - Place

**Action** - Increase the supply and range of all affordable housing provision.

**Measure** - PL1.1 Total number of affordable dwellings delivered

**Success** - Over a third of the annual target delivered during Quarter 1

During Quarter 1 a total of 53 affordable dwellings were delivered across the district.

- 19 Affordable Rent
- 19 Social Rent
- 15 Shared Ownership

A breakdown is provided below:

Site	Registered Provider	Number of affordable housing units delivered
Willington Road, Etwall	Trent and Dove	Two Social Rent Ten Shared Ownership
Newhouse Farm, Etwall	Riverside	19 Affordable Rent
Woodlands Nook, Aston on Trent	Derwent	Eight Social Rent Three Shared Ownership
Highfields	Derwent	Two Shared Ownership
Hollybrook Way, Findern	Nottingham Community Housing Association	Nine Social Rent

Target >140 for  
the year



71

**Theme** - Progress

**Action** - Maximise the prosperity of businesses in South Derbyshire

**Measure** - PR5.4 Guidance offered to businesses or people thinking of starting a business (through the South Derbyshire Advice Service)

**Success** - Over a half of the annual target delivered during Quarter 1

In addition to one-to-one advice sessions with businesses / entrepreneurs, a 'Thinking of Starting a Business?' workshop was held in Hilton.



# Environment & Development Services Performance Action Plans 2019/20 Quarter 1

## Appendix D

### There are three actions for Environment and Development Services

**Theme - People**

**Action – PE5.2 Minimise waste sent to landfill**

**Target vs performance:**

Quarter 1 Target	>54kg
Quarter 1 Performance	>52kg* estimated

**Trend (compared to last quarter/year):**

\*Estimated data, verified data not available until September, dry recycling tonnage is increasing. However, residual tonnages have also increased whilst compost tonnages have decreased. It is anticipated that due to the failure to meet this target in Quarter 1 that the year-end target will be at risk.

**Background:**

The weather conditions have led to a reduction in the amount of green waste sent for composting during the quarter; however the amount of dry recyclables has seen a slight increase in tonnages.

The current recycling and composting schemes have been in place since 2013 and 1996 respectively. Whilst at the commencement of both schemes recycling and composting increased significantly, performance on both have stabilised but are not improving. Previous years outturns have been around 48%. The general trend nationally has been for tonnages to slightly decline.

**Key actions underway:**

Operational Services will continue to work through the Derbyshire Waste Partnership on promoting recycling and composting and work with current contractor on ensuring compliance from residents on presenting acceptable materials.

**Opportunities/risks:** Initial planning for the introduction of the next recycling



PE5.2 % of collected waste recycled and composted.

**52%\***

**Target >54%**

collection contract has commenced, as approved by Environmental and Development Services Committee. Operational Services will further explore joint working with other collection authorities and the waste disposal authority.



## Theme - Place

**Action** - PL3.1 Deliver a programme of proactive interventions to reduce environmental crime and anti-social behaviour

### Target vs performance:

Quarter 1 Target	<172 reported incidents
Quarter 1 Performance	174 reported incidents

PL3.1 Downward  
Trend in fly-tipping  
incidents

### Trend (compared to last year):

Quarter 1 2016/17	139 reported incidents
Quarter 1 2017/18	175 reported incidents
Quarter 1 2018/19	186 reported incidents
Quarter 1 2019/20	174 reported incidents

**174**

### Background

There have been long-term reductions in fly tipping incidents both nationally and locally since 2000; however this trend has reversed in recent years.

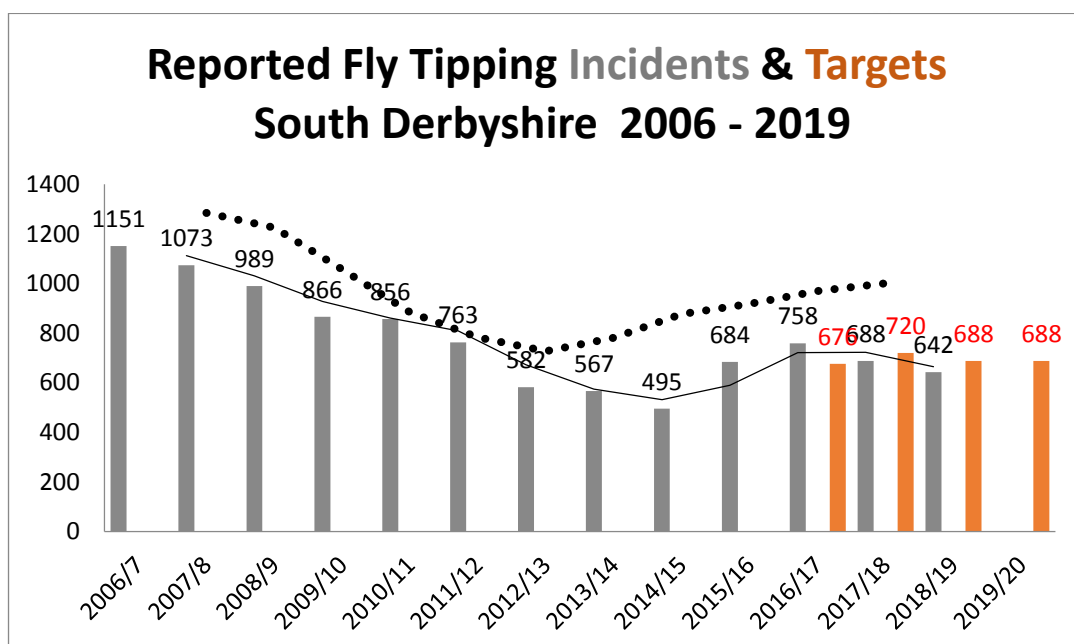
**Target <172**

Table 1 illustrates the trends in fly tip incidents over the past 13 years. The solid line shows the trend in South Derbyshire, the dotted line shows the national trend.

Over the last two years fly tipping incidents nationally have increased, but in South Derbyshire they have reduced by 15%.

Quarter 1 performance for 2019/20 was marginally above the target, but was a lower figure than in either of the previous two years.

Based on these figures the relevant services intend to continue to deliver the enhanced services which have been developed over the past 2 years and which are summarised below.



Key actions since April 2017 have included:

- Setting a target of removing all fly tips within 24 hours.
- Community engagement and raising community awareness through organising litter picking events and supporting community-led litter picks.
- Letter from the Chief Executive to all local businesses raising awareness about waste and how to do their bit.
- Raising awareness about duty of care responsibilities during interactions with businesses across the district.
- Vigorous enforcement activity including;
  - 48 interviews under caution
  - 20 £400 Fixed Penalty Notices
  - 126 £75 Fixed Penalty Notices
  - Two vehicle seizures
  - 11 successful prosecutions
- Promotion of positive behaviour messages through press and social media at every opportunity.
- Use of a Public Spaces Protection Order to protect a high vulnerability location at Staker Lane.
- Increasing collaboration with West Midlands councils in relation to waste from organised crime.
- The Council has been an early adopter of new fly tipping laws and has robustly used them. Based on latest published national statistics (2017/18), anyone who fly tips in South Derbyshire is five times more likely to receive a fixed penalty than the average for the East Midlands,



four times more likely to be prosecuted and fifteen times more likely to have their vehicle seized.

### Key actions underway

1. The Senior Community Safety Enforcement Officer will provide refresher training in evidence gathering to members of the Clean Team who attend fly tips. This will ensure that staff employed to remove fly tipped material are fully aware of how to spot potentially important evidence.
2. Following Committee approval to create a new Community Safety Enforcement Officer post, a new officer was appointed in June 2019. The additional capacity that this new post has created will enable more proactive education and engagement work within our communities and will provide additional capacity for enforcement work within the Community Safety Enforcement team.
3. The five most frequently targeted fly tip locations in the district have been identified. Options for location specific interventions are being considered for each of these.

### Opportunities/risks

Opportunities	Risks
Use of innovative approaches or new technology for fly tip prevention or detection.	Equipment costs and extensive staff time required for surveillance equipment deployment and review of evidence collected.
Enhanced use of social media for identification of perpetrators.	Increasingly waste offences are linked with organised crime groups. Failure to tackle incidents will encourage organised crime perpetrators.
Currently there is no organisation or body which co-ordinates the collection and dissemination of intelligence and best practice.	
Potential use of Criminal Behaviour Orders following conviction to ban offenders from South Derbyshire	



PR2.1 Delivery of Vision and Strategy.

### Target

**Q1A. Review way forward on receipt of National Forest Business Improvement District (BID) feasibility study.**

**Q1B. Promote town centre investor opportunities.**

**Theme - Progress**

**Action - Drive forward Swadlincote Town Centre Vision and Strategy.**

**Target vs performance:**

(Part of) Milestone for Quarter 1:

Target: Q1. Review way forward on receipt of National Forest Business Improvement District (BID) feasibility study.

Performance: Not achieved - Completion of the feasibility work and receipt of the study from the consultants delayed, with a knock-on effect on reviewing the way forward.

**Trend (compared to last quarter/year):**

Not applicable – project milestone.

**Background:**

The feasibility work is being undertaken by a partnership led by the National Forest Company and including the six District Councils which lie within the Forest. The National Forest Company has overseen the appointment and management of the consultant undertaking the work. They have met with the consultant and agreed a revised deadline for the completion of the work.

**Key actions underway:**

Remaining activity to complete the Action will be carried forward into Q2.

**Opportunities/risks:**

Not applicable – the outstanding activity will be completed in Q2.

## SERVICE DELIVERY RISK REGISTER (AS AT Q1 2019/20)

Appendix E

Risk	Corporate theme/aim	Rating and current position	Risk treatment	Mitigating actions	Change since last quarter (Q4)
SD1 - Loss of income to the Housing Revenue Account	<b>Outcomes</b> Maintain Financial Health	On-going potential reduction in income through 1% rent reduction for general needs tenancies until 2020/21. Performance on rent collection still in top quartile in quarter one.  Likelihood is low and impact is significant.	Treat the risk through continuous action and review.	Income policies/processes are being revised.  The Council has invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty.  Increased focus on collection of rent and other housing debt.  New dwellings mitigate revenue lost through Right to Buy (RTB)  Implementation of Universal Credit has slowed, although pressure from other benefit changes remains. Council and Partner agencies are mitigating this pressure through the Welfare Reform Group	No change to rating or treatment.
SD2 - Failure to collect financial contributions or to enforce the delivery of obligations within Section 106 Agreements.	<b>Outcomes</b> Maintain Financial Health	Failure to collect financial contributions or to enforce obligations within Section 106 Agreements.  Likelihood is unlikely but the impact is significant.	Treat the risk through continuous action and review.	Implementation of new software is now complete.  New team leader now in post and in control of the process  The service has been recently audited and has put in place actions to address the minor recommendations	No change to rating or treatment.

SD3 – Safety standards	<b>People</b> Protect and help support the most vulnerable, including those affected by financial changes.	Failure to comply with basic safety standards in flats/blocks with communal areas.  Work has been undertaken to put specialist fire and asbestos contracts in place.  Likelihood is medium and impact has potential to be significant.	Treat the risk through continuous action and review.	Process underway to update safety procedures for fire, gas, electricity, legionella and asbestos to ensure the Council has appropriate controls in place to manage risks. Progress made so far includes: <ul style="list-style-type: none"> <li>• Fire safety contractor appointed</li> <li>• Gas servicing 100% compliant</li> <li>• Electrical testing contractor appointed</li> <li>• Legionella - sheltered schemes testing in place, void properties shower heads/deadlegs removed</li> <li>• Asbestos testing contractor appointed</li> <li>• Asbestos removal contractor appointed</li> </ul> Whilst the likelihood reduces as contracts are in place, works programmes to the value of £250,000 pa are required for the next two years to achieve full compliance, so the overall likelihood remains medium. Fire safety work is now underway in communal blocks, including consultation with tenants affected by the work.	No change to rating or treatment.
SD4 – Universal Credit	<b>People</b> Protect and help support the most vulnerable, including those affected by financial changes.	Loss of income to the Housing Revenue Account through full roll out of Universal Credit (UC) from November 2018.  There is still uncertainty as to the financial impact of this but the Council has plans in place working with internal/ external stakeholders to manage this process.	Treat the risk through continuous action and review.	Welfare Reform Group, including key internal/external partners, meets on a monthly basis to manage roll-out against an agreed action plan.  Invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty.  Allocations Policy review underway and will be completed in 2019.	No change to rating or treatment.

		Likelihood is medium and the impact is moderate.		<p>The changes to the 'roll out' of 'UC' may delay the full impact. 2018/19 performance demonstrates that actions have assisted in mitigating the impact of Welfare Reform changes.</p> <p>Potential likelihood is reducing but remains medium and impact remain.</p>	
SD5 – Reduction in funding for Culture and Communities	<p><b>People</b></p> <p>Increase levels of participation in sport, health, environmental and physical activities.</p>	<p>Reduction of Council funding into Culture and Communities Service. Unable to source external funding to service.</p> <p>Likelihood is low and the impact is moderate.</p>	Treat the risk through continuous action and review.	<p>Forward budget planning over a number of years. Approvals for reserve spend to secure staffing positions up to March 2020 initially for Active Communities.</p> <p>Lobby to maintain current funding contribution that the Council makes towards the Active Communities service and for an increased contribution if current levels of service are to be maintained post-March 2020.</p> <p>The Council is in the final year of a three-year funding agreement with the Police and Crime Commissioner (PCC) for £25,000 per year Community Safety Funding.</p> <p>The Council receives £35,000 per year Basic Command Unit funding from the Chief Superintendent. This is received annually with no long-term commitment.</p> <p>Ongoing dialogue with Rolls Royce to secure continued sponsorship of the Environmental Education Project. Continually seek external funding opportunities to support service delivery.</p>	No change to rating or treatment.

SD8 - Failing infrastructure at Rosliston Forestry Centre.	<b>Place</b> Support provision of cultural facilities and activities.	<p>Failing Infrastructure at Rosliston Forestry Centre.</p> <p>Rosliston Forestry Centre project team meets on a fortnightly basis to manage ongoing issues at the facility. Regular meetings held with the Forestry Commission.</p> <p>Likelihood is low but the impact would be moderate</p>	Treat the risk through continuous action and review.	<p>Condition survey updated as part of procurement exercise for new contractor.</p> <p>Focus on implementing infrastructure requirements identified in consultant's report.</p> <p>Make invest to save business cases.</p> <p>Collaboration with Public Building Officer on improvements to the Planned Preventative Maintenance (PPM).</p> <p>Engage tenants and keep senior management team informed.</p>	No change to rating or treatment.
SD9 - Failure to meet housing delivery targets set out in the five year supply.	<b>Place</b> Facilitate and deliver a range of integrated and sustainable housing and community infrastructure.	<p>Failure to meet housing delivery targets.</p> <p>Local Plan is in place which sets out the five year supply. Latest monitoring for 18/19 indicates the Council was performing above target with an upward trajectory.</p> <p>Likelihood is low but the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>Monitoring/review of performance ongoing.</p> <p>Active pursuit of schemes and opportunities.</p> <p>Develop action plan(s) where necessary.</p> <p>Current 5 year housing land supply rate at 5.5 years - most sites started are building at a rate above that originally anticipated such that c.1200 were completed in 2018/19 - work to accelerate progress on two sites underway.</p>	No change to rating or treatment.
SD10 - Failure of IT infrastructure that supports Planning Systems, LLPG and Land Charges.	<b>Place</b> Facilitate and deliver a range of integrated and sustainable	<p>Ongoing issues with IT infrastructure that supports Planning systems.</p> <p>Likelihood is unlikely and the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>New system went live on the 1<sup>st</sup> August 2019.</p> <p>Monitoring performance of new system following implementation.</p>	Likelihood reduced following implementation of new system

	housing and community infrastructure.				
SD12 – Melbourne Sports Park	<p><b>Place</b> Support provision of cultural facilities and activities throughout the District.</p> <p><b>People</b> Increase levels of participation in sport, health, environmental and physical activities.</p>	<p>Failure to deliver against external funder requirements at the Melbourne Sports Park (MSP). Ongoing discussions with national funders.</p> <p>Likelihood is low but the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>Regular Artificial Grass Pitch (AGP) Steering Group meetings.</p> <p>Matter under regular review at MSP Board meetings. Key funder in attendance at AGP steering group meetings.</p> <p>Specialist consultants, MSP representatives and SDDC officers progressing site drainage solutions. Planning permission approved.</p> <p>Engagement with landowner on site permissions progressed.</p>	No change to rating or treatment.
SD13 – Sinfin Waste Plant	<p><b>People</b> Reduce the amount of waste sent to landfill.</p>	<p>Impact on delivery rounds of diverting all residual waste to Sinfin Waste Plant.</p> <p>Move to Sinfin now to be phased over three years, giving time to minimise impact on delivery rounds.</p> <p>Likelihood is medium the impact would be moderate.</p>	Treat the risk through continuous action and review.	<p>The long-term waste management contract between Derby City Council, Derbyshire County Council and Resource Recovery Solutions (Derbyshire) Ltd (RRS) was brought to an end on the 2<sup>nd</sup> August 2019.</p> <p>Contingency measures have been put in place by the County and City councils to make sure waste that residents cannot recycle or choose not to recycle continues to be dealt with, and that recycling centres and waste transfer stations continue to operate.</p> <p>These services will continue to be run by waste management company Renewi under a new</p>	Likelihood increased to medium following the contract end but impact remains the same.

				<p>two-year contract. RRS is a 50:50 partnership between Renewi and with national construction firm Interserve. Interserve was responsible for building the waste treatment facility.</p> <p>With contingency arrangements already in place, the City and County Councils are confident any further impact will be minimal.</p>	
SD14 – Tree Management	<b>Outcomes</b> Enhance Environmental Standards	<p>Failure to manage the Council's tree stock in line with adopted Tree Management policy.</p> <p>Likelihood is low but the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>Review of approved Tree Management Policy underway.</p> <p>The Council has engaged additional temporary support from outside the organisation to undertake essential inspections of tree stock.</p> <p>Report to go to HCS on 3<sup>rd</sup> October 2019.</p>	No change to rating or treatment.



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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: DELEGATED/ RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN/EXEMPT PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>EMMA MCHUGH 01283 595716 <a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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**1. Recommendations**

- 1.1 That Members note the performance of the Licensing Department in relation to the Key Performance Indicators

**2. Purpose of Report**

- 2.1 To provide Members with an update on the Licensing Department and the Key Performance Indicators

**3. Detail**

- 3.1 As part of the audit of the Licensing Department held in 2014, service standards were put in place with regards to target times for the processing of complete applications and dealing with any complaints received by the Department.
- 3.4 The Licensing Department will provide a quarterly update as to the Department's performance against the service standards. The results for the previous quarter are:

**Private Hire Licensing**

<b>Type of Licence Application</b>	<b>February 2019 to July 2019</b>
Private Hire Vehicles (5 days)	100%
Private Hire Drivers (10 days)	100%
Private Hire Operators (5 days)	100%

## Licensing Act 2003

Type of Licence Application	November 2018 to January 2019
Personal licence (10 days).	100%
Grant of premises licence (15 days after grant)	100%
Variation of designated premises supervisor (15 days after grant)	100%
Transfer of premises licence holder (15 days after grant)	100%
Variation of premises licence (15 days after grant)	100%
Minor variation of premises licence (15 days after grant)	100%
Temporary event notice (1 day)	100%

## Enforcement

Type of Application	February 2019 to July 2019
Acknowledgement of complaint within 2 days	100%
Letter detailing works required within 10 days	100%
Notify complainant of outcome of investigation within 10 days	100%

### 4. **Financial Implications**

- 4.1 There are no financial implications to the Council.

### 5. **Corporate Implications**

- 5.1 The service standards demonstrate that we support local businesses whilst protecting local residents which contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity and safety and security.

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: DELEGATED/ RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN/EXEMPT PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>EMMA McHUGH 01283 595 716 <a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>KNOWLEDGE TEST – INCREASE OF FEE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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**1. Recommendations**

- 1.1 That the proposed fee for a knowledge test is approved to come into effect on 20<sup>th</sup> September 2019.

**2. Purpose of Report**

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

**3. Detail**

- 3.1 All new applicants are required to undertake the Council's knowledge test as part of their application to be a private hire driver. The test covers local knowledge, licensing legislation, the Highway Code, the Council's policy and conditions and the writing of a receipt. From 1<sup>st</sup> July 2019, the knowledge test includes a basic numeracy element.
- 3.2 The test was last updated in 2014. A review has been carried out of the knowledge test and the options available in conducting the test. As a consequence, a decision has been made to move to a computer-based testing and marking platform enabling the Licensing Department to deliver an enhanced and more robust driver test that is administratively simpler, more efficient and more effective. The new knowledge test is being provided by an external provider. The current test is paper based with a limited number of papers available; the new online test randomly selects questions from a bank of questions ensuring that each is unique.
- 3.3 Under the Local Government (Miscellaneous) Provisions Act 1976, the Council may demand and recover such a fee as they consider reasonable with a view to recovering the costs of issue and administration of granting a private hire driver's

licence. The current fee is £27. It is proposed that the new fee for a knowledge test is £38.40 including VAT.

**4. Financial Implications**

- 4.1 There are no financial implications to the Council.

**5. Corporate Implications**

- 5.1 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults from the potential harms of private hire licensing seriously, which contributes to the theme of safety and security.

**6. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ALLISON THOMAS, <a href="mailto:allison.thomas@south-derbys.gov.uk">allison.thomas@south- derbys.gov.uk</a>, 01283 595775</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CORPORATE ENVIRONMENTAL SUSTAINABILITY GROUP</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS01</b>

## **1. Recommendations**

- 1.1. That the Committee notes 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 notes 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 approve the proposed installation of a publically available electric recharge point in the Bus Station car park, Civic Way, Swadlincote.

## **2. Purpose of the Report**

- 2.1. To provide members with details on the progress made by the Corporate Environmental Sustainability Group to co-ordinate the Council's work on improving its environmental credentials and performance.
- 2.2. To provide members with an understanding of the existing work being undertaken by officers in relation to mitigating climate change.

## **3. Detail**

### **Background**

- 3.1. At a meeting of this Committee on 16 August 2018, approval was given to the establishment of a Corporate Environmental Sustainability Group (CESG). The purpose of the Group is to develop and implement measures that demonstrably improve the Council's environmental performance and support the delivery of the Council's strategic environmental objectives through a collaborative corporate approach.
- 3.2. Committee approved the terms of reference of the Group and agreed to receive further reports on the Group's work programme.

### **Corporate Environmental Sustainability Group Activity**

- 3.3. The inaugural meeting of the Group was in November 2018. Based on the terms of reference approved by Committee the Group has been given six work streams to improve the Council's performance, namely:
- To address issues arising from the **ISO140001 external accreditation** process;
  - To reduce the Council's **Energy Consumption**;
  - To improve the Council's **Water Management**;
  - To focus on reducing **Staff Travel** – core (miles driven by Council vehicles) and grey fleet miles (miles driven on Council business using employee's own transport);
  - Internal **Waste Management**;
  - Reducing environmental impacts through greening the **Procurement** process.
- 3.4. Two further work streams have also been brought to the Group over the spring and summer period:
- 3.5. At Full Council on 27 June 2019 a motion from Councillor Dr Robert Pearson was approved which pledged the Council to declaring a **Climate Emergency**.
- 3.6. A request from members to explore opportunities to enhance **biodiversity** across the District.

### **ISO 14001 External Accreditation**

- 3.7. On 24 October 2018, after a rigorous three-day audit, the Council's external auditors confirmed that the Council had been approved for recertification to the ISO14001 standard for the 10th successive year.
- 3.8. The auditors identified five 'minor' non-conformities and made a further seven observations. The Council must either address these or show to the auditors how the relevant issues have been otherwise dealt with.
- 3.9. Since the audit the Council has recruited a new Environmental Protection Officer who is leading the co-ordination of corporate environmental sustainability.
- 3.10. The Council has invested in a new online system "My Compliance" to enable the Council to better record and capture all environmental actions on issues such as legal compliance, audit schedules, risks and opportunities, audit reports and overall understanding of trends. This will enable continual improvement and communication between all departments as well as ownership of relevant environmental issues by Heads of Service across the organisation.
- 3.11. All five minor non-conformities have now been addressed and the Council is well placed for the next recertification audit in autumn 2019. This audit will include management and repair of the Council's housing stock for the first time.

### **Staff Travel**

3.12. The outcomes of a recent staff travel survey in late 2018 were reported to Committee on 25<sup>th</sup> April 2019. The headlines of this survey were:

- 50% of staff live within five miles of work;
- 90% of staff travel to work by car;
- 63% of staff do below two and half hours exercise a week;
- 60% indicated that they would utilise alternative options than a car with appropriate support

3.13. A Travel Plan Working Group was formed in February 2019 and the Group have been working on developing an understanding current employee travel habits, what practices and policies are already in place to support improvements and to explore a range of measures to inform and implement a Travel Plan for the Council.

3.14. The Team's objective is to produce a travel plan for the Council that:

- Supports a reduction in local air pollution;
- Improves staff health and wellbeing;
- Reduces staff travel miles using own vehicles (grey travel) and miles travelled by Council vehicles;
- Improves access to Council sites for visitors;
- Reduces staff demand for on-site parking;

3.15. The Travel Plan Working Group is currently in the process of developing a draft Council Travel Plan in preparation for consultation with the Senior Leadership Team in September. It is proposed to present a final version of the Council Travel Plan to Committee for approval in November 2019.

3.16. The Travel Plan Working Group supported World Environmental Day (5th June), in which the 2019 theme was "Air Pollution". World Environment Day was supported in South Derbyshire through a local "Environment Week" from 3<sup>rd</sup> – 7<sup>th</sup> June 2019. The activities during the week were specifically developed to support the objectives of the Travel Plan Working Group. Activities during the week included:

- Publication of a Travel Survey Results Report to all South Derbyshire and Derbyshire County Council staff through email, intranet and printable option (this was limited to sites where access to the internet is not possible to reduce our impact on paper).
- A schedule of events and initiatives were organised, supported by a communication strategy, to raise awareness amongst staff and members of the public about a range of sustainable transport opportunities.
- An internal "In Work Travel" survey commissioned to understand the "buy-in" from the original Travel Survey in December 2018 – to June 2019 (6 month baseline)

3.17. Further to the Environment week;

- Thirteen members of staff signed up to walk to work.
- Lunchtime walks to further encourage staff to walk to work were a success with 44 members of staff attended over the three days
- The Sustainable Travel Delph Day showcased various low emissions vehicles and local businesses who offer these products. The public response to the Day was excellent and the Council has been asked to host another similar event in the future.

- “In Work Travel Survey” Result Highlights:
  - 10% response rate from staff
  - 75% said they had seen the travel results report
  - Severn people said they had already changed their mode of transport to get to work
  - 70% said they would use a pool car if offered
  - 30% said they would use an electric bike if offered

## **Energy and Waste**

- 3.18 An initial review of the Council's current electricity and gas supply framework has revealed a complex picture of energy consumption across the Council's estate of public and commercial buildings. The Council's electricity is sourced from a low carbon tariff regime comprising a combination of renewable and nuclear. The Council remain a major customer for Natural Gas. The expiry of the Council's current contract in 2020 offers an opportunity to explore procuring a 100% renewable Electricity supply. Any cost implications in pursuing this aspiration will be investigated as part of the tender process.
- 3.19 The Council has also undertaken an initial baseline carbon review across all the Council's assets and activities (linked to paragraph 3.18). This work has involved capturing data relating to all carbon sources, not just energy use (e.g. other sources of fuel, car mileage) to help understand the Council's overall Energy and Carbon Management. Current sources have been calculated as CO<sub>2</sub>e, Carbon Equivalent.
- 3.20 An analysis of the way that waste from the Civic Way offices is managed indicates that changes could significantly improve recycling rates. Improvements are being developed in conjunction with the Cleaning team and will be presented to the staff forum for their views. Early consultations indicate that to succeed the new system must be practical, comprehensible and supported by staff and therefore will require promotion to all users of the Civic Way offices during implementation.
- 3.21 The Housing Team is in the process of commissioning further research into the energy efficiency of the Housing Stock. The recent stock condition survey indicated that this position has not improved since 2012 when the last stock condition survey was completed. The Council is engaging the assistance of the Local Authority Energy partnership (LAEP) to complete this work. This assessment will provide some further detailed analysis of the type of works required to improve the energy efficiency of council homes. This could range from the provision of additional loft and wall insulation to the installation of alternative sources of heating or power, including solar power. Progress in this area will be reported to the Housing and Community Services Committee.

## **Biodiversity**

- 3.22 Biodiversity was introduced as a new work area for CESG in May 2019. The brief was to look at natural capital, linked with the enhancement of biodiversity (part of ISO 14001 – Environmental Management System). A Biodiversity Working Group has been set up to collaborate and progress biodiversity opportunities within the district.
- 3.23 Further to the first Biodiversity Working Group meeting in June 2019, two biodiversity Committee reports have been prepared which are the subject of spare items on this Committee's agenda to support the Biodiversity Working Groups aims:
- Develop an “Action Plan for Nature” across the District



- Report to pilot wildflower planting on highway verges and on some Council owned land.

## **Climate Emergency**

- 3.24 Following a motion by Cllr Dr Robert Pearson, on 27 June 2019 a Climate Emergency was declared by South Derbyshire District Council and the meeting minutes from this will be ratified at September's Council Meeting.
- 3.25 The Council pledge was to:
- Strive to make South Derbyshire District Council carbon neutral by 2030 and achieve Carbon Neutrality before the Government target of 2050;
  - Call on the UK Government to provide the powers and resources to make the 2030 target realistic;
  - Work with partners across the District and region to deliver this goal through all relevant strategies.
- 3.26 The Council has committed to publish a Climate Emergency Action within six-months.
- 3.27 Work is already well underway to understand the Council's carbon emissions (see section 3.19). The Council has also recently updated terms & conditions for tenders and quotes for services to enable procurement processes to have a further environmental focus.
- 3.28 The Council is already a member of the Local Authority Energy Partnership (LAEP) along with other Derbyshire and Nottinghamshire Authorities. Through the Partnership, in addition to the Housing work referenced above at 3.21 the following work is already taking place:
- Officers attended a Derbyshire County Council Carbon Literacy Approved 1 day course in June and July 2019
  - The Council is exploring carbon framework training with Nottingham City Council on a standardised approach across Derbyshire Districts on action planning for climate change emergencies
  - The Council is exploring the delivery of future Internal environmental training to include a specific carbon reduction focus.
- 3.29 The Council recently applied to a government funded project being sponsored through Nottingham City Council for the provision of electric vehicle (EV) recharge points in public car parks. The Bus Station Car Park on Civic way meets the criteria for the bid and therefore with Committee approval the Council proposes to accept the offer for the installation of the first public EV recharge point on Council land.

## **4 Financial Implications**

- 4.1 Beneficial impacts - Improved environmental performance could lead to potential cost savings e.g. in reducing the cost of staff mileage claims and waste disposal. Any spend to save opportunities which are identified will need to be the subject of a business case and will need to meet the financial procedural rules of the Council.
- 4.2 Adverse impacts – Improvements in both carbon equivalent emissions and biodiversity are both likely to require capital and revenue investment in equipment, training and staffing resources. Further detailed assessments of costs will become clearer as the action plans around both projects develop further.

## **5 Corporate Implications**

### **Employment Implications**

- 5.1 Beneficial. The proposals will improve the reputation of the Council and make South Derbyshire District Council an even more desirable employer to work for.

### **Legal Implications**

- 5.2 None.

### **Corporate Plan Implications**

- 5.3 The proposals align with the 'Outcomes' Corporate Plan theme and in particular Action O3 "Enhance environmental standards"; the 'People' Corporate Plan theme and in particular Action PE5 "Send less waste to landfill" and the 'Place' theme and in particular Action PL6 "Deliver services that keep the district clean and healthy".

### **Risk Impact**

- 5.4 The proposals will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

## **6 Community Impact**

### **Consultation**

- 6.1 Staff travel planning has already been the subject of extensive staff consultation.
- 6.2 Proposed changes to waste collection in the Civic Way offices will be the subject of staff consultation.

### **Equality and Diversity Impact**

- 6.3 None.

### **Social Value Impact**

- 6.4 Beneficial.

### **Environmental Sustainability**

- 6.5 Beneficial.

## **7 Conclusions**

- 7.1 The retention of ISO14001 certification and the creation of the CESG has signalled the clear commitment of the Council to build and improve on its previous environmental performance.
- 7.2 Staff involvement with the staff travel survey showed that there is a high level of interest in sustainable transport. A Council Travel Plan will come to this Committee later in 2019
- 7.3 The declaration of a Climate Emergency on 27 June 2019 has provided further impetus behind the work of the CESG and has led to a specific focus on the Council's carbon footprint in addition to the environmental aspects already being

considered by the Group described in paragraph 3.3. A Climate Emergency Action Plan will be developed over the next 6 months.

- 7.4 The approval of the installation of an electric recharge point into the Bus Station car park on Civic Way offers an early opportunity to provide a signal of the Councils positive intentions to reduce carbon emissions and improve local air quality.
- 7.5 Specific actions and targets relating to the key environmental aspects being considered by the CESG will be developed for proposed inclusion in the 2019-24 Corporate Action Plan.

## **8 Background Papers**

Environment and Development Services Committee, 16 August 2018.

Environment and Development Services Committee, 25 April 2019.

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REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	15 <sup>th</sup> August 2019	CATEGORY: RECOMMENDED
REPORT FROM:	ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY	Open
MEMBERS' CONTACT POINT:	MATT HOLFORD, <a href="mailto:matthew.holford@south-derbys.gov.uk">matthew.holford@south- derbys.gov.uk</a> , 01283 595856	DOC:
SUBJECT:	Annual Enforcement and Compliance Report 2018/19	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS14, HCS10

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## 1. Recommendations

- 1.1 That the Committee notes 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.

## 2. Purpose of Report

- 2.1 To provide the Committee with details of the Council's use of its tools and powers to take appropriate enforcement action.

## 3. Background

- 3.1 One of the key objectives of the 'People' theme of the 2016-21 Corporate Plan is that the Council will *"Use existing tools and powers to take appropriate enforcement action"*.
- 3.2 The Council is authorised to use in excess of 100 different statutes to regulate and ensure compliance in areas of work as diverse as planning, food hygiene, licensing, pollution control, anti-social behaviour, building control, public health, waste and dog control.
- 3.3 The way in which the Council utilises these powers is governed by law, statutory guidance and previous legal precedent. Some services (notably many of the functions of Licensing and Environmental Health) also have a duty to have regard to the five governing principles of the Legislative and Regulatory Reform Act 2006, namely that all regulatory interventions are transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.
- 3.4 This report provides a high level summary of the regulatory action over the past year and provides a comparison against historical levels of regulatory action.

## **Demands for services**

- 3.5 The demand for our services this year compared to previous years is illustrated in Figure 1 in the report appendix.
- 3.6 For the second consecutive year there has been a significant reduction in complaints about dogs in public places (fouling, animal welfare concerns, dogs off leads). This may be a reflection of the introduction of new laws on microchipping and the increased activity of the Community Safety Enforcement Officers in issuing fixed penalty notices for dog offences, although it is likely that there are a range of causes of this welcome trend.
- 3.7 The Council ran two education and engagement campaigns in 2018/19 relating to dog fouling (We're Watching You) and litter prevention (Swadlincote Heroes). Feedback on both events is the subject of a separate Committee item.
- 3.8 Services continue to experience high volumes of complaints about public health problems. Predominantly these consist of waste on private land, untidy land, filthy and verminous property, drainage complaints and other forms of nuisance such as light trespass and high hedges.
- 3.9 During 2019/20 there was an increase in requests for food hygiene services. This was mainly driven by applications for registration for new food businesses rather than complaints about food establishments, which reflects the continued strong growth in the local food and drink sector.
- 3.10 Complaints about noise increased by 41% compared to the previous year. This trend was directly as a result of the very hot weather during the summer of 2018. There is a well-documented correlation between hot weather and increased noise complaints.
- 3.11 For the first time in five years the number of complaints about abandoned vehicles has reduced. Nevertheless the number of complaints are still five times higher than they were in 2014.
- 3.12 For the second consecutive year there was a fall in the recorded number of fly tipping incidents in 2018/19. Fly tip incidents in 2018/19 were 15% lower than two years ago. The underlying causes of fly tipping are many and varied. Over the past two years the Council has committed significant time and energy into tackling fly-tipping and the year end data provides some confidence that these efforts are paying dividends.

## **Demands for Inspections of Businesses**

- 3.13 Food hygiene law requires that businesses are risk assessed and then inspected with a frequency based on national legal guidance. Figure 2 in the appendix to this report illustrates the number of inspections carried out.
- 3.14 At April 2019, 85.2% of food businesses in South Derbyshire had been awarded the top score for their food hygiene. This is the highest ever percentage of businesses to achieve the top rating and reflects the continuous work of environmental health staff to encourage and support the local food and drink sector to maximise its potential. The 14% of food businesses who are yet to meet the top score are the toughest group to positively influence. The Commercial Team, which delivers food hygiene inspections, is looking at various forms of behavioural change interventions as well as

direct legal action on the rare occasions it is appropriate, to improve the Council's influence on this hard to change group.

- 3.15 Over 98% of food businesses are defined as 'broadly compliant', which means that our food inspectors are satisfied that they can be left to manage their own hygiene practices until their next programmed inspection. This is unchanged from last year.

### **Legal Interventions**

- 3.16 The Council has published an enforcement policy which explains how it will use the various tools and powers to help the business community and residents to meet the various laws the Council is tasked with regulating. When the Council is unable to ensure compliance through persuasion it may be necessary to resort to use of more formal means. The Council has powers in the form of various compliance notices which can be issued requiring some form of action to be taken (or to be stopped) by the recipient in order to more formally require compliance than through advice and guidance.
- 3.17 Figure 3 in the appendix to this report illustrates the numbers of formal notices issued and in broad terms the nature of the problem which led to the notice being served.
- 3.18 Overall the number of legal notices served has remained relatively consistent over the past five years. The most interventions in the form of legal notices are issued due to legal breaches in private properties - both rented and owner occupied.

### **Punitive Outcomes from Offences**

- 3.19 In a small number of cases, the Council is required to resort to the courts or other forms of judicial punishment in order to seek restitution for confirmed offences. This restitution can be in one of three forms:
- For a limited number of offences and where the offender admits to the offence a fixed penalty notice can be issued;
  - Where the offender admits the offence and there is no fixed penalty notice option available, but prosecution is not deemed to be proportionate then the offender may be given the option to sign a formal caution;
  - The most severe form of intervention is a prosecution.
- 3.20 Table 1 below summarises the recent numbers of each of these punitive outcomes compared to historical levels.

**Table 1 – Summary of Punitive Outcomes following Offences**

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Total Fixed Penalty Notices	3	6	34	91	79	72
Dog offences	0	1	23	9	6	14
Fly tipping & waste offences	1	1	0	7	7	8
Litter	2	4	8	65	54	43
Community Protection Notice / PSPO breach	0	0	3	10	12	4
Abandoned vehicles	0	0	0	0	0	3
Formal Cautions	0	3	3	1	3	4
Prosecutions	0	0	3	1	5	7



- 3.21 Over the past three years the Council has made significantly greater use of fixed penalty notices for low level offences than has previously been the case, however, the use of fixed penalties to deal with offences is now relatively stable. This form of intervention is mainly used to deal with incidents of littering / small scale fly-tipping and dog offences. The reduced incidents of fly tips and near halving of dog complaints over this period suggest that they are an effective deterrent, although Council officers are conscious that a mix of education and engagement along with enforcement is the most likely route to success.
- 3.22 Fixed Penalty Notices are issued where the recipient admits to the offence and agrees to pay the fine to discharge their liabilities. If the recipient of an FPN subsequently fails to pay the fine then the Council should be considering the need to prosecute for the offence. To date no prosecutions have been taken for failure to pay an FPN.
- 3.23 Seven prosecutions were taken during 2018/19, of which five related to waste offences, one to a licensing offence and one an animal welfare offence.

#### **Matters of Particular Note**

- A man from Hilton was imprisoned for four months after he breached a High Court injunction obtained by the Council and then breached a written commitment he had given to the High Court not to burn waste on his land. Injunctions required the man to stop banger racing on his land for more than 14 days a year; to stop burning waste on the land and to comply with planning law. At an adjourned hearing in November 2017 he gave a written commitment to the court not to burn waste. A matter of days later an estimated 300 tonnes of illegally stored waste was set on fire which burned for 11 days, caused complaints up to five miles away and led to the closure of the A50. As well as the prison sentence the high court took the unprecedented step of agreeing to completely prohibit banger racing on the land and prohibiting any further waste fires.



- A man from Walton on Trent pleaded guilty to breeding puppies without a licence and was ordered to pay more than £5,000 costs. The Council's Licensing Team discovered four litters of puppies at the man's property in January 2018. One litter was three days old, another litter was three weeks old and the other two litters were approximately eight weeks old. They also found a number of occupied and unsuitable kennel and stable units on the premises. Following a complaint in 2016, the man had been told he would need a license if breeding dogs but he had not applied for one.
- Two Criminal Behaviour Orders (CBO) were served on two prolific shoplifters and mamba users. A four year CBO was served on a Council tenant who has been harassing County and District Council staff, elected members and vulnerable neighbours. A five-year CBO was served on a town centre street drinker who abused members of the public and caused significant nuisance to local business owners and staff.
- 18 Community Protection Notice warnings and five Community Protection Notices have been issued to individuals for a range of anti-social behaviours in locations including Swadlincote Town Centre, Midway Community Centre and a multi-occupancy property in Newhall.
- Two men from Derby pleaded guilty to multiple incidents of fly tipping at various locations in the northern parishes of South Derbyshire. The waste originated from a food business in Derby which had cancelled its trade waste collection service. The pair pleaded guilty to 13 counts of fly tipping offences. The Judge commended the Community Safety Enforcement Team for the investigation and sentenced both men to 26 weeks custody on each offence to run concurrent suspended for 12 months, 150 community service and over £3,000 costs.



- The Council introduced a Public Spaces Protection Order (PSPO) to ban access into a short stretch of land off Staker Lane, Findern. The secluded location had been used as a regular fly tipping spot and a location for other forms of anti-social



behaviour and criminality. The effect of the PSPO has been to almost entirely stop all fly tipping and ASB at this location. There is no information to suggest that this has been displaced to other locations and so it appears to have been a successful intervention.

- A man from Burton on Trent was found guilty of fraud by false representation at Leicester Magistrates Court. He was given a 12-month community order. The Council's Licensing Team worked in partnership with the Licensing Team at North West Leicestershire District Council after it was discovered that the man had failed to notify both authorities about his licence history. The man had failed to declare on his application form that he had held a private hire driver's licence with East Staffordshire Borough Council that had been revoked on two occasions.
- A woman from Newall pleaded guilty to breaches of the Animal Welfare Act as a result of allowing her property to become littered with animal excrement and urine throughout the living room and kitchen. The woman was jailed for 12 weeks, given a lifetime ban on keeping pets and ordered to pay more than £3,000 costs after pleading guilty to two charges of animal neglect.

#### **4. Financial Implications**

- 4.1 The Council's regulatory services cover environmental health, licensing, community safety and planning. Overall the net cost of these services is approximately £800,000 and the Council has progressively reduced these net costs in recent years while at the same time increasing the volumes of work activity.

#### **5. Corporate Implications**

##### **Employment Implications**

- 5.1 None.

##### **Legal Implications**

- 5.2 None.

##### **Corporate Plan Implications**

- 5.3 The report has been produced to provide the Committee with details of how officers are delivering the "People" themed objective of "Keeping Residents Safe and Happy" in the 2016-21 Corporate Plan and in particular the aim to "Use existing tools and powers to take appropriate crime enforcement action".

##### **Risk Impact**

- 5.4 The proposals will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

#### **6. Community Implications**

##### **Consultation**

- 6.1 None

##### **Equality and Diversity Impact**

- 6.2 Fair and proportionate application of the law should ensure that improvements in equality and diversity are indirectly delivered by tackling crime and anti-social behaviour.

### **Social Value Impact**

- 6.3 Beneficial.

### **Environmental Sustainability**

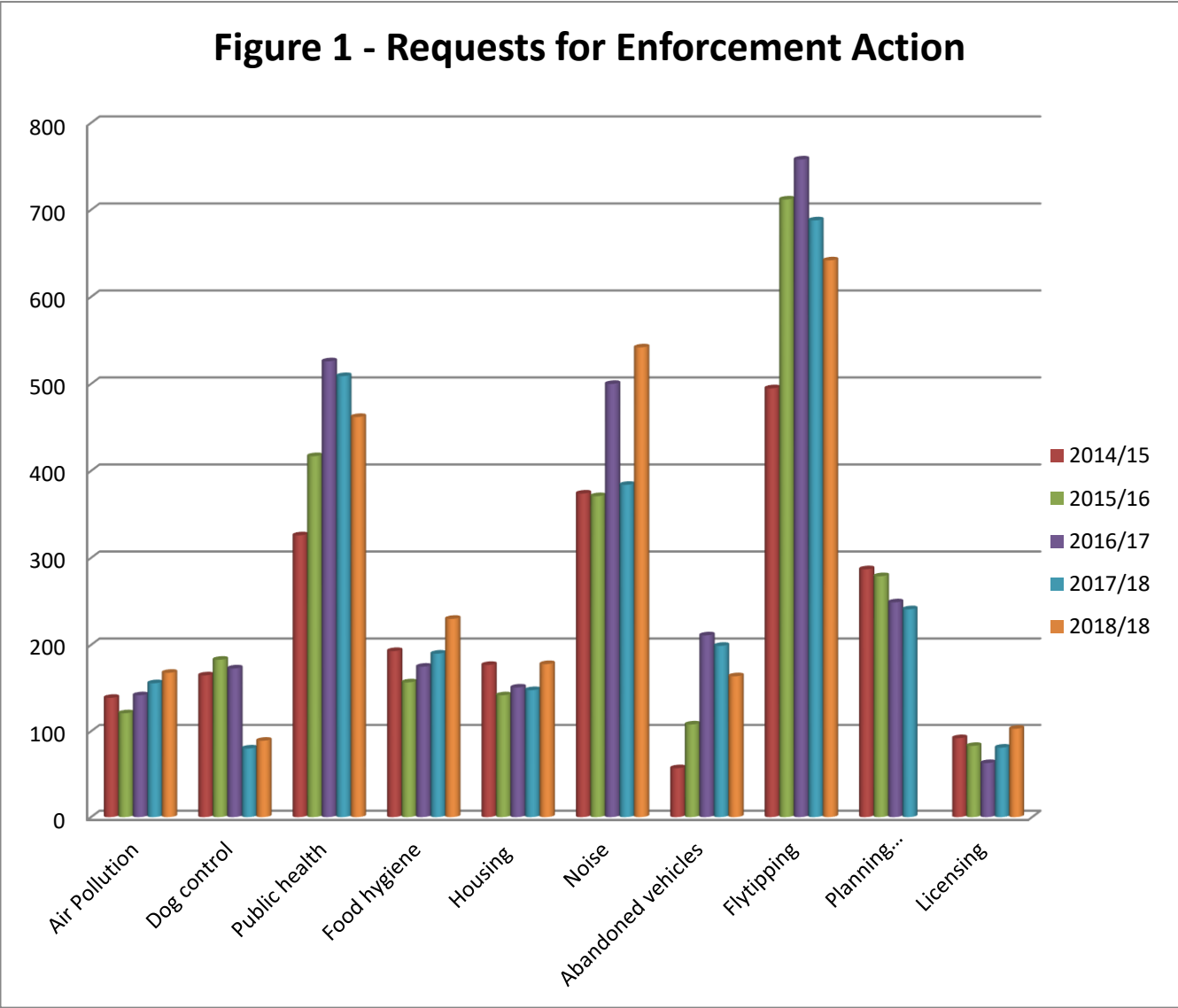
- 6.4 Beneficial. Proportionate regulation is an important feature of ensuring community cohesion. It also ensures positive economic growth by preventing businesses which operate outside the law from gaining a competitive advantage in their respective market.

## **7. Conclusion**

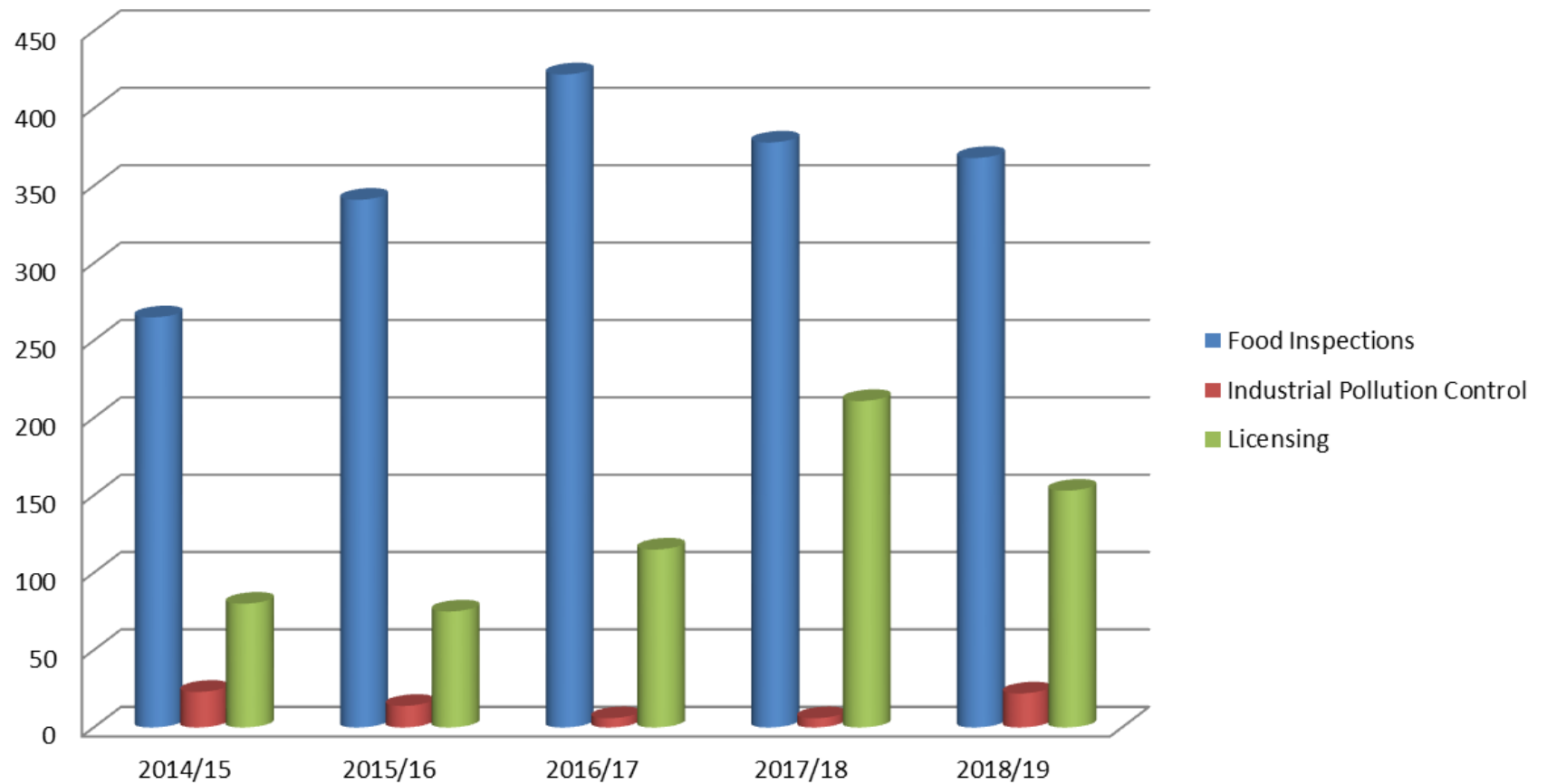
- 7.1 That the Committee notes and endorses the work that officers are undertaking, using the tools and powers available, to take appropriate enforcement action where necessary.

## **8. Background Papers**

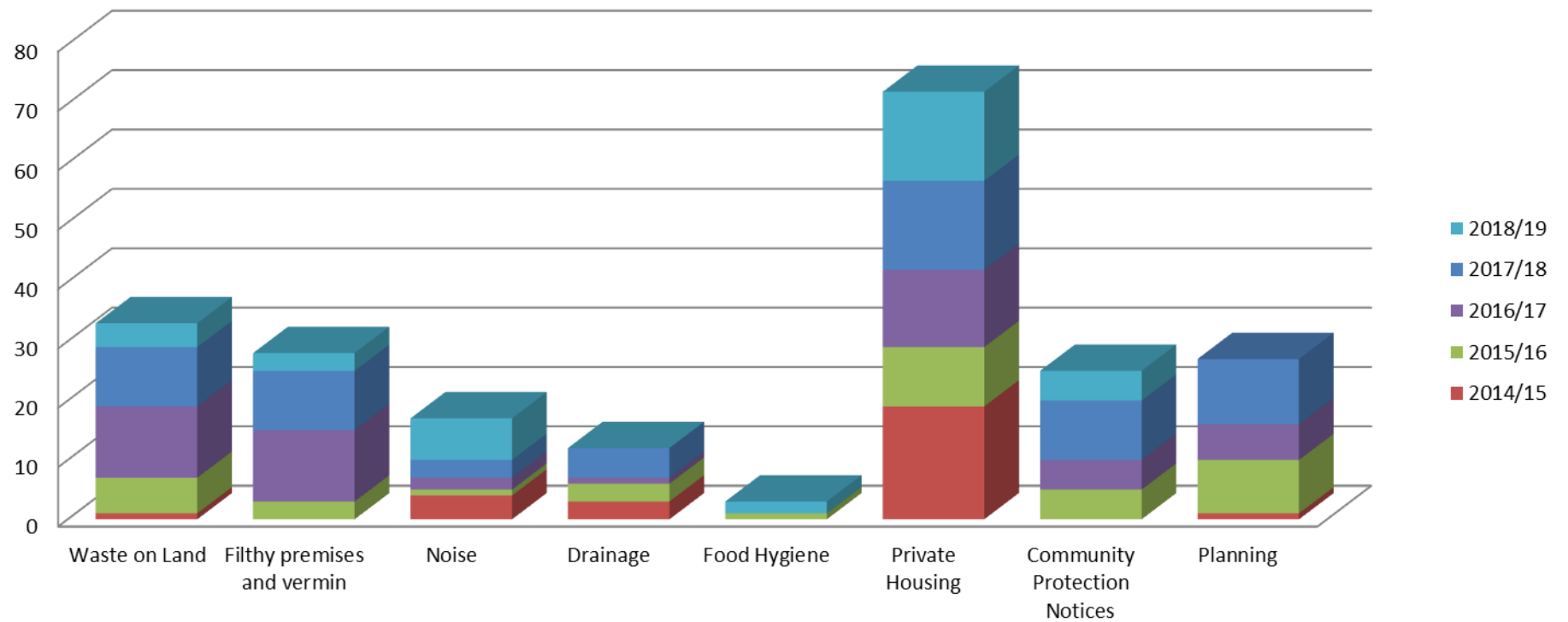
- 8.1 None



**Figure 2 - Proactive Inspections of Businesses**



**Figure 3 - Enforcement Notices Served**



<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> August 2019</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS’ CONTACT POINT:</b>	<b>Matthew Holford, 01283 595856 <a href="mailto:matthew.holford@southderbyshire.gov.uk">matthew.holford@southderbyshire.gov.uk</a> Nicola Lees, 01283 595755 <a href="mailto:nicola.lees@southderbyshire.gov.uk">nicola.lees@southderbyshire.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Environmental Awareness and Local Community Action</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS01</b>

## **1. Recommendations**

- 1.1. That the Committee notes the outcomes of recent activities by the Council to raise environmental awareness and the lessons learned from these activities.
- 1.2. That the Committee approve the proposed community engagement activity for the next 12 months to build upon the progress made to date.

## **2. Purpose of the Report**

- 2.1. To provide members with a summary of the environmental awareness activities delivered during spring 2019, to demonstrate how these activities link to the Councils’ environmental priorities and to set out the Councils future aspirations for raising community engagement in environmental improvement.

## **3. Detail**

### **Background**

- 3.1. In August 2018, E&DS approved the establishment of a Corporate Environmental Sustainability Group (CESG). The purpose of the Group is to develop and implement measures that demonstrably improve the Council’s environmental performance and support the delivery of the Council’s strategic environmental objectives through a collaborative corporate approach. The five key environmental themes of the CESG are staff travel, waste, water, energy and procurement.
- 3.2. In October 2018, Scrutiny Committee considered a report on the contents of the 2017 Litter Strategy for England and acknowledged the need highlighted for national improvements in education, enforcement and engagement to tackle litter and waste in the environment.
- 3.3. In January 2019, E&DS approved the creation of a Community Safety Enforcement Officer to help deal with environmental crime, such as littering, across South Derbyshire. Specifically the Committee determined that the new Officer should also have a brief to improve engagement with businesses in Swadlincote town centre; address town centre anti-social behaviour, improve maintenance of private land in

the town centre and maximise the engagement of volunteer resources to help improve the town centre.

- 3.4. During spring 2019 two environmental education and engagement activities were delivered to focus on improving public open spaces.

3.4.1. The **We're Watching You** campaign was delivered in some of the Districts parks to encourage responsible owners to pick up after their dog and to apply peer pressure to less responsible owners.

3.4.2. The **Great British Spring Clean** event was delivered to help enthusiastic members of our local communities come together to clear up litter.

- 3.5. The underlying concept of both activities was to test the local appetite and response to environmental awareness events and to understand what aspects of these campaigns were successful to assist with future event planning.

### **We're Watching You**

- 3.6. The We're Watching You campaign was originally launched by the Keep Britain Tidy Group. It was driven by repeated feedback from communities across the UK that dog fouling was one of the most emotive topics affecting local communities. The campaign concept was based on research which showed that a minority of dog owners act irresponsibly when they think they're not being watched. The purpose of the campaign was therefore to look for an innovative way to tackle dog fouling while helping to make a positive change to people's behaviour.
- 3.7. The Tidy Britain Group have developed a set of glow in the dark signs which become highly visible during night-time hours. The signs selected for South Derbyshire featured a pair of watching eyes with a supporting positive reinforcement message – "9 out of 10 dog owners clean up after their dog. Are you the one who doesn't?".





- 3.8. Four popular areas of public open space were chosen to locate the signs. The areas were selected based on known locations of high footfall along with historical data about complaints of dog fouling incidents made to the District Council. A social media campaign was also developed to support the deployment of the signs.
- 3.9. The campaign began in late February 2019 and continued through into April 2019. As an educational and awareness raising campaign the primary impact was monitored based on social media traction. The Council also monitored complaints about dog fouling over the campaign period and incidents of dog fouling in the four areas of public open space. The four public open spaces chosen were Newall Park, Woodville Rec, footpaths around Pennine Way, Church Gresley and Sealey Way, Willington.

### **The Great British Spring Clean**

- 3.10. In 2018 the Council organised two successful litter picking events in Swadlincote under the 'Swadlincote Heroes' strapline. This spring the event was organised to link in to the Great Britain Spring Clean (22 March – 23 April 2019).
- 3.11. The Great British Spring Clean is an event co-ordinated by Keep Britain Tidy to involve schools, businesses and communities in becoming actively engaged in clearing up litter. The event offers three levels of engagement – individuals can **pledge** to clean up on their own, to **join** an existing clean-up in their area or to **host** a clean-up.
- 3.12. The Council hosted a town centre spring clean on 2<sup>nd</sup> April. Support was also provided to a registered event in Castleton Park which consisted of providing litter collection equipment, waste collection bags and removal and disposal of the collected waste at the end of the event.

### **Results**

- During the Great British Spring Clean 90 bags of litter were collected during the Castleton Park and Swadlincote spring cleans.
  - 50 volunteers supported the Castleton Park event and a further 8 came to the Swadlincote event including local staff from McDonald's and Stan's Pals supported by a number of SDDC employees. In total, volunteers contributed an estimated 145 hours voluntary work to improve the condition of their local communities.
- 3.13. Appendix 1 to this report provides a summary of the impacts of the We're Watching You Campaign.
- 64,268 residents saw our content on Facebook and Twitter and 3,806 actively engaged with this content.
  - The social media content generated significant demands for further information and in particular, interest about what people could do to make a difference. In response a [Frequently Asked Questions website on dog fouling](#) was published on the SDDC website.
  - The campaign content clearly enabled engaged residents to translate frustration into actions.
  - Complaints about dog fouling during the campaign period actually reduced by 35% compared to the same times of the year over the previous three years.

## **4. Learning Points and Future Actions**

- 4.1. Relevant officers from different Council services met after both of the campaigns to review and identify lessons learned. The Great Britain Spring Clean showed that there is significant interest locally for engagement by local communities in keeping their communities clean. Some of the key learning points were;

- 4.2. Community litter collection events are most effectively held in the spring when litter is less obscured by vegetation growth;
- 4.3. Much of the litter collected was picked up on private land open to the public. Public land maintained by SDDC generally had low quantities of litter. Opportunities exist to work with owners of private land to help reduce litter volumes on their land;
- 4.4. Clear guidance needed to be provided to volunteers to ensure that recyclable litter was not contaminated with non-recyclable litter or other waste in order to maximise recycling rates;
- 4.5. It is crucial to maintain constructive contact with a core of volunteers throughout the year to keep them engaged. It is also desirable to recognise the efforts of volunteers immediately after future events, for example by providing food and refreshments. Town centre businesses may be willing to support this by offer their services and promoting their products;
- 4.6. Opportunities exist to link in and collaborate with other community litter collection groups operating within South Derbyshire.

## **5. Financial Implications**

- 5.1. The direct cost of the We're Watching You campaign signs was £2250. Other direct costs to support the Great British Spring Clean were estimated at approximately £500.
- 5.2. The staff hours estimated to facilitate the two campaigns were 100hours for We're Watching You and 150hours for the Great British Spring Clean.
- 5.3. There were no quantifiable direct savings realised as a result of the campaigns – for example there was no reduction in the frequency of routine street cleaning activity in the areas. However the reduction in complaints about dog fouling would have resulted in fewer than normal requests for reactive street cleaning services which would have freed up direct services staff for other environmental improvement activity.
- 5.4. The financial value of removing 90 bags of litter from our urban environment cannot be quantified, however it clearly has a material benefit both directly to the environment and more widely to the improved sense of community wellbeing.

## **6. Corporate Implications**

### **Employment Implications**

- 6.1. None.

### **Legal Implications**

- 6.2. None.

### **Corporate Plan Implications**

- 6.3. The proposals align with the 'Outcomes' Corporate Plan theme and in particular Action O3 "Enhance environmental standards"; the 'Place' Corporate Plan theme and in particular Action PL6 "Deliver services that keep the district clean and healthy".

### **Risk Impact**

- 6.4. The proposals will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

## **7. Community Impact**

## **Consultation**

7.1. None.

### **Equality and Diversity Impact**

7.2. None.

### **Social Value Impact**

7.3. Beneficial.

### **Environmental Sustainability**

7.4. Beneficial.

## **8. Conclusions**

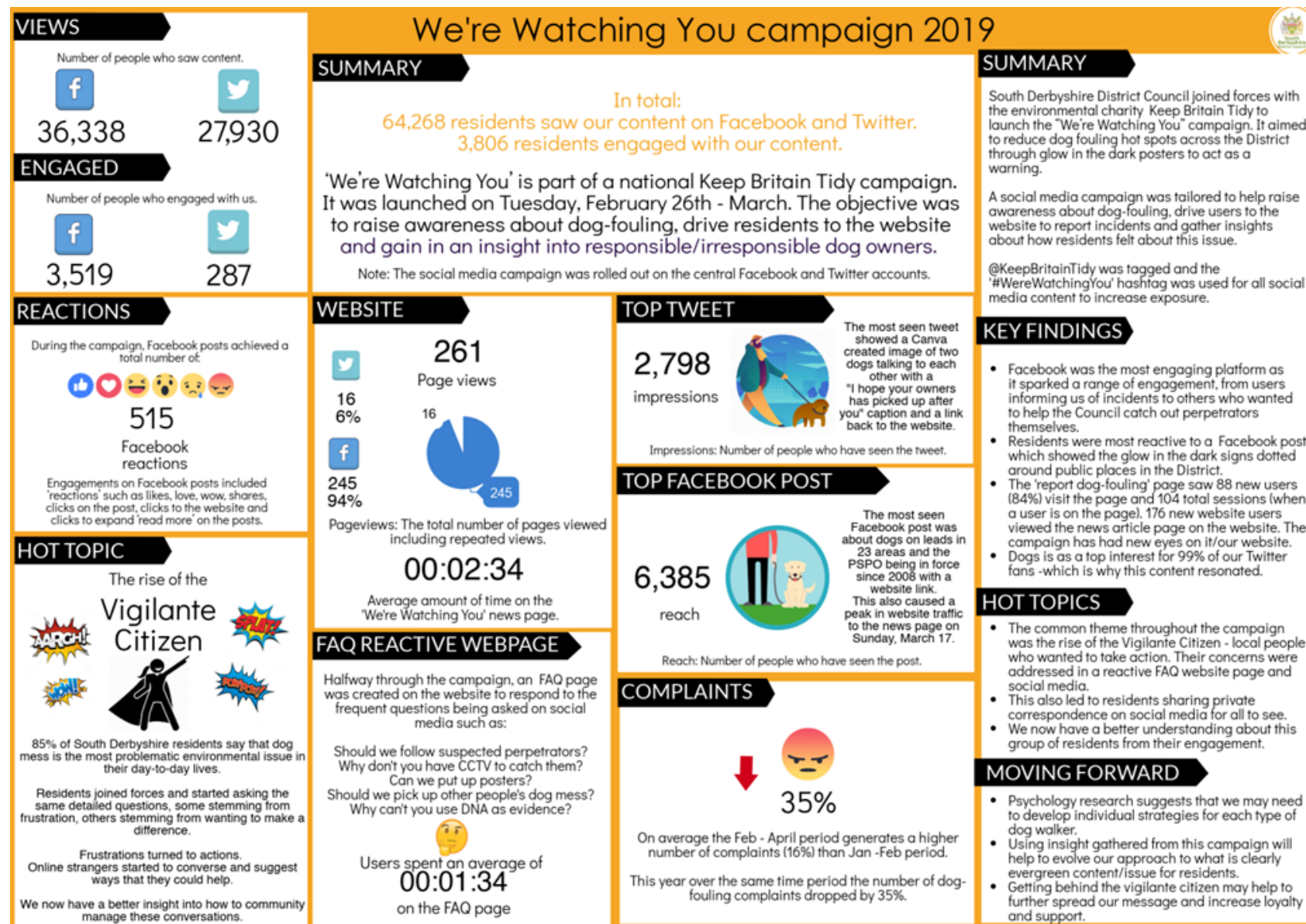
- 8.1. Both campaigns showed the potential to educate and engage residents of South Derbyshire in campaigns to positively influence their local environment and communities.
- 8.2. The Great British Spring Clean shows that significant numbers of residents are willing to directly give up their spare time for environmental improvement projects. A relatively small Council investment in time and consumables can help to co-ordinate and maximise this available asset with tangible results.
- 8.3. The We're Watching You campaign highlights how the residual frustration in local communities about dog fouling can be channelled into more positive energy. In particular it highlighted that awareness raising campaigns must be supported with robust and reactive social media content.

## **9. Background Papers**

Environment and Development Services Committee, 16<sup>th</sup> August 2018,

Environment and Development Services Committee, 17<sup>th</sup> April 2019,

## Appendix 1 – Social Media Campaign Summary We're Watching You



REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 13
DATE OF MEETING:	15 <sup>th</sup> AUGUST 2019	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	Open
MEMBERS' CONTACT POINT:	MATT HOLFORD, <a href="mailto:matthew.holford@south-derbys.gov.uk">matthew.holford@south-derbys.gov.uk</a> , 01283 595856	DOC:
SUBJECT:	FOOD SERVICE PLAN 2019/20	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS14

## 1. Recommendations

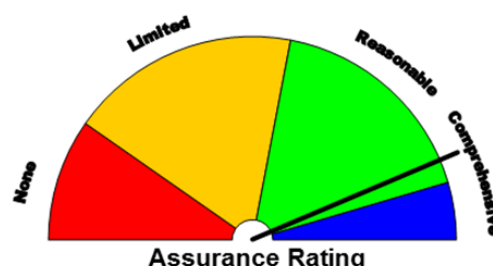
- 1.1 That the Committee approves the 2019/20 South Derbyshire Food Service Plan.
- 1.2 That Committee resolves for that future sign-off of the Food Service Plan is delegated to the Chairman of this Committee.

## 2. Purpose of Report

- 2.1 To seek the approval of the Committee of the Council's Food Service Plan for 2019/20 following the recommendation of an internal audit of the service.

## 3. Background

- 3.1 In May 2019, the Central Midlands Audit Partnership undertook an internal audit of the Council's food safety service. The outcome of the audit was reported to the Audit Sub-Committee on 29<sup>th</sup> May 2019.
- 3.2 Overall, the internal audit findings were that the service had a 'reasonable' assurance rating.
- 3.3 Four areas of weakness were identified by the auditors along with accompanying recommendations.
- 3.4 Three of the areas of weakness related to performance management reporting and operational procedures being overdue for revision. All of these weaknesses are being addressed.
- 3.5 The fourth area of weakness identified that "*Performance information and the annual Food Service Plan were not being routinely reported to the Environmental and Development Services Committee (EDS).*" The accompanying recommendation





stated that *“Quarterly performance reports should be produced and taken to the Environmental and Development Services Committee by the Head of Environmental Services. Furthermore, the annual Food Service plan should be taken to this same Committee to be ratified annually.”*

- 3.6 In response to the recommendation the Head of Environmental Services commented that that quarterly performance data across a range of regulatory services had previously been submitted to EDS, however at EDS on 1st June 2018 Members requested that this report be presented to them annually and not quarterly.
- 3.7 It was, therefore, proposed to submit the Food Service Plan to the earliest available EDS in the 2019/20 financial year and to continue to include key food hygiene performance data within the annual Regulatory Activity report to EDS as soon as practicable after the close of each financial year.
- 3.8 This report has, therefore, been produced in response to the internal auditors' recommendations and to address recommendation 4 of the audit report.

#### **4. What is a Food Service Plan?**

- 4.1 The Food Law Code of Practice (latest version March 2017) is published by the Secretary of State and contains statutory guidance concerning the execution and enforcement of food hygiene law within food businesses by local authorities in England.
- 4.2 Paragraph 5.1.1 of the Code of Practice states that *“Each Competent Authority must have an up-to-date, documented Food Service Plan which is readily available to food business operators and consumers. The Plan must be subject to regular review and clearly state the period of time during which the Plan has effect.”*
- 4.3 The Code of Practice also requires that local authorities must have regard to any advice issued by the Food Standards Agency and the Local Government Association when drafting the Food Service Plan.
- 4.4 The most recent guidance issued by the Food Standards Agency is contained in The Framework Agreement on Official Feed and Food Controls by Local Authorities (2010). The Framework Agreement contains detailed guidance about the required content of the Food Service Plan, however, it is ambiguous about how local authorities should approve the Plans. Para 13 of the Framework Agreement states that *“Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level.”*
- 4.5 The Council has produced a Food Service Plan in accordance with the Framework Agreement since 2012.
- 4.6 Historically the Plan has been approved by either the relevant Service Director for the food hygiene enforcement service or by seeking approval from the Chairman of EDS .
- 4.7 In order to meet the commitments made to the internal audit report the Food Service Plan for 2019/20 is being brought to EDS. The Plan is attached as Appendix 1 to this report.
- 4.8 In accordance with the Framework Agreement, the Plan contains considerable detail about the demands, targets, performance and resources of the food hygiene enforcement service. The Plan is expected to contain information on an authority's

service delivery to stakeholders, including businesses and consumers. If approved it will be published on the Council's website.

- 4.9 It is acknowledged that the operational content of the Plan is at a level of detail which may be beyond the interest of Members of EDS. It is therefore proposed that future year versions of the Plan are submitted to the Chair of EDS for approval and that the key performance targets and outcomes are either contained in the Corporate Plan or reported to EDS through the annual Regulatory Activity report. It will be at the discretion of the Chairman to bring the report for Committee approval if considered appropriate.

## **5. Financial Implications**

- 5.1 None.

## **6. Corporate Implications**

### **Employment Implications**

- 6.1 None.

### **Legal Implications**

- 6.2 The Food Law Service Plan evidences the Council's statutory obligations under the Food Safety Act 1990, regulation 26(1) of the Food Safety and Hygiene (England) Regulations 2013 and regulation 6(1) of the Official Feed and Food Controls (England) Regulations 2009.

### **Corporate Plan Implications**

- 6.3 The Plan supports the "People" themed objective of "Keeping Residents Safe and Happy" in the 2016-21 Corporate Plan and in particular the aim to "Use existing tools and powers to take appropriate crime enforcement action". It also supports the Progress theme of "Encouraging inward investment and tourism opportunities" and in particular the action PR4. "Maximise the prosperity of businesses in South Derbyshire".

### **Risk Impact**

- 6.4 The proposals will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

## **7. Community Implications**

### **Consultation**

- 7.1 None

### **Equality and Diversity Impact**

- 7.2 None.

### **Social Value Impact**

- 7.3 Beneficial.



## **Environmental Sustainability**

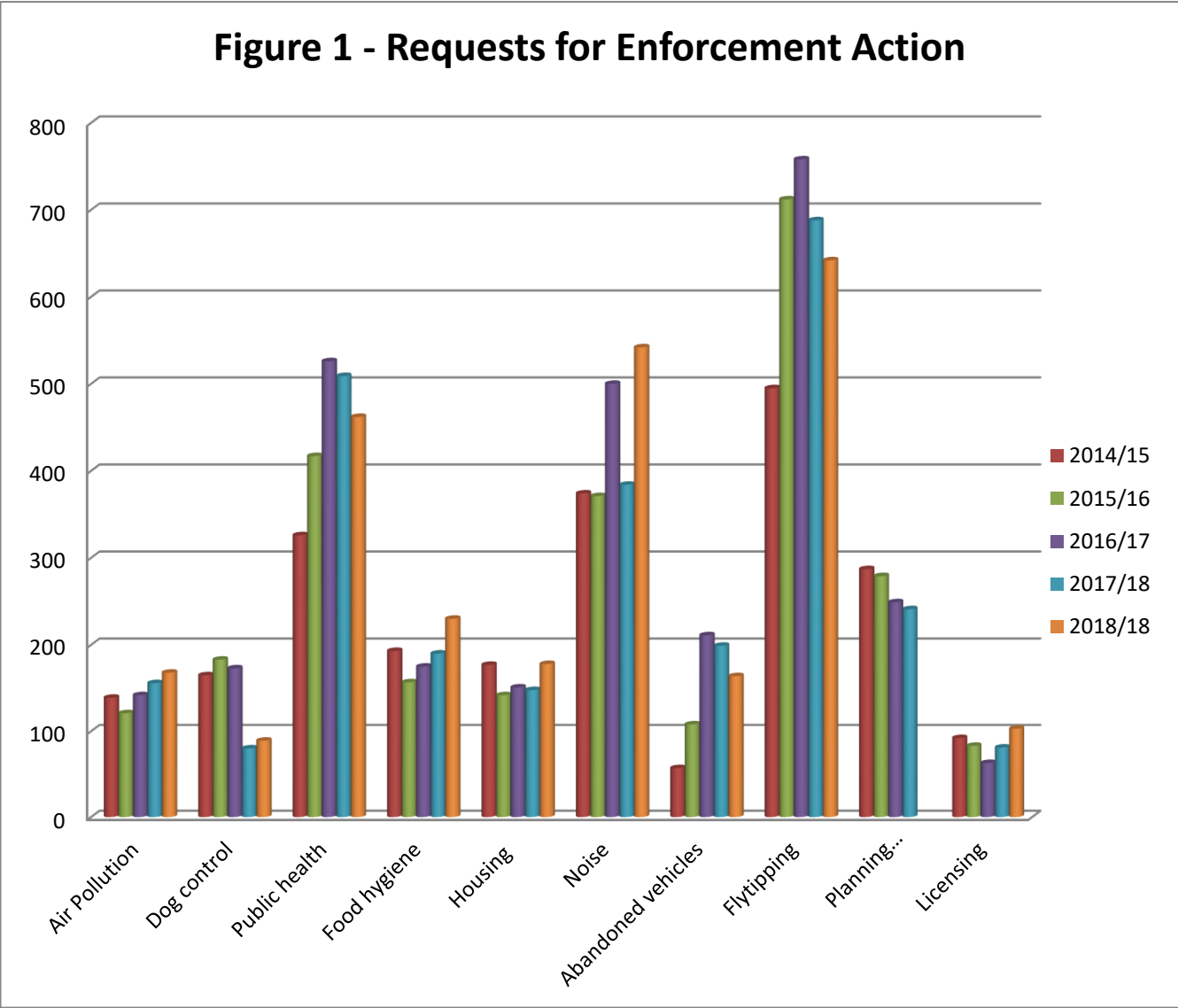
- 7.4 Beneficial. Proportionate regulation is an important feature of ensuring community cohesion. It also ensures positive economic growth by preventing businesses which operate outside the law from gaining a competitive advantage in their respective market.

### **8. Conclusion**

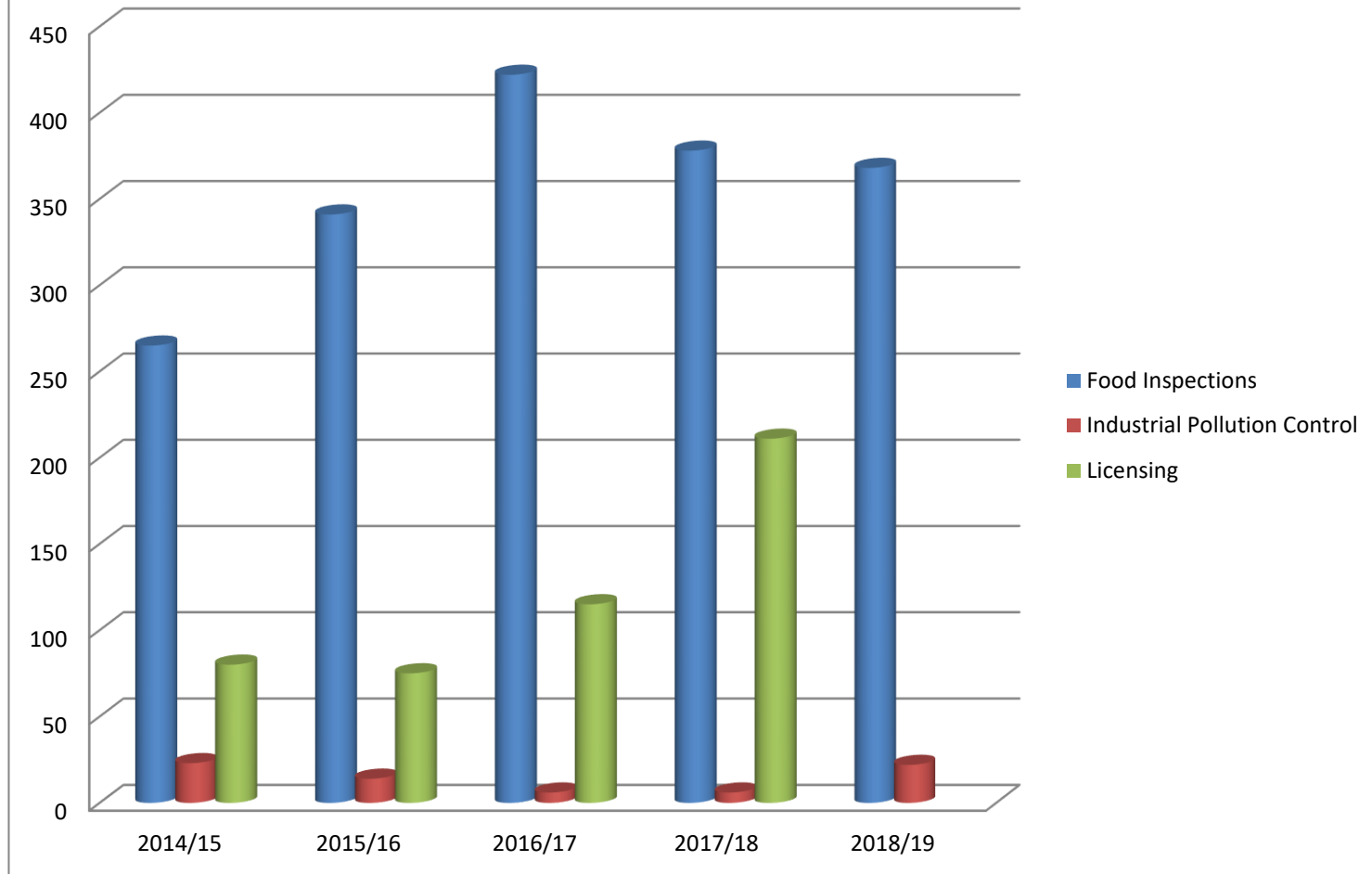
- 8.1 That Members approve the 2019/20 Food Service Plan.
- 8.2 That Members delegate the approval of future Food Service Plans the EDS chair who may, at their discretion, bring the report for full Committee approval.

### **9. Background Papers**

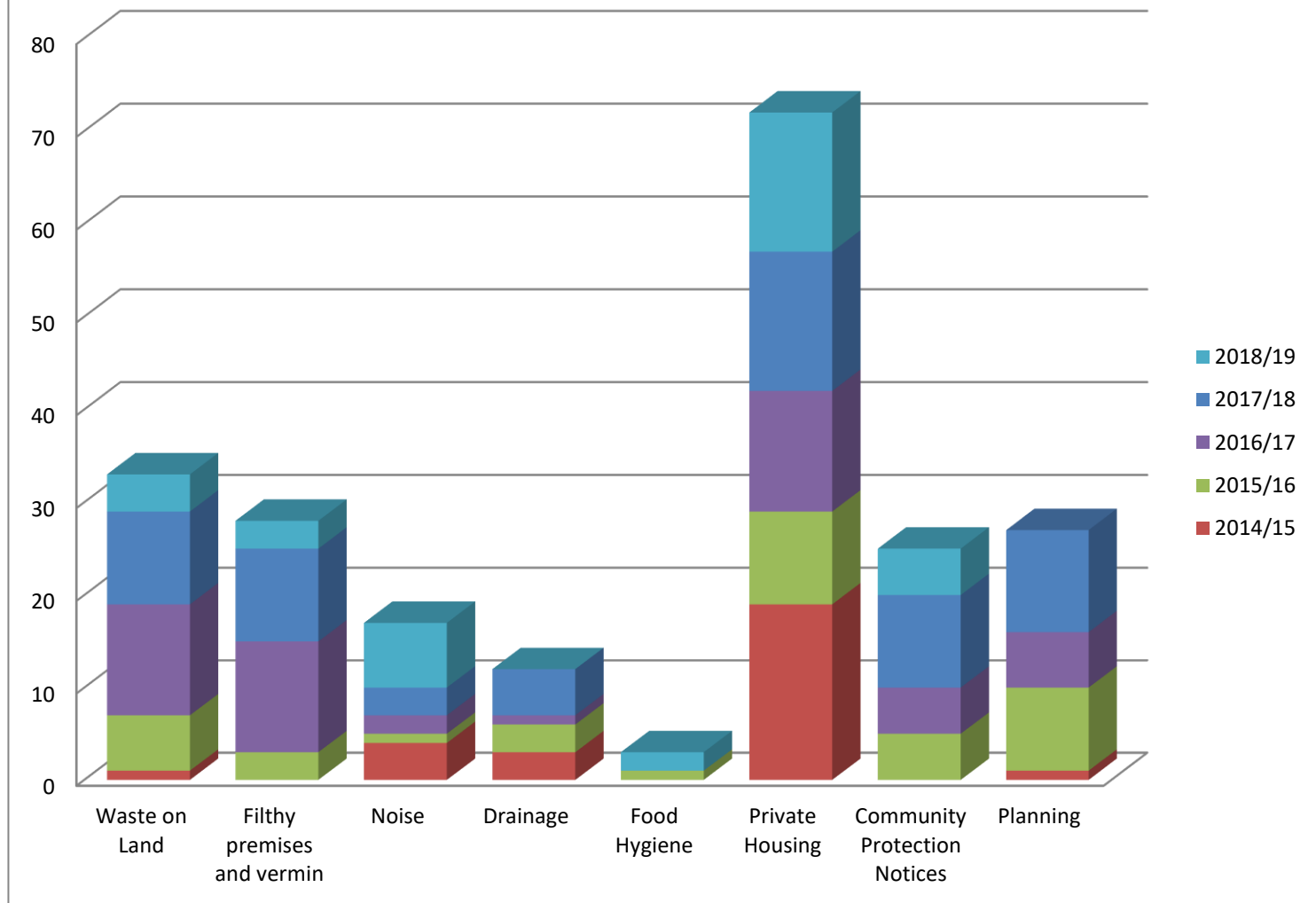
- 9.1 None



**Figure 2 - Proactive Inspections of Businesses**



**Figure 3 - Enforcement Notices Served**



# **SERVICE DELIVERY DIRECTORATE ENVIRONMENTAL HEALTH SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2019/20**

**Environmental Services**

**June 2019**

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## Version Control

Version	Description of version	Effective Date
V2019	2019 Food Law Service Plan	

## Approvals

Approved by	Date
Matt Holford, Head of Environmental Services	5 <sup>th</sup> July 2019
Cllr Andrew MacPherson, Chair of Environment & Development Services Committee	

## Associated Documentation

Description of Documentation

## 1.0 Introduction

1. This is South Derbyshire District Council's Food Service Plan 2019-20, which describes the food hygiene safety enforcement function. It covers all the elements of food safety and hygiene for which this Council has enforcement responsibility.
2. The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its Framework Agreement on Official Feed and Food Law Controls by Local Authorities, Amendment number 5. The FSA was established in April 2000 as an independent monitoring and advisory body. One of the aims of the FSA is to make local authorities delivery of official controls effective, risk-based, proportionate and consistent.

## 2.0 Food Hygiene Service Aims and Objectives

### Aims and Objectives

3. The overall aim of South Derbyshire District Council's Food Safety Service is;

**To work with businesses and consumers to ensure that food placed on the market for human consumption which is produced, stored, distributed, handled and purchased within South Derbyshire does not present a risk to public health or safety of the consumer.**

4. Chapter 4 of this Plan describes the specific services that are provided to meet this aim.

### Links to Corporate Objectives and Plans

5. The operational activities of South Derbyshire District Council are prioritised in accordance with its Corporate Plan. The most recent Corporate Plan (2016-21) is referred to in this document.
6. The Corporate Plan 2016-21 has four corporate themes, namely **People, Places, Progress and Outcomes**. Each of these has between five and eight supporting strategic aims.
7. The work of the food safety service links directly to both the **People** and **Progress** themes in South Derbyshire District Council's Corporate Plan.
8. Under the **People** theme the service links to the strategic aim of "*keeping residents happy, healthy and safe*".
9. Under the **Progress** theme the service links to the strategic aim of "*Encouraging inward investment and tourism opportunities*".
10. The Corporate Plan is not intended to reflect all of the day-to-day work of the multitude of services provided by the Council. Instead it focuses on the issues that are most important to residents, on national priorities set by government and on the opportunities and challenges resulting from the changing social, economic and environmental aspects of the District.
11. The Performance Board which forms the Appendix to the Corporate Plan contains details of the projects and performance measures which reflect these corporate themes. The 2019/20 Performance Board contains two performance measures relevant to the food safety service;

**Theme:** Progress



**Action:** Maximise the prosperity of businesses in South Derbyshire through the delivery of the Better Business Regulation Partnership.

**Measure:** PR4.1 Number of food businesses which have a Food Hygiene Rating score of 5

**Action:** Maximise the prosperity of businesses in South Derbyshire.

**Measure:** PR4.2 Registered food businesses active in the District

### 3.0 Background

#### Profile of South Derbyshire District Council

12. South Derbyshire covers an area of about 34,000 hectares (340 sq.km) and has an estimated population of 101,300 (Estimated at mid 2017).
13. The District is bounded by the City of Derby to the north, Burton upon Trent to the west and Ashby-de-la-Zouch to the east.
14. The town of Swadlincote, comprising the communities of Castle Gresley, Church Gresley, Midway, Newhall, Swadlincote and Woodville, is the main focus of the area, serving as an employment, shopping and service centre. The rest of the District is mostly rural in character. Extensive tracts of countryside are interspersed with a number of villages and settlements, some of which, like Repton and Shardlow, are of historic value. Melbourne is the District's second largest centre with a population of about 6,500. Other larger villages include Hilton, Etwell, Stenson Fields, Linton, Hatton and Willington. The District is the fastest expanding area in Derbyshire.
15. A large part of the District (Swadlincote and its rural hinterland) is situated within the National Forest.
16. Some 4% of the District's population belong to ethnic minority groups.

#### Organisational Structure

17. In the Council's Constitution, the Scheme of Delegation to Officers (Article 21, para 6.2) has delegated responsibility for "food sales, safety and standards" to the Strategic Director Service Delivery. Under these Delegated Powers, the Strategic Director gives powers under specified legislation to given posts within the local authority to discharge these functions on her behalf. The most recent Delegated Powers were signed in April 2018.
18. The Commercial Team delivers the food safety service on behalf of the Strategic Director. The Team is part of the Environmental Health Service which also includes Pollution Control, Community Safety Enforcement Officers, Private Sector Housing and Pest Control.
19. As well as delivering the food safety service to which this Plan relates, the Commercial Team also provides the following services; health and safety enforcement, enforcement of private sector water supplies, welfare funerals, health and wellbeing actions and inspections of some licensed premises. 2.49 Full Time Equivalent (FTE) staff are utilised for the provision of the services described in this Plan (see Appendix 1) including all the relevant management, professional and administrative functions.

20. The management and overall co-ordination of the Service's food law enforcement function is the responsibility of the Head of Environmental Services (HES) who acts as the Lead Officer for the authority's food service in partnership with the Senior Environmental Health Officer (Commercial). The HES oversees the Senior Environmental Health Officer who supervises the day-to-day operational functions of the service.
21. The Environmental Health Service is part of the Service Delivery Directorate which also includes most of the public facing functions of the Council including planning and strategic housing, waste collection and street cleansing, leisure and cultural services, community safety and housing.
22. The Environmental Health operational structure is shown at Appendix 6. The officers regularly involved in the provision of the food service are as described at Appendix 7.

## 4.0 Service Delivery

### Delivery Mechanisms

23. In order to deliver the service as identified in Section 1 the Council has adopted a balance of techniques and approaches. The aims of the service are delivered through four key methods.
24. **Intervention driven:** To carry out interventions, including inspections, in all known food establishments at a minimum frequency as determined by Annex 5 of the [Food Standards Agency \(FSA\) Food Law Code of Practice \(March 2017\)](#) and initiate corrective action including, where necessary, taking the appropriate enforcement action in accordance with South Derbyshire District Council's [enforcement policy](#). To ensure that food premises comply with current legislation and statutory guidance, emphasis will be placed on a risk assessment inspection frequency (the higher the risk, the more frequent the inspections).
25. **Demand driven:** Respond to requests for service and investigate all complaints regarding food premises; investigate food poisoning notifications, respond to all FSA food alerts requiring action and any other matters in response to requests from customers, stakeholders and the general public.
26. **Intelligence driven:** Through the gathering of information and intelligence, address any threats to the health of the consumer and target resources where they can be most effective and to areas of highest risk.
27. **Education driven:** Provide advice and education to businesses and consumers within the District so as to promote voluntary compliance and an understanding of the rights and responsibilities of businesses and consumers, and some knowledge on the prevention of food poisoning and food-borne illness. The Council strongly believes in the principle that assisting compliance is as important as detecting non-compliance.
28. Each officer has a specific geographical area in which they are responsible for all elements of the food service, as well as health and safety within certain businesses. Each area has been created to give an equitable caseload. There is some inter-area working, particularly in relation to some of the more complex businesses.

### Demands on the Food Service

#### Food Hygiene Interventions

29. At April 2019 the Council's Civica database reported a total of 828 food premises were subject to programmed food hygiene interventions. The frequency of intervention for each business is based on its respective food safety rating. The ratings for all food businesses in South Derbyshire are summarised below;

Risk Rating	Inspection Frequency	Number*
A	6 months	1
B	12 months	21
C	18 months	109
D	24 months	304
E	36 months or Alternative Intervention	375
Unrated		3
Outside		15

\*Based on LAEMs return June 2019

30. The types of food business in South Derbyshire based on Food Standards Agency definition are summarised below;

FSA Category	Number
Primary Producers	3
Manufactures/Processors	25
Importers/Exporters	2
Distributor/Transporters	17
Food Retailers	144
Food Caterers	624

Note: These figures include 4 'Approved Premises' as defined by EC Regulation 853/2004.

31. The current FSA Food Law Code of Practice requires that the service discharges its duty under European law to enforce food safety in relation to each of these premises by meeting the following obligations;

- Businesses risk rated as between A to C should be subject to 'official controls'.
- Interventions in businesses rated D can alternate between 'official controls' and 'alternative interventions' and;
- Businesses rated E can, if the local authority chooses, be controlled using an 'Alternative Enforcement Strategy' rather than by inspections.

32. Official controls are defined as inspections, audits or sampling / monitoring / surveillance and verification visits. Alternative Interventions are defined as education, advice, coaching and information gathering. An Alternative Enforcement Strategy (AES) can include questionnaires or telephone interviews of the Food Business Operator followed by a sample of verification visits. AES can also be undertaken as a result of a trigger such as a complaint, planning application, change of ownership, etc.

33. The nature of any enforcement action following an inspection must comply with the Council's Corporate Enforcement Policy, the most up to date version of which was approved in November 2016 and which will be revised in 2019.

34. In order to deliver the food service in accordance with the FSA Food Law Code of Practice the breakdown of interventions is provided in Appendix 3 and 4. It is estimated that the total number of food safety interventions for 2019/20 will be;
- 251 official controls based on the current number of registered food businesses;
  - 146 alternative interventions and associated revisits;
  - 34 revisits following official controls or alternative interventions;
  - 100 official controls for new food business registrations;
  - 100 additional interventions, subject to reactive demands
35. South Derbyshire District Council has chosen to adopt an AES in order to reinvest the time saved in dealing with consistently poor performers that could present a risk to public health.
36. Specifically, in adopting the AES, the Council aims to use questionnaires for 90% of E rated businesses and to inspect a minimum of 10% of businesses. However, as one officer is currently unable to carry out official controls visits due to the need for him to fully complete the requirements to become an authorised officer, more non-official visits of Category E rated premises have been allocated to him this year. This will result in approximately 50% of Category E rated premises receiving an inspection or advisory visit this year.
37. Newly registered food businesses are recorded on the Council's premises database (Civica). The service targets to inspect the new business within 28 days of receipt of registration (or longer if the business is yet to start trading) after which it is risk rated and included in the inspection programme.
38. Closed businesses are recorded on the Council's premises database.

### **Primary Authority**

39. Since 2017 the Council has been approved by the Department for Business, Energy and Industrial Strategy to form two Primary Authority agreements with businesses within South Derbyshire.
40. A Primary Authority agreement is a means for businesses to receive assured and tailored advice from one single point of contact local authority on meeting environmental health regulations across all of its business sites in the UK. The Council has entered into agreements with [Olio](#), [Chilled Pubs Ltd](#) and [Berkeley Inns](#).

### **Food Hygiene Revisits**

41. The FSA Food Law Code of Practice contains guidance on revisits to premises to check compliance following initial inspections. Where an initial (or 'primary' inspection) identifies significant contraventions or there is a history of non-compliance then a revisit (or 'secondary' inspection) will be carried out.
42. The service will continue with spot checks on businesses and their outcomes will affect future inspection and enforcement practices within those premises concerned. Spot checks are

visits carried out between the normal cycle of inspections, as required by the FSA, to determine whether there have been any significant changes in processes, management, hygiene, structure and risk-rating scores.

43. The FSA Food Hygiene Rating Scheme (FHRS) has been adopted by the Council and results in businesses serving to the public being given a 0 to 5 food safety rating at the time of the inspection. The Food Business Operator may request a revisit once it has addressed the non-compliances to allow its rating to be re-assessed and this will result in additional revisits.
44. In March 2017 the FSA published guidance which offered local authorities the opportunity to charge for this service and the Council adopted this from April 2018. The re-inspection charge has been set at £150. Demand for this service is anticipated to be about 10 re-inspections per year.
45. A total of 34 revisits (secondary inspections and requests for revisits) are estimated to be required in 2019-20 (Appendix 3 Table 1 Column 4 plus Table 2 Column 4).

### **Reactive Food Hygiene Inspections**

46. The quantity and type of food businesses in South Derbyshire will change throughout the year. It is the Council's current policy to offer free advice and support to new food businesses in order to support local business growth. The demand for advisory visits and inspections of new businesses is summarised in Appendix 4 along with predicted demand for inspections of mobile units associated with fairs and festivals. In total SDDC estimate a demand for 200 reactive inspections in 2019/20 (Appendix 4).

### **Food-Related Response Work**

47. Food-related response work generally falls into one of the following broad categories:
  - Complaints about food businesses such as hygiene, pests, food handlers etc;
  - Complaints about food such as contamination (extraneous matter, mould, out of condition, dirty containers);
  - Complaints about food labelling ('use by' date contraventions).
48. The service receives an average of 100 service requests per year which will result in a total of 100 inspections, checks and samples. The estimated workload and staffing requirement for these food-related response work activities is 50 hours.

### **Routine Food Sampling**

49. The service undertakes a limited amount of proactive food sampling for bacteriological and chemical quality. Sampling is based on a schedule agreed with Public Health England who fund the sample analysis. The service aims to take approximately 50 food, water and environmental samples this year for microbiological examination.
50. Ad hoc chemical sampling is also undertaken in response to complaints and other service requests. Most of the chemical analysis is carried out by Staffordshire Scientific Services.

51. Samples will be analysed and/or examined by the laboratories authorised by the Council. It is estimated that the sampling activity during 2019/20 will require a staffing resource of 50 hours (0.04 FTE).

### **Control and Investigation of Food-Related Outbreaks and Infectious Diseases**

52. Officers will investigate food-related infectious disease notifications in accordance with procedures agreed with the Consultant in Communicable Disease Control (CCDC). The primary aim of every investigation is to identify the source and cause of the infection and prevent further spread. Investigations of 'outbreaks' (defined as 2 or more potentially linked notifications from separate households) will also be undertaken. Outbreak investigations tend to be significantly more resource intensive than investigations into single notifications.
53. Based on activity over the past few years it is estimated that 100 infectious disease investigations will be carried out and that two outbreak investigations will be required. These will require a staffing resource of 100 hours (0.08 FTE).

### **Food Safety Incidents**

54. Officers will, on receipt of any food alerts relating to national food scares and issues, respond appropriately.
55. It is estimated that approximately 40 alerts will be received this year, requiring different levels of action, with about two Food Alerts for Action (FAFA) equating to approximately a total of 10 officer hours. If a food safety incident originates from an activity or business operating within the District then additional resources will be required in terms of officer hours.

### **Liaison with Other Organisations**

56. The Council recognises the importance of ensuring that the enforcement approach it takes is consistent with other local authorities. Accordingly, regular dialogue on food enforcement and other food-related matters takes place through the Derbyshire Food Liaison Group.
57. The aims of the service outlined in Chapter 2 are also supported through routine attendance and contribution to the South Derbyshire Health and Wellbeing Action Group and the Derbyshire Infectious Diseases Group. The service also make ad hoc attendances at other groups such as business groups (Chambers of Commerce, Derbyshire Business Partnership breakfast clubs, Pubwatch, D2N2), government initiatives (Better Business for All) and internal partners (Planning, Economic Development, Community Safety).
58. It is estimated that during 2019/20 this activity will require a staffing resource of 100 hours (0.08 FTE officers).

### **Food Safety and Public Health Promotion**

59. The service is keen to support various local projects intended to lead to a positive outcome on local health and wellbeing;
- To divert perfectly good food from being thrown away, the Council has committed to work with festival organisers in South Derbyshire to enable vendor food which would have been thrown away to be given to local charities. This will require 50 hours officer time per year.



- To promote all food businesses who are awarded an FHRS rating of 5 on the Council's [Facebook](#) page. To continue to use this page to raise awareness of all relevant matters relating to food safety and environmental health. Updating the Facebook account is estimated to require 25 officer hours per year.
- To support the Breastfeeding Awareness scheme by promoting it in local food businesses.
- To support the Heart of Derbyshire award scheme which helps local food retailers offer healthier eating choices to their customers by providing business audits and face-to-face advice to food business owners.

60. It is likely that the Council will either initiate, or get asked to become involved in, various other health promotional activity over the course of the year. It is estimated that food safety promotional activities will require a staffing resource of 25 hours.

61. The existing Primary Authority agreements will take an estimated 150 officer hours a year to support. It is the Council's aspiration to continue to build Primary Authority agreements and the time demands for marketing and supporting these will depend on take-up.

### **Advice to Businesses**

62. Officers work with businesses to help them to comply with the law and to encourage the use of best practice. This is part of the Enforcement Policy and is achieved through a range of activities including advice given during the course of inspections; site visits upon request; proactively commenting on plans at building regulation / planning application / premises license application stages; targeted mailshots; maintenance and development of the food service website; targeted provision of coaching visits with food business operators and staff from poor performing businesses and use of Alternative Interventions, including guidance and self-assessment questionnaires, as identified in the current FSA Food Law Code of Practice.

63. It is estimated that officers will visit 100 new businesses over the next year.

### **Statutory Consultations**

64. Officers provide responses to statutory consultations from Planning (in respect of planning applications) and Licensing (in relation to Premises License applications). It is estimated that 250 responses to statutory consultations will be made over the next year.

### **Export Health Certificates**

65. The service issues export health certificates to local businesses exporting outside the European Union (EU) region confirming to their clients that their food product is manufactured in accordance with United Kingdom (UK) and EU law. The service will issue an estimated 1650 export health certificates in 2019/20, generating an estimated £90,000 income for the local authority.

66. If, as a result of the UK exit from the EU, local exporters are required to obtain export health certificates for products exported from the UK into the EU region then the number of certificates issued may change significantly. Currently the service has no indication of the potential demand. If necessary the service will recruit temporary staff to deal with additional demand.

## Out of Hours Services

67. Programmed food hygiene inspections for businesses which operate outside a standard 09:00-17:00 Monday to Friday profile are carried out when the business is open and trading. Reactive services such as outbreak investigations are based on need. The service is contactable out-of-hours via the Council's Careline service and through the Emergency Plan arrangements co-ordinated through Derbyshire County Council.

## 5.0 Resources

### Financial Allocation

68. The budget for the 2019/20 financial year is shown at Appendix 2.
69. The direct budgeted costs set for 2019/20 are approximately £5,000 higher than the original budget set for 2018/19.
70. The net budget (i.e. direct costs minus income) for 2019/20 is £5,189 higher than last year. The main reason for this is a need to provide cover for long term sickness absence.
71. The 2018/19 net budget is £78,202 compared to the 2012/13 base budget of £140,510, showing that the service has reduced its overall costs by 44% in the last seven years.
72. It is anticipated that the budget will be sufficient to meet the current demands of the service.
73. The greatest risks to the service are ensuring that there are sufficient qualified staff to undertake the respective statutory duties; the occurrence of any major incidents; large or legally / technically complex cases; significant increases in enforcement actions, or higher volumes of food poisoning outbreaks.
74. In the event of any unforeseen events, resources would initially be deployed from within the Environmental Health Team. This will involve postponing routine inspections and other non-emergency routine operations in order to respond to high priority demands for service. It will also include outsourcing routine inspection activity to third parties if demands are such that it appears unlikely that the Council will not fulfil its programme of routine inspections.

### Staffing Allocation for the Food Service

75. Food law enforcement and educational activities are undertaken by officers from the Commercial Team. The Head of Environmental Services manages the Food Service with the day-to-day activities of the service supervised by the Senior EHO. Currently the service consists of three officers dedicated primarily to food hygiene activities with a further four officers (consisting of the HES, Business Support Compliance Officer, Business Support Officer and Environmental Health Officer) providing support in the form of low risk interventions and administrative support. The time spent on food service functions is estimated at the equivalent of 3.29 FTE posts. These resources are broken down in Appendix 1 with 0.15 FTE allocated to management, 2.34 allocated to delivery of professional services and 0.8FTE allocated to administrative support.
76. Of the three dedicated posts, only the Senior EHO is a qualified EHO. The Food Technical Officer holds the Higher Certificate in Food Premises Inspection and a Certificate in Food Control and therefore is able to undertake higher risk food inspections and 'official controls' as defined in the Food Law Code of Practice.
77. The Food and Health and Safety Officer has completed the M.Sc. in Environmental Health, but is yet to complete the portfolio of professional practice (PPP) and is therefore barred under the Food Law Code of Practice from doing 'official controls'.

78. The Business Support Compliance Officer, Business Support Officer and Environmental Health Officer (Pollution) are all able to provide non-official controls.
79. The competency profile of the authorised food law enforcement officers within the Service based on the October 2015 Food Law Practice Guidance is given in Appendix 9.
80. All staff are involved in a staff review and development process with annual appraisals and six-monthly reviews (called Professional Development Reviews). Staff training needs are identified as part of the process and contribute to the training programme.
81. All officers regularly involved in the delivery of the food service are appropriately qualified and must receive a minimum of 20 hours relevant structured on-going CPD each year. This must consist of a minimum of 10 CPD hours on core food matters directly related to the delivery of official controls and 10 hours on other professional matters, as required by the FSA Food Law Code of Practice.

## 6.0 Quality Assessment

### Quality Assessment

82. As well as the performance indicators described in the following section, a number of quality management processes are already undertaken or are programmed to maintain and improve the quality of the work carried out:

- Regular team meetings (approximately every 3 months);
- Regular attendance at the Derbyshire Food Liaison Group and the Derbyshire Sampling Group and implementation of actions identified;
- Implementation of a programme of paper audits and peer review of inspections;
- Continued subscription to the on-line Regulatory Information and Management System.
- Periodic internal audits from the Council's own retained auditors.
- Joint visits by officers to approved premises and butchers to ensure consistency in these two food industry sectors.
- Full participation in periodic national consistency exercises run by the FSA.

## 7.0 Review of Last Year's Performance

83. The Food Standards Agency Framework Agreement requires every Local Authority to review its previous year's performance against its service plan. The review must identify where the Authority was at variance from the service plan and, where appropriate, the reasons for that variance.

### Performance Indicators

84. The table below summarises the performance of the food hygiene service against the relevant performance indicators in the 2018/19 Corporate Plan along with local performance indicators used by the HES to track operational performance through the year.

Measure	Target	Actual
Corporate Action Plan Performance Indicators		
Proportion of food premises meeting the 5 Star 'Scores on the Doors' rating for food safety	>83%	85.2%
Number of registered food businesses in the District	810	828
Local Performance Measures		
% of service requests responded to within the relevant target time <sup>1</sup>	1 day - 82%, 3 day - 92%, 10 day - 96%	1 day - 88%, 3 day - 88%, 10 day - 95%
% of service requests which are currently still open and older than 60 days <sup>1</sup>	15%	9.5% <sup>1</sup>
% of inspections completed in accordance with the Commercial Team and Environmental Permit Inspection Plans	100%	123.4%
% of registered food establishments which have been food hygiene risk rated.	>99%	98.9%
% of food businesses found to be 'broadly compliant'	≥98.5%	98.9%
% of high risk businesses found to be 'broadly compliant'	>90%	93.2%
Number of 'follows' of the Environmental Health Facebook page	>1400	1580

<sup>1</sup> for Environmental Health Service overall

85. The 2018/19 out-turns for the key performance indicators for the team were very positive. The % of five rated premises under FHRS has increased from 53% to 85% over the past five years, which not only exceeds the Council's own target, but is a figure well in excess of regional and national levels of attainment.

86. The target for the number of registered food businesses in the District is set with the intention of encouraging food inspectors to support local food businesses, particularly new and embryonic businesses.
87. The 2018/19 Food Service Plan identified that 316 food interventions would need to be undertaken to meet legal duties. Between 1 April 2018 and 31 March 2019 the service had carried out 368 inspections – 58 over the target. The additional inspections were mainly due to the increase in demand for the service due to change in ownership of existing business premise and the growth in the number of food businesses.
88. Finally the compliance with legal standards by food businesses in the District continues to improve. 98.9% of food businesses were considered to be ‘broadly’ compliant with all food safety requirements. At April 2019 only nine food businesses were considered to be non-broadly compliant, this is the lowest ever number.

### **Food Hygiene Inspections**

89. Over the course of 2018/19 legal guidance required the Council to carry out 136 interventions in high risk (risk group A to C) food premises in South Derbyshire. At the year-end all interventions had been carried out.
90. Of the remaining food businesses that were either lower risk (risk group D-E), unrated or registered outside the district, legal guidance required the Council carry out a further 332 interventions. All were complete at year end.
91. There were no prosecutions in 2018/19. Two Hygiene Improvement Notices were served and one Emergency Hygiene Notice was issued. One simple caution was issued for food hygiene law breaches
92. No premises were subject to voluntary closure and no businesses voluntarily surrendered food which was found to either be out of use by or best before date.
93. Following the interventions reported in this section, 259 written warnings were either left at the premises or sent to Food Business Operators. These warning provided guidance, outlined contraventions including the appropriate action required and the timescale by which contraventions must be remedied.

### **Reactive Food Inspections**

94. The service supported the successful running of large-scale events at Catton Hall (Bloodstock, Bearded Theory, Sausage and Cider Festival and X-Static music festivals).

### **Food-Related Response Work**

95. The service received 111 complaints about either food, or hygiene practices in food establishments. This is slightly higher than the 95 complaints made in 2018/19 and close to volumes predicted in the 2018/19 Service Plan (100 in total).
96. None of the food complaints resulted in formal legal action. In all substantiated cases concerning complaints about food premises in South Derbyshire, corrective action in accordance with the delivery mechanisms and Enforcement Policy were followed through.



## Routine Food Sampling

97. A total of 71 samples were taken and analysed for their microbiological content during the year. Of these, eight produced results which were deemed to be 'unsatisfactory', although none were found to be 'unacceptable'. As a consequence the relevant premises were visited or contacted to offer advice on why the results were unsatisfactory and advised what action needed to be taken. Repeat sampling is undertaken where necessary.

## Control and Investigation of Food-Related Outbreaks and Infectious Diseases

98. 66 cases of food borne illness were notified to the Council and investigated in accordance with the services procedures. This compares to 136 cases in 2017/18 and therefore there has been a significant reduction in infectious disease notifications. The pathogen which occurred most commonly was Campylobacter, which was the confirmed diagnosis in 51.5%% of cases. In 20% of cases no confirmed diagnosis was made. The next highest numbers of other confirmed diagnosis were Salmonella (18%) and Cryptosporidium (6%). There were also individual instances of Legionella, Giardia lamblia and E. coli. These proportions are roughly the same as was reported in the previous year.

99. There were seven outbreaks of notifiable diseases during the year (ID3). An outbreak is defined as *"An incident in which two or more persons have the same disease, similar symptoms or excrete the same pathogens and in which there is a time, place and/or person association between these persons."*

## Food Safety Incidents

100. The service responds to various form of national alerts about risks associated with food stuffs;

- In 2018/19 there were two Food Alerts for Action (FAFA) from the FSA, advising of serious problems with specified food products. All notifications were responded to in accordance the services procedures.
- The service also receives recall notifications from product manufacturers, usually advising of physical, chemical or biological contamination of specified products. All of these are always placed on the Facebook page.
- The FSA also issues Allergy alerts, relating to contamination of specified products by allergens. Again, all allergy alerts are publicised through the Facebook page.

## Primary Authority Agreements

101. As of April 2019 the Council has entered into three Primary Authority agreements with businesses operating within South Derbyshire and beyond.

102. A Primary Authority agreement is a way for businesses to receive assured advice on how to comply with the law through a single point of contact. It is a legal agreement between the two parties and it directly influences the way in which the business is regulated across all of its operational centres.

103. The agreements with Olio Exchange Ltd, Chilled Pubs Ltd and Berkeley Inns are recorded on the [Primary Authority register](#)

### **Liaison with Other Organisations**

104. An estimated 50 officer hours was spent on liaison, predominantly with other local authorities and with Public Health England.

### **Food Safety and Public Health Promotion**

105. An estimated 400 hours were spent on promotional and public health activity in 2019/20. The key activities undertaken were as follows;

- Regular updating of the [Environmental Health facebook site](#) with food safety information and promotion of businesses achieving FHRs score of 5. As of April 2019 the South Derbyshire Environmental Health Facebook page had 1580 follows, up from 1272 at the same time in 2018.
- The service support two local businesses in exporting their products, by regularly producing food export certificates.
- Officers regularly use an ATP swab to undertake environmental sampling at food businesses during routine inspections.
- The service facilitated the redirection of over a third of a tonne of high quality food products from local music festivals to a local charity for vulnerable people.
- The service acted as a conduit between food businesses and Olio and a local 'community fridge', encouraging local food businesses to donate any surplus food.
- The service has continued to use Facebook and Twitter to actively promote 5 rated FHRs businesses, also using them to raise awareness of Food Hazard Warnings and Food Alerts.
- The service has continued to issue case studies to the Derbyshire and Nottinghamshire Chamber of Commerce to evidence how the Council is contributing to economic growth through constructive regulation.
- The service has continued to actively support a Derbyshire County Council funded healthy eating scheme – [Heart of Derbyshire](#). To date 21 food retail businesses in South Derbyshire have signed up to the scheme and are offering healthier food options to their clients. The service audits the premises to ensure that they are meeting the commitments they have made.
- The Council has issued press releases to support national FSA campaigns
- The service has supported the re-launch of a 'Breastfeeding Welcome Here' Award which encourages food businesses to sign a pledge to welcome breastfeeding mums.
- The service regularly receive and deal with TB in dairy herd notifications from APHA

### **Advice to Businesses**

106. Officers have continued to give free advice and assistance to both businesses and consumers throughout the year on food safety and hygiene matters. 53 businesses were provided with advice following registration in 2018/19 compared to a proxy target of 50.

### **Statutory Consultee Advice**

107. 329 planning applications were reviewed and, where appropriate, responded to on food safety matters in 2018/19. This compares to 221 in 2017/18.

### **Better Business Regulation**

108. In January 2014 South Derbyshire District Council signed a Pledge of Support for the Better Business for All programme in the Derbyshire/Nottinghamshire area.

109. In meeting the commitment to the Pledge;

- The Council provides a health and safety advisor to the Local Enterprise Partnership (LEP) to offer a free and without prejudice regulatory advice service to businesses across the region. The service provided regulatory advice to over 90 businesses over the 15 months of the project.
- The Council uses social media to promote and celebrate the success of all food businesses who have achieved the top FHS of 5.
- The service has provided ten case studies to the Growth Hub to enable it to promote the business support offering provided by regulatory services.
- The service has adopted the practice of not inspecting mobile caterers at festivals and outdoor events. These businesses are already subject to inspections by the authorities with whom they are registered and additional inspections are an unnecessary burden. In the interests of public health officers do inspect mobile caterers if they have a FHS of less than 3 or if the registering local authority ask for an inspection. It is anticipated that this approach will encourage the concept of 'earned recognition' within the mobile catering industry.
- Officers have participated in two national FHS consistency exercises to ensure that the way officers rate the risk of food businesses is within an acceptable range of opinions from professionals across the country.

### **Service Costs**

110. The total controllable costs of the service in 2018/19 were £51,562, this compares to a budget of £75,930.

111. Due to the long term sickness absence of one officer, the service was required to bring in temporary consultancy support to meet the statutory demands. However, this cost was more than off-set by more than expected income from export health certificates and by a significant expansion in the work of the team to generate income from consultancy work.

### **Internal Audit**

112. During late 2018 the service was the subject of an internal audit. The auditors concluded that the assurance rating of the service was 'reasonable'. It identified that of the 25 controls relating to the service which were evaluated, 23 were adequate, two were partial and two were weak. The partial and weak controls are the subject of an improvement plan.

## 8.0 Development Plan

113. The work of the service has been consolidated in a revised Corporate Plan 2016-21. There are also a range of local performance measures which are the main way by which the Head of Environmental Services monitors performance.

Measure	Target
<b>Corporate Plan Measure</b>	
Proportion of food premises achieving a food hygiene rating score of 5	>83%
Number of registered food businesses active in the District	>810
<b>Local Targets</b>	
% of service requests responded to within target time.	1 day >82% 3 days >92% 10 days >96%
Proportion of service requests to environmental health which are still open after 2 months	≤10%
% of inspections completed in accordance with the Commercial team and Environmental Permit Inspection Plans*	100%
% of registered food establishments which have been food hygiene risk rated*	≥99%
% of ABC risk rated food businesses found to be broadly compliant**	≥90%
% of total risk rated food businesses found to be 'broadly compliant'	≥98.5%
% of food hygiene reports issued within 10 days of the inspection**	>95%
Number of food hygiene inspections carried out >28 days after the scheduled inspection date**	<5
Number of 'follows' of the Environmental Health Facebook page	>1800

\* These three indicators are used by 'Which' to compare the performance of all food hygiene services across the UK. In the absence of any national benchmarking process for food safety services the service has adopted these as a way of measuring the relative performance of the food safety service.

\*\*These are new indicators for 2019/20 which have been adopted in response to the internal audit actions mentioned in para 112.

## Appendix 1

## Changes in resources 2018/19 to 2019/20

Staff Member	% of time delivering food safety service		FTE delivering food safety service	
	2018/19	2019/20	2018/19	2019/20
Senior EHP (1 FTE)	75%	75%	0.75	0.75
Food Safety Officer (0.8 FTE)	80%	80%	0.64	0.64
Food & Health & Safety Officer (1 FTE)	75%	75%	0.75	0.75
Environmental Health Manager (1 FTE)	15%	15%	0.15	0.15
Business Support Compliance Officer (1 FTE)	40%	40%	0.4	0.4
Business Support Officer (0.6FTE)	92%	92%	0.6	0.6
Environmental Health Officer (Pollution) (1 FTE)	0%	5%	0	0.05
<b>TOTAL</b>			<b>3.29</b>	<b>3.34</b>

## Appendix 2

## Financial Arrangements (Cost Centre CEE00)

Cost	2018/19(Budget)	2018/19 (Actual)	2019/20(Budget)
Direct Costs (Employees, third party costs)	£144,506	£150,442	£150,202
Internal Support Service Costs	No data	No data	No data
Income	£(72,000)	£(98,880)	£(72,000)
<b>NET EXPENDITURE (Excluding Support Services)</b>	<b>£72,506</b>	<b>£51,562</b>	<b>£78,202</b>

## Appendix 3

## Table 1 - Food Inspection Demand 2019/20

Risk Rating (Max. Official Control interval)	Number of inspections due	Number of inspections overdue from previous year	Estimated number of revisits
Category A (every 6 months)	4	0	4 <sup>1</sup>
Category B (every 12 months)	20	0	15 <sup>2</sup>
Category C (every 18 months)	74	0	15 <sup>3</sup>
Category D (every 24 months)	153	0	0
Unrated	0	0	0
<b>Total</b>	<b>251</b>	<b>0</b>	<b>34</b>
Registered Outside District	8	0	0

Footnote <sup>1</sup>: Estimated number of revisits are based on an assumption that 100% of inspections will require a revisit.

Footnote <sup>2</sup>: Estimated number of revisits are based on an assumption that 75% of inspections will require a revisit.

Footnote <sup>3</sup>: Estimated number of revisits are based on an assumption that 20% of inspections will require a revisit

Table 2 - Alternative Intervention Demand 2019/20

Risk Rating (Max. Official Control interval)	Number of interventions due	Number of interventions overdue from previous year	Estimated number of revisits
Category E (every 36 months) or AES	146	0	15 <sup>4</sup>

Footnote <sup>4</sup>: Estimated number of revisits are based on an assumption that 10% of AES will require a revisit.

#### Appendix 4

Estimated numbers of additional inspections/visits

Nature of Additional Inspections	Number
New food businesses or existing premises that have changed ownership	100
Outdoor stalls/mobiles at fairs and festivals	0 <sup>5</sup>
Other visits (e.g. spot checks/sampling/advisory/complaints)	100
<b>TOTAL</b>	<b>200</b>

Footnote<sup>5</sup>: See para 109 and the adoption of earned recognition for festival catering



Therefore, the estimated number of inspections, revisits, spot checks and other visits/interventions will be 646 (totals in Appendix 3 plus Appendix 4). This process will be carried out in a risk rated manner, focusing on the prioritisation of high-risk businesses.

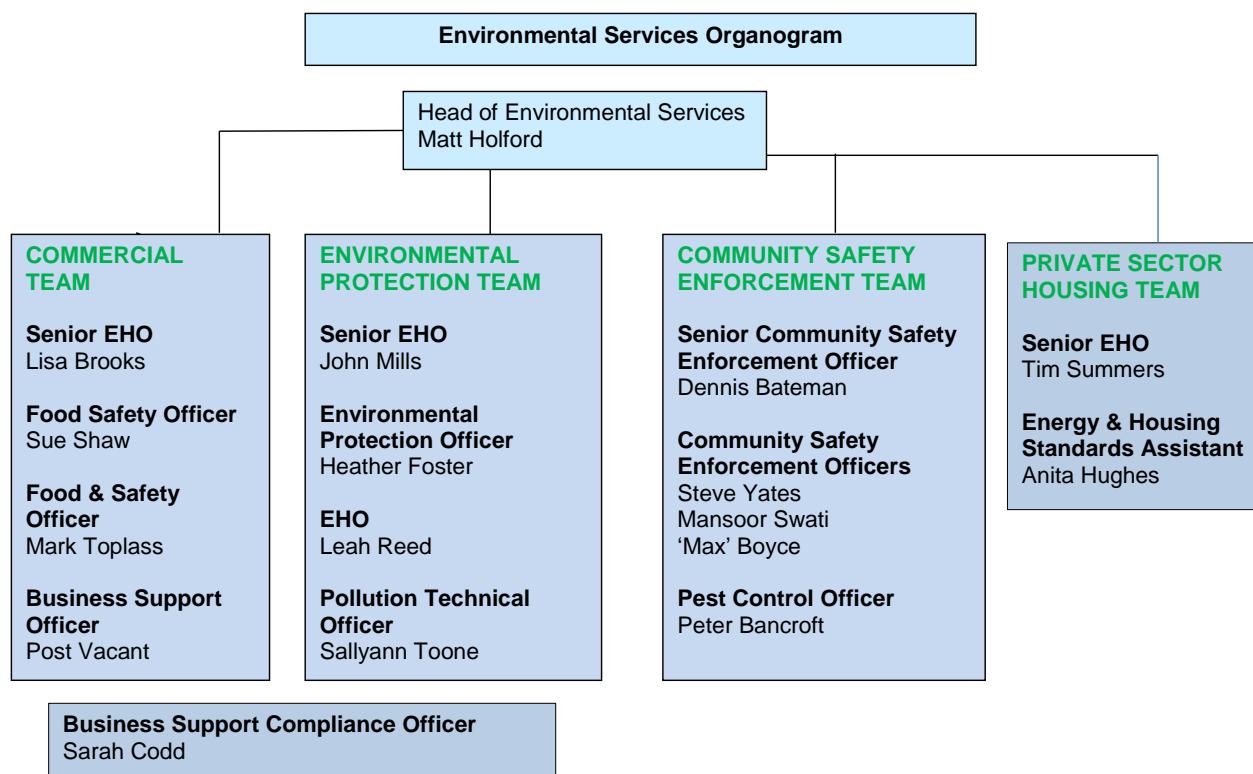
## Appendix 5

### REACTIVE/OTHER SERVICES

Task	Level of Activity		
	2018/19 Estimate	2018/19 Actual	2019/20 Estimate
Request for information (code F25)	50	56	50
Food related service requests/complaints (code F50&FS)	100	113	100
Infectious disease control - estimate notifications of food borne/food poisoning illnesses	100	66	100
Primary Authority agreements	2	3	3
Planning application responses	250	329	250
Food Safety Recalls, allergy alerts and FSA food alerts for action	All alerts are automatically input onto the Facebook page		

## Appendix 6

## Environmental Health Organisation Chart



## Appendix 7

## Job Roles

Environmental Health Manager	Overseeing the strategic management of the team.
Senior Environmental Health Officer (Commercial)	Day-to-day operational supervision of the work of the Commercial Team and enforcement of food and health and safety matters in the West of the district
Food Safety Officer	Enforcement of food safety, sampling and hazard checking in the East of the district.
Food and Health & Safety Officer	Health and safety enforcement, delivering non-official controls at low-risk food establishments and information dissemination and gathering at new food businesses.
Business Compliance Support Officer	Intervention and information dissemination in low risk establishments and systems administration.
Business Support Officer	Production of export certificates, food hygiene rating stickers and post inspection correspondence.

Environmental Health Officer (Pollution)	Low risk food hygiene inspections and additional resilience capacity
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## Appendix 8

Services provided to the Food Service by external agencies

Name of Organisation	Type of Service	Frequency of Service
PHLS Leeds	Samples taken are normally routine bacteriological food samples or food complaints of an unfit or questionable bacteriological quality.	Monthly and ad hoc as required
Staffordshire County Council Public Analyst	Analysis of food complaints, water samples	Ad hoc
Public Health England Nottingham	Medical advice on aspects of disease control and prevention	On going
Better Regulation Delivery office (BRDO) (part of BIS)	Information and guidance	On going
Chartered Institute of Environmental Health (CIEH)	Information and advice. Materials for food hygiene courses	Ad hoc
Food Standards Agency (FSA)	Monitoring of performance, Information and advice	Ad hoc

## Appendix 9

Officer competency profile.

The following authorisations have been issued to officers in accordance with the more detailed guidance in the FSA Food Law Code of Practice. Because the competencies are relevant to individuals and not to posts, serving officer initials have been used rather than post titles. The titles provide a brief summary of each of the competency

## LEAD FOOD OFFICER

	LOCAL AND SPECIALIST KNOWLEDGE	Nº Of Officers
1.1	Knowledge and understanding of area	2 (LB, MH)
1.2	Knowledge and understanding of hazards in the area	2 (LB, MH)
1.3	Knowledge and understanding of specialist auditing and quality	1 (LB)

	assurance skills	
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	LEGISLATION AND CENTRALLY ISSUED GUIDANCE	N° Of Officers
2.1	Relevant EU and national food hygiene law and application	2 (LB, MH)
2.2	Framework agreement on Food Law Enforcement	2 (LB, MH)
2.3	Full range of enforcement sanctions	2 (LB, MH)

	PLANNING OF AN OFFICIAL CONTROL PROGRAMME	N° Of Officers
3.1	Can apply national and local priorities	2 (LB, MH)
3.2	Can identify knowledge or skills gaps in officers	1 (LB)
3.3	Understands process of managing food incidents	1 (LB)
3.4	Understands local emergency contingency arrangements	1 (LB)
3.5	Understand Home and Primary Authorities	2 (LB, MH)
3.6	Compliance with local and national data gathering	2 (LB, MH)
3.7	Co-ordination of official controls within and between authorities	2 (LB, MH)

## SECTION B : AUTHORISED OFFICERS

	INSPECTIONS	N° Of Officers
4.1	HACCP based procedures	2 (LB, SS)
4.2	Determine and identify hazards and risks	3 (LB, SS, MH)
4.3	Understand relevant EU & national food law and standards	2 (LB, SS)
4.4	Appropriate action to remedy non-compliance	4 (LB, SS, LR, MH)
4.5	Able to rate for FHRS	3 (LB, SS, LR)
4.6	Understanding of common food types and hazards	3 (LB, SS, LR)

	ENFORCEMENT SANCTIONS	N° Of Officers
5.1	Differentiate between legal requirements and good practice	4 (LB, SS, LR, MH)
5.2	Understand enforcement authorisations, policy, etc	4 (LB, SS, LR, MH)

5.3	Understands legal framework	4 (LB, SS, LR, MH)
5.4	Understanding about how to serve notices, gather evidence	4 (LB, SS, LR, MH)

	<b>SAMPLING</b>	<b>N° Of Officers</b>
6.1	Formal / informal sampling methodologies	2 (LB, SS)
6.2	National and local sampling priorities	3 (LB, SS, MH)
6.3	Can interpret sample results	3 (LB, SS, MH)

	<b>IMPORT / EXPORT CONTROLS</b>	<b>N° Of Officers</b>
7.1	Understand import / export legal framework	2 (LB, SS)
7.2	Can determine appropriate action based on available sanctions	2 (LB, SS)
7.3	Can identify food types and identify fitness	1 (JM)
7.4	Understands controls at points of entry	1 (LB, SS)

	<b>REACTIVE INVESTIGATIONS</b>	<b>N° Of Officers</b>
8.1	RIPA, PACE and evidence gathering	4 (LB, JM, MH, LR)
8.2	Engagement with other agencies during outbreaks or incidents	5 (LB, SS, JM, LR, MH)

## SECTION C: REGULATORY SUPPORT OFFICERS

	<b>INFORMATION GATHERING</b>	<b>N° Of Officers</b>
9.1	Informal sampling methodologies and protocols	5 (LB, JM, MH, MT, SS, LR)
9.2	Understanding of identification of food hazards	6 (LB, JM, LR, MH, MT, SS)
9.3	Communications skills	6 (LB, JM, LR, MH, MT, SS)
9.4	Ability to locate current sources of guidance	6 (LB, JM, LR, MH, MT, SS)

Key:

JM – John Mills; LR – Leah Reed; LB – Lisa Brooks; MH – Matt Holford; MT – Mark Toplass; SS – Sue Shaw.

Additional qualified officers may be called in to provide Regulatory Support Officer or lower level support of times of high demand.

External contractors will all meet the competency requirements of the services required of them.

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 14</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>TONY BURDETT, 01283 595746 <a href="mailto:tony.burdett@south-derbys.gov.uk">tony.burdett@south-derbys.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SWARKESTONE PUBLIC FOOTPATH No. 9 (PART) STOPPING UPORDER</b>	
<b>WARD(S) AFFECTED:</b>	<b>ASTON</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That the Committee authorises 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 Agrees to the subsequent confirmation of the Order in the event of there being no unresolved objections arising from the formal consultation stage.

## **2.0 Purpose of the Report**

- 2.1 To seek the Committee's authority to make an Order to stop up the above mentioned public footpath to enable the development permitted under planning permission 9/2016/0951, in respect of the widening of the existing slipway to facilitate the construction of a dry dock at Swarkestone Boat Club Pingle Lane Swarkestone.

## **3.0 Detail**

### The Application

- 3.1 Planning permission 9/2016/0951 permits the widening of the existing slipway to facilitate the construction of a dry dock at Swarkestone Boat Club, Pingle Lane, Swarkestone. This development affects the line of Footpath No 9 as shown on the County Council's Definitive Map. The footpath coincides with Sustrans Route No. 6 at the north-eastern boundary of the Boat Club site and Footpath 11 near the south-eastern boundary.
- 3.2 Following the granting of planning permission an application has been made to stop up the footpath so that users would no longer be able enter the Boat Club site on a



right of way. A short new length of public right of way would be created along the existing Sustrans route, to connect Footpath 9 with the public highway. It is apparent that the footpath through the Boat Cub site has been obstructed for a considerable number of years. However this particular enforcement matter is not directly relevant to the criteria applicable to the requested Order.

#### Applicant's Supporting Information

- 3.3 In summary, the applicant states that support for removing the public footpath from the active boat yard, with its attendant safety and security issues, has been received from Barrow on Trent Parish Council, Ramblers Association and Canal and River Trust. It is further contended that the provision of the new dry dock would create an additional safety risk for footpath users on any part of the Boat Club site.
- 3.4 Planning application 9/2016/0951 was put forward to enable the club to expand its facilities to accommodate the larger boats that are now moored at the site. The dry dock, even when not in use, will present a sheer drop and when in use there will be work underway such as welding, removal of coatings from hulls etc. Many of these operations will require a controlled working environment, precluding public access in the interest of health and safety. Public access also raises issues of security to the site.
- 3.5 When viewed on the ground the Boat Club site is not particularly large and diversion of the route away from the premises onto an alternative route that already exists (non-classified highway and Sustrans route) would cause no inconvenience to users and would not be disproportionate.
- 3.6 In the event of objection to the Order (and thus referral to the Secretary of State) the applicant is willing to take the lead in any proceedings in support of the Order leaving the Council to either support it or adopt a neutral stance.

#### Responses to Informal Consultation

- 3.7 The Ramblers Association objected to two previous (1979 & 2013) Highways Act applications. However this time it suggests that the footpath through the boatyard be diverted onto the Sustrans track to ensure the footpath is continuous down to the canal. It is expected that there will be plenty of objections and proposals to route the path around the dock, but the Association sees no reasonable prospect of the obstructions at each end of the path being removed so diverting the path onto the Sustrans track seems a sensible option.
- 3.9 Peak and Northern Footpaths Society does not object subject to the creation of a right of way on the unadopted section of cycle route and suitable gate to the connection with Footpath 11.
- 3.10 Derbyshire County Council reports its local ward member's comments:

*"To note I am very familiar with the problem outlined in the attached report. I have no objection to stopping up the footpath and moving it outside of the boundary fencing of Swarkestone Boat Club which would make a lot of sense in this case. I also know from conversations held that ramblers have not used the existing route for some considerable time (years). Once the order has been completed it may be useful to write to local rambling groups (Melbourne area) to note the changes and encourage more use of this walking route."*

- 3.11 The County Council's Rights of Way Officer supports the creation of the short length of path.
- 3.12 The Open Spaces Society objects because the work involved to provide the dry dock could be achieved by a simple diversion of the definitive path. It is The Society's contention that the provisions of the Highways Act 1980 s118 would need to be employed in order to stop up this path. There is no objection to the diversion of the path, under the terms of the Town and Country Planning Act, around the dry dock to enable it to be constructed and would expect that obstructions are removed at both ends of the site at the same time.
- 3.13 A third party objects to the proposal on the basis that the existing footpath has been illegally blocked, denying walkers access to this historic section of the junction of the Trent and Mersey Canal with the Derby and Sandiacre Canal.

#### Assessment

- 3.14 Section 257 of the Town and Country Planning Act provides that *"...a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable the development to be carried out..."*.
- 3.15 Paragraph 7.15 of Defra Rights of Way Circular 01/09 makes it clear that having granted planning permission for development affecting a right of way, an authority must have good reasons to justify a decision not to make an order.
- 3.16 If an order were to be made it would be subject to a requirement to consult and publicise. In the event of it being opposed it will have to be submitted to the Secretary of State for a decision on whether or not it should be confirmed.
- 3.17 In this case the development in question is granted permission under Ref. no. 9/2016/0951. The applicant has supplied a reasoned argument as to why the proposed order should take the form as proposed. Objectors have suggested that the stopping up is more extensive than necessary to facilitate the development. However, whilst the principal legislative criterion is the starting point, account needs to be taken of all relevant information. In this particular case it is difficult to perceive what benefits walkers would experience by being able to navigate a path closer to the permitted dry dock compared with a route that, by reasonable analysis is more convenient for users, whilst not depriving them of the ability to appreciate the natural and heritage assets of the immediate locality.

#### **4.0 Financial Implications**

- 4.1 Normal administrative costs for making the Order are absorbed by the fee paid by the applicant in accordance with the Council's published fees and charges. In the event of referral to the Secretary State, parties are expected to meet their own expenses, although costs may be awarded against a party that has behaved unreasonably; and the unreasonable behaviour has caused the other party to incur unnecessary costs that they would not otherwise have incurred.

#### **5.0 Corporate Implications**

##### **Employment Implications**

- 5.1 The diversion would enable the Boat Club to enhance its offer to customers thereby safeguarding the future viability of the club.

### **Legal Implications**

- 5.2 It is possible that legal representation may be required should the case proceed to a Public Inquiry.

### **Corporate Plan Implications**

- 5.3 The proposed diversion would contribute towards corporate priorities of:
- Increasing levels of participation in sport, health, environmental and physical activities
  - Support provision of cultural facilities and activities throughout the District.

### **Risk Impact**

- 5.4 There are no implications in relation to identified risks in the risk register.

## **6.0 Community Impact**

- 6.1 **Consultation:** A round of informal consultation has taken place which has revealed the possible areas of contention as set out elsewhere in this report.
- 6.2 **Equality and Diversity Impact:** The proposed diversion is designed to make the route of the footpath safer and more accessible for all users of the network.
- 6.3 **Social Value Impact:** Enhancement of the network will assist in the provision and enhancement of sustainable development will enhance public health and well-being.
- 6.4 **Environmental Sustainability:** Better alternatives to more sustainable transport will contribute toward the achievement of economic, social and environmental objectives.

## **7.0 Conclusions**

- 7.1 This diversion would result in enabling the current club to enhance its offer to customers and offer greater convenience for users, whilst not depriving them of the ability to appreciate the natural and heritage assets of the immediate locality.

## **8.0 Background Papers**

- Planning application file 9/2016/0951
- Application to divert public Footpath No 9.
- Responses to informal consultation.

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 15</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ALLISON THOMAS, <a href="mailto:allison.thomas@south-derbys.gov.uk">allison.thomas@south- derbys.gov.uk</a>, 01283 595775</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>PROPOSED STRATEGIC PLAN FOR NATURE</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS01</b>

## **1. Recommendations**

That the Committee:

- 1.1 Notes the Draft Terms of Reference of the Biodiversity Working Group set up under the umbrella of the Corporate Environmental Sustainability Group.
- 1.2 Approves 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 Notes the content of the appended Nature Site List and agrees 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.

## **2. Purpose of the Report**

- 2.1. To update the Committee on proposals to bring forward a Strategic Action Plan for Nature and make the Committee aware of other actions being taken to protect and improve biodiversity within the District.

## **3. Detail**

- 3.1. At a meeting of this Committee on 16 August 2018, approval was given to the establishment of a Corporate Environmental Sustainability Group (CESG). The purpose of the Group is to develop and implement measures that demonstrably improve the Council's environmental performance.
- 3.2. The Committee approved the terms of reference of the Group and agreed to receive further reports on the Group's work programme. The Group first met in November 2018 and identified six areas which would be the focus for improving environmental sustainability.
- 3.3. Two further work streams have also been brought to the Group over the spring and summer period – one of which arose as a result of a request from Members to

explore opportunities to enhance biodiversity across the District. This report will focus on this area of work.

3.4. To date Draft Terms of Reference have been prepared to inform the work of the Biodiversity Working Group which had its first meeting in June 2019. A copy of the Draft Terms of Reference is set out in Appendix 1 and members are asked to note the Draft Terms of Reference for the Group.

3.5. The purpose of setting up a working group is to:

- understand current biodiversity issues and challenges in South Derbyshire;
- identify opportunities for enhancement of biodiversity on Council-owned land
- support the enhancement of biodiversity on land the Council manages for others
- ensure compliance to legal requirements to conserve and enhance biodiversity including those within Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which places a duty to conserve biodiversity on public authorities in exercising its functions in England.
- prepare the Council for its role in ensuring developers meet forthcoming legislation to improve biodiversity by 10 per cent as part of its new mandatory net gain requirements under the Environment Bill 2019
- prepare the Council for its new role in producing new spatial "nature recovery strategies" to support existing plan-making duties.

3.6. It is proposed that the working group will:

- identify and review existing policies, strategies, plans and practices, identify gaps and issues and identify remedial actions
- benchmark these against good practice elsewhere
- collate existing data and evidence on habitats and species and identify key issues
- audit and analyse the range and roles of interested stakeholders and communities of interest, geography and/ or practice
- prepare a Strategic Action Plan for Nature which will set out a range Council priorities and actions to conserve and enhance biodiversity through a coordinated, Council-wide approach to the creation and/or management of new and existing sites.

3.7 However, significant opportunities have already been identified for improving biodiversity and work in some areas is already ongoing or capable of delivery well ahead of the preparation of a Plan. In such instances it is not proposed to delay such work pending the preparation of the Plan, but rather continue to progress works to ensure the early delivery of biodiversity improvements. A draft list of nature sites and intended short, medium and longer-term actions already identified by officers is included at Appendix 2.

3.8 In summary, however, there could be opportunity to deliver Biodiversity enhancements at number of locations including:

- Swadlincote Woodlands (including Salts Meadow)
- Sandholes Midway
- Midway Fishponds
- Appletree Meadow, Old Station Close, Etwall
- Hilton Memorial Meadow
- Manor School View and Croft Orchard, Daisy Lane, Overseal
- Coton Local Nature Reserve (Badger's Hollow)
- Rosliston Forestry Centre

- Pilot verge wildflower plantings in Hilton, Repton, Ticknall and Swadlincote.

3.9 It is proposed that the Draft Strategic Action Plan for Nature and the recommendations it includes be bought back before the Committee at a future date for consideration and adoption. Once adopted it is proposed that the Plan will:

- identify appropriate changes to the management of land owned or managed by the Council which reflect local circumstances and are in the interests of biodiversity
- identify gaps in existing biodiversity provision or access to biodiversity and potential projects to improve connectivity and access
- identify opportunities for biodiversity gain including through the delivery of net biodiversity gain in new development and the use of Section 106 monies for supporting biodiversity enhancements and management
- consider the potential for the commercialisation of environmental enhancements and conservation including through sponsorship and ongoing site management and maintenance for developers or third parties of on-site open space including landscaping and sustainable drainage.
- deliver any biodiversity requirements prescribed by the Environment Bill 2019

3.10 It is anticipated that the Council would commission specialist consultants to develop the Plan in collaboration with relevant Teams across the Council and with the aim a draft being completed by Spring 2020.

#### **4. Financial Implications**

- 4.1 It is expected that funding for some improvements will be met from S106 capital and maintenance sums together with external funding. More significant changes to the site management will require future business cases to be developed.
- 4.2 It is likely that the work of the group, future plan making and management, including the commissioning of consultants can be delivered within the cost of existing budgets with any specific upfront costs associated with plan preparation being funded out of existing departmental spending. For example, the Strategic Action Plan for Nature will form part of the evidence base for any future Local Plan and will negate the need for a Local Plan focussed biodiversity study and strategy.

#### **5. Corporate Implications**

##### **Employment Implications**

- 5.1 Beneficial. Environmental conservation and enhancement will improve the attractiveness of the District as a place to work and live.

##### **Legal Implications**

- 5.2 Beneficial. This work will allow an updated audit of Council functions against the requirements of the NERC Act (a previous NERC Audit of Council functions was undertaken in 2009).

##### **Corporate Plan Implications**

- 5.3 The proposals align with the 'Outcomes' Corporate Plan theme and in particular Action O3 "Enhance environmental standards"; and the 'Place' theme and in particular Action PL6 "Deliver services that keep the district clean and healthy".

##### **Risk Impact**

- 5.4 The proposals will have a beneficial mitigating action against the corporate risk of failing to meet increasing community aspirations for environmental stewardship.

## **6. Community Impact**

### **Consultation**

6.1 None.

### **Equality and Diversity Impact**

6.2 None.

### **Social Value Impact**

6.3 Beneficial. The preparation of an Action Plan for Nature could support improved access and awareness of biodiversity in the District.

### **Environmental Sustainability**

6.4 Beneficial. The preparation of an Action Plan for Nature will allow the Authority to better coordinate management and delivery of biodiversity resource in the District.

## **7. Conclusions**

7.1 Significant environmental improvements have been delivered in South Derbyshire in recent years particularly within the National Forest and Trent Valley. However high levels of development in the District could, if inappropriately managed, lead to losses in biodiversity. Proposals to review the existing state of the natural environment and identify actions to conserve and enhance biodiversity within an Action Plan for Nature will allow the Authority to meet its statutory obligations under section 40 of the NERC Act 2006, any new obligations under the Environment Bill 2019 and provide opportunity to optimise the management of sites, engagement of the community and the delivery of new green infrastructure to improve connectivity between and access to biodiversity.

## **8. Background Papers**

8.1 Appendix 1 Draft Terms of Reference for the Biodiversity Working Group

8.2 Appendix 2 Draft Nature Site List



## South Derbyshire Biodiversity Working Group

### Terms of Reference - DRAFT

14.5.19

#### Background

What is a Biodiversity Plan?

Biodiversity is the amazing variety of life on earth which is commonly measured through the genetic diversity, species (animals & plants) and ecosystems. One of the largest risks to the globe and to SDDC is the loss of biodiversity through development, the way we work and manage assets.

A biodiversity plan is to put together a package of measures to help develop district biodiversity culture and understand how we can enhance biodiversity through a set of measures for leadership review and commitment.

#### Purpose

The purpose of setting up a working group is to understand our current biodiversity levels in SDDC, enhancement of biodiversity on land we own, support the enhancement of biodiversity on land we manage on others behalf and ensure compliance to legal requirements to enhance biodiversity within our planning policies and DDC biodiversity plans.

The Biodiversity Working Group has been formed under the membership of the Corporate Sustainability Group.

#### Aim

To develop a Biodiversity including SMART objectives / KPI's that deliver against the Corporate Plan Outcome O.3 "Deliver Environmental Standards" through the development of a range of biodiversity measures using good practice from other public bodies.

#### Objectives

Produce a Biodiversity Plan for the Council that:

1. Identify potential of biodiversity enhancement pilots – own land opportunities
2. Work towards commissioning a biodiversity plan which will inform negotiations with developers and will help SDDC manage land better

#### In Scope

The Working Group will explore the following:

1. Review existing policies, practices and compare these with good practice in other authorities, as well as identifying options for improvement to inform practical concepts around the biodiversity options to be applied locally

- National guidance
  - Local areas of good practice
  - Good practice in other authorities
2. Work with Planning to help develop biodiversity report through commissioning piece of work for committee meeting and support Section 106
    - Understand levels of biodiversity in land management asset mapping.
    - Evidence to support development biodiversity enhancement
  3. Collate evidence - Biodiversity enhancement opportunities. Link to communities who are interested and prioritise actions. Report to be provided to committee
  4. A package of biodiversity measures further to the biodiversity report being commissioned

## **Out of Scope**

Grass verges & Highways

## **Approach**

The Working Group will undertake the following activities to gather information:

1. Research
  - Understanding levels of biodiversity
    - Investigation of other authorities' approach to Biodiversity Plans including a review of best practice
    - Possible contributor session for the Working Group to hear from other local authorities, and other key stakeholders
    - Better Online / web page
    - Gathering of any relevant national guidance and good practice guidelines
2. Planning
  - Development of biodiversity strategy through commissioning biodiversity report to influence the right green land for developments – Section 106 budget
    - Developers – How this can be managed/ measured – net gain 2020
    - Understanding impact – Environment Agency, Natural England Consultation etc
    - Wildlife trust – SLA - Ecology
3. Our Own land
  - Land owned – linked to land asset mapping
  - Lessons learnt from biodiversity enhancement already in place
  - Pilots that can take place in SDDC
4. Developers
  - Using commissioned report to influence the right options for biodiversity enhancement for the project / area – Already being done/ just need to be measured – net gain 2020
  - Utilising commercial aspects to enhance environment – e.g. sponsorship of roundabouts, landscaping etc - Broxtowe

Outcomes -

- Commissioning of Biodiversity report to support biodiversity enhancement and action plan through our Planning process, as part of Section 106 work – Committee report to be submitted
- Biodiversity report to be used to create a biodiversity action plan, for review of the biodiversity working group
- Recommendations to be reviewed by CESG

## NATURE SITES

	Site	Details	Proposed Actions	Priority	Who
1.	Rosliston Forestry Centre	<ul style="list-style-type: none"> <li>• 154 acre partnership site owned jointly with Forestry England (FE144/SDDC10 acre split)</li> <li>• Mix of woodland, meadow, water courses, ponds which currently receive some management for biodiversity, volunteer input and joint work by both partners. Most management done by corporate volunteer groups led by SDDC Environmental Education Project (EEP) team and The Conservation Volunteers (TCV).</li> <li>• Volunteer training in conservation and site management supported by NFC and South Derbyshire Partnership (Rosliston Rangers) on the basis that opportunities and learning are open to all.</li> <li>• Input from County Recorders eg butterflies, other insects into management plans</li> <li>• Conservation Management Plans and species lists currently with FE Ecologists and SDDC Environmental Education Project team</li> <li>• 2 established wildflower meadow pilots and 1 wildlife pond; new wildlife pond 2015 partially established all being</li> </ul>	<ul style="list-style-type: none"> <li>• New contract for RFC from 2020 – site management and conservation plan to be the obligation of new contractors (this will include land belonging to both partners). SDDC to be given input into contents</li> <li>• Orchard area being expanded and mapped 2019-20</li> <li>• Expanding new Rosliston Rangers so that training opportunities are offered to local village groups (through Environmental Forum)</li> </ul>	<p><b>H</b></p> <p><b>H</b></p> <p><b>M</b></p>	

		<p>managed directly by SDDC (EEP). Habitat work also done in woodlands</p> <ul style="list-style-type: none"> <li>• Linear orchard (22 trees) with gaps</li> <li>• Wildlife garden, herb garden and sensory garden.</li> <li>• HQ of South Derbyshire Environmental Forum (EEP team).</li> <li>• Has previously received grant funding for biodiversity work</li> </ul>			
2.	<b>Urban parks Maurice Lea Park; Eureka Park; Newhall Park; etc.</b>	<ol style="list-style-type: none"> <li>1. Important large green spaces currently managed for recreational and amenity horticultural purposes</li> <li>2. Important elements of ecological network</li> <li>3. Potential to enhance biodiversity, enhance wildlife corridors</li> <li>4. Potential to involve local community groups, schools, uniformed associations etc.</li> </ol>	<ul style="list-style-type: none"> <li>• Review planting schemes, choice of plants etc. to benefit pollinators and other wildlife</li> <li>5. Review mowing regimes to enable some long grassland and flowers as part of an education project for local park users</li> <li>6. Review tree and shrub choice and management to benefit pollinators and wildlife</li> </ul>		
3.	<b>Swadlincote Woodlands (including Salts Meadow)</b>	<ul style="list-style-type: none"> <li>• Management of site covered by Derbyshire Wildlife Trust (DWT) agreed management plan.</li> <li>• Soon to apply for Local Nature Reserve (LNR) declaration on major part of the site (Salts Meadow, the ponds and all Council land to the north of Frank Bodicote Way).</li> <li>• There are complex land ownership issues</li> </ul>	<p>New signage, refresh of benches and bins general site improvements wild flower planting</p> <ul style="list-style-type: none"> <li>• Add fines to Butterfly Bank and re-sow</li> <li>• Treat Japanese Knotweed</li> </ul>	<p><b>H M M M Quick Win  QW</b></p>	

		<ul style="list-style-type: none"> <li>Trust for Conservation Volunteers (TCV) carry out a prescribed number of days each year</li> <li>Gallery Grid, Meadow, Dipping platforms recently refurbished and or improved with Veolia funding</li> <li>The site is also covered by the Parklife project to promote active lifestyles.</li> <li>Possible S106 monies available</li> </ul>			
4.	<b>Appletree Meadow, Old Station Close, Etwall</b>  <b>Proposed Local Green Space LGS38</b>	<ul style="list-style-type: none"> <li>Informal Public Open Space (POS) now managed as a wildlife area</li> <li>Land liable to occasional flooding carried out there in the past.</li> <li>Burton Conservation Volunteers (BCV) carry out maintenance/improvement work occasionally</li> <li>Local residents involved</li> <li>Possible S106 monies available</li> </ul>	Management plan required Introduce wild flowers	<b>H</b> <b>QW</b>	
5.	<b>Coton Local Nature Reserve (Badger's Hollow) Coton Road, Linton</b>	<ul style="list-style-type: none"> <li>Designated as LNR</li> <li>Management of site covered by DWT agreed management plan</li> </ul>	Create new areas for Dingy Skipper	<b>QW</b>	
6.	<b>Croft Orchard, Daisy Lane, Overseal</b>	<ul style="list-style-type: none"> <li>Council owns the site</li> <li>Parish Council (PC) has an informal agreement to plant and maintain an orchard (commemorative for World War)</li> <li>Wildflower meadow managed by PC with Overseal Footpaths' group.</li> <li>Agreement for grass cutting. Council to</li> </ul>	Management plan required Confirm mowing regime as Sept. Cut and clear.	H QW	

		<p>carry out first cut of the year in April) and a final cut in late September.</p> <ul style="list-style-type: none"> <li>• PC organises Apple Day in October, and a Wassail in January.</li> </ul>			
7.	<b>Manor School View, Overseal</b>	<ul style="list-style-type: none"> <li>• About half an acre, originally owned by the PC intended as woodland</li> <li>• Now designated POS</li> <li>• A footpath was supposed to go through the site.</li> <li>• It joins onto Croft Orchard, but is an enclosed site with a padlocked gate.</li> <li>• Confirmation of Council adoption required.</li> <li>• Small length of access road owned by nearest four houses, subject to a right of access for Council maintenance. Other rights not clear</li> <li>• Residents not keen on access to public</li> <li>• Maintenance would be down to the Street Scene Team.</li> <li>• Small amount of S106 monies available</li> <li>• Site largely unused, but school interested in it</li> </ul>	<p>Management plan required</p> <p>Arrange mowing regime as per Croft Orchard</p>	H QW	
8.	<b>Sandholes, off Tennyson Avenue, Midway</b>	<ul style="list-style-type: none"> <li>• Fairly large POS managed as informal woodland and meadow.</li> <li>• Periodic issues with waterlogging (site is full of natural springs), trees overhanging adjacent gardens and Japanese knotweed at the Burton Road</li> </ul>	<p>Management plan required</p> <p>Establish meadow regime, Sept. cut and clear</p> <p>Treat Japanese knotweed</p> <p>Sand martin rescue plan</p>	H QW  QW QW	



		<p>end of the site.</p> <ul style="list-style-type: none"> <li>• Grounds Maintenance carry out grass cutting.</li> </ul>			
<b>9.</b>	Midway Fishponds, Midway Road S:\Leisure\Open Space Development\Midway Fishponds	<ul style="list-style-type: none"> <li>• Two ponds – an upper and a lower, with a surfaced path linking the two, and leading to Swadlincote Woodlands.</li> <li>• The water runs beneath the road and outfalls into the cascades at Eureka Park.</li> <li>• Site licensed to Swadlincote and District Angling Club via Property Services.</li> <li>• Disabled fishing platforms were created a few years ago by TCV and added to by the fishing club</li> <li>• Some conservation work required – Himalayan Balsam removal and a bit of clearance work occasionally.</li> <li>• The footpath and steps in need of repair</li> <li>• Tree work programme identified</li> </ul>	Management plan required TCV conservation days	H QW	
<b>10.</b>	The Wildlife Wood, Castle Gresley	<ul style="list-style-type: none"> <li>• Not yet adopted by the Council</li> <li>• Large balancing pond with boardwalk</li> <li>• Drainage engineering fixtures</li> </ul>	Survey and management plan required	H	
<b>11.</b>	Hall Wood and Pond, Castle Gresley	<ul style="list-style-type: none"> <li>• Not yet adopted by the Council, former local wildlife site</li> <li>• Semi-natural ancient woodland</li> <li>• Biodiversity-rich pond and wet woodland</li> <li>• Inappropriate footpath created through the wood</li> </ul>	Survey and management plan required Lower pond level by adjusting outlet levels	H QW	

		<ul style="list-style-type: none"> <li>• Drainage issues need resolving</li> </ul>			
12.	Gresley Hall Boundary Woods	<ul style="list-style-type: none"> <li>• Not yet adopted by Council</li> <li>• Semi-natural ancient woodland</li> <li>• Important green corridor</li> </ul>	Survey and management plan required	H	
13.	Castle Hill Wood, Castle Gresley	<ul style="list-style-type: none"> <li>• Not yet adopted by the Council</li> <li>• Suitable for wild-flower introductions</li> </ul>	Survey and management plan required	H	
14.	Woodville Woodlands	<ul style="list-style-type: none"> <li>• Not yet adopted by the Council</li> </ul>	Survey and management plan required	H	
15.	Skinner's Way Plantation	<ul style="list-style-type: none"> <li>• Important green corridor</li> </ul>	Survey and management plan required	H	
16.	Gresley Wood	<ul style="list-style-type: none"> <li>• Important stepping stone site with mature woodland</li> </ul>	Survey and management plan required	H	
17.	Cadley New Urban Park	<ul style="list-style-type: none"> <li>• Currently being designed with large meadow, biodiversity interest</li> </ul>	Survey and management plan required	M	
18.	Maple Avenue, Aston on Trent	<ul style="list-style-type: none"> <li>• Small old woodland site in new development with mature oak, yews etc.</li> <li>• Overgrown Laurel shrubbery</li> <li>• Opportunity to replace with native shrubs/ wildflowers</li> </ul>	Project plan required Laurel removal and replanting	H QW	
19.	Church Gresley Cemetery (closed old section)	<ul style="list-style-type: none"> <li>• Large area of grass, mown regularly</li> <li>• Opportunity to create a pictorial meadow</li> </ul>	Project plan required Create pictorial meadow	H QW	
20.	Findern Cemetery	<ul style="list-style-type: none"> <li>• Large space with a requirement to plant a native species hedge, with potential for wildflower hedgerow base</li> </ul>	Project plan required	H QW	
21.	Campion Road, Woodville	<ul style="list-style-type: none"> <li>• Large greenspace with little recreational purpose on housing estate</li> <li>• Currently planted with some individual specimen trees and small copse.</li> </ul>	Project plan required Tree/orchard planting Delineate long grass/ wildflower area	H QW QW	

		<ul style="list-style-type: none"> <li>Potential for further tree planting, community orchard and/or wildflower planting along margins</li> </ul>			
<b>22.</b>	<p>Ponds to the rear of Aston Hall, Aston on Trent.</p> <p>Site is proposed Local Green Space (LGS30)</p>	<ul style="list-style-type: none"> <li>Pond to the rear of Aston Hall.</li> <li>Designated for biodiversity value</li> <li>In multiple ownership though appears publicly accessible</li> <li>the footpath around the pond is in very poor condition.</li> <li>Due to land ownership issues it is unlikely this site could be progressed quickly</li> </ul>		M	
<b>23.</b>	<p>Catherine Jonathan Playing Field</p> <p>Site is proposed Local Green Space (LGS149)</p>	<ul style="list-style-type: none"> <li>Primary function is as a playing field.</li> <li>Margins of this site are of biodiversity interest</li> <li>Potential to improve biodiversity value further.</li> </ul>	Survey and management plan required	M	
<b>24.</b>	<p>Pine woodland south of the Mease, Hilton</p> <p>Site is proposed for designation as a local Green Space (LGS178)</p>	<ul style="list-style-type: none"> <li>Site is in council ownership</li> <li>Forms part of a developing assemblage of local green space of biodiversity interest in the southern part of Hilton which includes sites 170 (Council owned) and 181 (land to be transferred to DWT from St Modwen).</li> <li>Aim to deliver improved management of woodland to facilitate community access, including paths and signage.</li> <li>Woodland dominated by pines creating unusual habitat</li> </ul>	Survey and management plan required	H	
<b>25.</b>	Land Adjacent to Hilton Brook, the Mease, Hilton	<ul style="list-style-type: none"> <li>Land currently being transferred from St Modwen to DWT</li> </ul>	Liaise with DWT	M	

	Site is proposed for designation as a local Green Space (LGS181)	<ul style="list-style-type: none"> <li>Potential for joint working to enhance connectivity to Local Green Spaces sites 178 (Pine Woodland South of Mease) and Mease Meadow 170.</li> </ul>			
26.	Mease Meadow	<ul style="list-style-type: none"> <li>Land in Council ownership</li> <li>Part of an assemblage of sites of biodiversity interest to the South of Hilton.</li> <li>Comprises flood meadow with flood bank on the eastern side.</li> <li>Site condition could be significantly enhance by appropriate site management.</li> </ul>	Survey and management plan required	M	
27.	Mease Memorial Meadow	<ul style="list-style-type: none"> <li>Land in Council Ownership though PC has expressed interest in taking long-term lease</li> <li>Site subject to botanical Survey 2018 although dry weather meant results were inconclusive though potential to meet Local Wildlife Site criteria.</li> <li>Further survey requested 2019 together with management plan. Awaiting results</li> <li>Possible S106 monies available</li> </ul>	Continued joint working with Hilton PC.	QW	
28.	Edgecote Drive sites	<ul style="list-style-type: none"> <li>Sites of limited biodiversity interest, though are being designated as local green space as add value to local character.</li> <li>S106 monies available for management of these sites</li> <li>Potential to undertake something</li> </ul>	Survey and management plan required Create meadow and woodland area	H QW	

		<p>quickly to improve site value interest</p> <ul style="list-style-type: none"> <li>• Possible S106 monies available</li> </ul>			
<b>29.</b>	Sites at Stenson Fields	<ul style="list-style-type: none"> <li>• Sites of limited biodiversity interest, though are being designated as local green space as add value to local character.</li> <li>• S106 monies available for management of these sites so could potentially undertake something quickly to improve site value interest</li> <li>• Possible S106 monies available</li> </ul>	Survey and management plan required		
<b>30.</b>	Eaton Close Hatton  LGS46	<ul style="list-style-type: none"> <li>• Site is mainly grassland with some mature and semi mature trees.</li> <li>• Space is limited but may provide some opportunity for improvement given funds potentially available.</li> <li>• Possible S106 monies available</li> </ul>	Survey and management plan required	H	
<b>31.</b>	Various verges, roundabouts and open spaces	<ul style="list-style-type: none"> <li>• Many verges, roundabouts and POS are suitable for wildflower planting and/or pictorial meadows</li> <li>• Highway verges require cultivation licences</li> </ul>	Four pilot sites proposed in Ticknall, Hilton, Repton and Swadlincote.	QW  H	

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 16</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>JENNY BLAIR</b> <b>01283 595752</b> <a href="mailto:jenny.blair@south-derbys.gov.uk">jenny.blair@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CALL FOR SITES STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS03</b>

## **1.0 Recommendations**

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

1.2 That Members authorise the Call for Sites process.

## **2.0 Purpose of the Report**

2.1 To outline the format and purpose of the Call for Sites process which will in turn inform the Strategic Housing and Economic Land Availability Assessment and the Gypsy and Travellers Development Plan Document.

## **3.0 Detail**

3.1 Local Authorities are required by Central Government through the National Planning Policy Framework to keep their Local Plan and associated Supplementary Planning Documents up to date. The Local Plan in turn must be supported by a robust and up to date evidence base.

3.2 Government guidance for plan-making, states that strategic policy-making authorities will need a clear understanding of housing needs in their area, and that this evidence should then be used to prepare or update their Strategic Housing Land Availability Assessment (SHLAA) jointly with the authorities within a defined area or individually to establish realistic assumptions about the suitability, availability and achievability (including economic viability) of land to meet the identified need for housing over the plan period (Guidance: Plan-making - Paragraph 039 Ref ID 61-039-20190315).

3.3 The previous SHLAA was undertaken jointly with the members of the Derby Housing Market Area (South Derbyshire District Council, Derby City Council and Amber Valley

Borough Council) and was published in 2010 and last updated in 2012. It is acknowledged that a significant period of time has passed and therefore the SHLAA is due to be updated.

- 3.4 Government guidance also states that strategic policy-making authorities will need a clear understanding of business requirements in their area, and that evidence gathered should be used to assess the existing and future supply of land available for economic development and its suitability to meet the identified needs. The Guidance states that this should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and should include a reappraisal of the suitability of previously allocated land (Guidance: Plan-making – Paragraph 041 Ref ID: 61-041-20190315).
- 3.5 The District Council are intending therefore, to undertake a joint housing and economic assessment in the form of a Strategic Housing and Economic Availability Assessment (SHELAA). Work has begun in drafting the methodology in accordance with government guidance, and discussions have taken place with the other HMA authorities to establish a joint approach. Whilst the other HMA authorities have expressed a desire to agree a joint working approach, it is noted that each authority is working at a different stage of plan making and therefore South Derbyshire District Council will be required to gather evidence at an earlier stage in preparation for an upcoming Local Plan review.
- 3.7 The Call for Sites is the crucial element of the SHELAA process which will enable the Council to collect evidence relating to land availability across the District. Government Guidance for Housing and Economic Land Availability Assessment states that plan makers should issue a call for potential sites and broad locations for development, which should be aimed at as wide an audience is practicable so that those not normally involved in property development have the opportunity to contribute (Guidance: Housing and economic land availability assessment - Paragraph: 013 Ref ID: 3-013-20140306).
- 3.8 The Call for Sites will be launched following Committee approval, by notifying those on the Local Plan consultee database (including landowners, developers, parish councils, neighbourhood forums and local interest groups), and also by advertising on the Council's website, Twitter feed as well as other appropriate channels. The Call for Sites Suggestion Form will be available on the Council's website and hard copies will be available upon request. The formal Call for Sites period will run for 10 weeks, however, submissions will continue to be accepted after this time.
- 3.9 Sites may be able to be put forward for consideration for more than one use by using the form multiple times. A number of suggested land uses are set out on the form; those relating to housing, including Gypsy and Traveller sites those relating to economic uses such as employment, office and retail; and those relating to community or leisure uses. It has been noted that other Councils have taken the approach of using the Call for Sites Suggestion Form to incorporate all uses to use the process effectively and holistically.
- 3.10 Following the consultation, officers will begin work on compiling the SHELAA and Gypsy and Travellers Development Plan Document. It will be made clear that the SHELAA is to be used as an evidence document only and does not in itself allocate land for any specific purposes.



#### **4.0 Financial Implications**

- 4.1 There are no direct financial implications from this report.

#### **5.0 Corporate Plan Implications**

##### **Employment Implications**

- 5.1 None identified

##### **Legal Implications**

- 5.2 None identified

##### **Corporate Plan Implications**

- 5.3 The adoption of a complete South Derbyshire Local Plan is a key priority of the District Council and is included as an action within the Corporate Plan.

##### **Risk Impact**

- 5.4 None identified

#### **6.0 Community Impact**

##### **Consultation**

- 6.1 The SHELAA process will require a Call For Sites which will be open for ten weeks. Stakeholders on the Council's Local Plan Database will be notified of the Call For Sites. It will also be advertised by the Council through press releases and/or social media and the Council's website as appropriate.

##### **Equality and Diversity Impact**

- 6.2 The Call For Sites is a key part of the Council's evidence base for plan-making and could help identify opportunities to deliver local housing needs including those for Gypsies and Travellers, as well as other specialist housing such as that for older people or those with extra care needs

##### **Social Value Impact**

- 6.3 Beneficial. This process a key part of the Council's evidence base for plan-making which allow future housing and employment land requirements to be met.

##### **Environmental Sustainability**

- 6.4 None Identified

#### **7.0 Conclusions**

- 7.1 South Derbyshire District Council are required to keep evidence supporting the Local Plan up to date. The previous SHLAA was undertaken in 2012 and therefore requires updating. Government guidance recommends combining housing (including Gypsy and Traveller), and economic, land availability assessments, and therefore this Call for Sites is the initial stage in preparing these evidence base documents.

#### **8.0 Background Papers**

- 8.1 Appendix 1 – Draft Call for Sites Suggestion Form



## South Derbyshire District Council Local Plan

### Strategic Housing and Economic Availability Assessment

### Call for Sites Suggestion Form

As part of the Local Plan review process South Derbyshire District Council are seeking to find additional land for housing (including Gypsy and Traveller sites and affordable housing), and economic uses.

Developers, landowners and the public are invited to put forward potential sites for any uses in order to provide evidence for the South Derbyshire District Council Local Plan Review.

Please complete a separate form for each site. Forms should be completed including as much information as possible, and please also attach a **Location Plan**. Without a Location Plan it will not be possible to register the site for further consideration.

Completed forms should be returned to:

Email: [planning.policy@southderbyshire.gov.uk](mailto:planning.policy@southderbyshire.gov.uk)

Or

Post: Planning Policy, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, DE11 0AH

For any queries about the process or completing the form, please contact the Planning Policy Team on 01283 595752 or by using the email address above.

### Privacy Notice

#### How is your information used?

We will use the details of sites submitted to inform the formulation of the SHELAA, which will in turn be made publically available. Personal details (name and contact details) will NOT be made publically available but will be kept in a secure database and used for to notify you of SHELAA and Local Plan Review progress.

#### Who has access to your information?

South Derbyshire District Council Planning Services. This information is not shared with any other department or agency, will not be sold and will not be used for any other purpose.

For further information, please visit our Privacy section of our website at [www.southderbyshire.gov.uk/privacy](http://www.southderbyshire.gov.uk/privacy) where you can see a full copy of our privacy notice. Alternatively, you can request a hard copy by telephoning 01283 595795.

**SECTION 1: CONTACT DETAILS**

	Your details	Your agent's details
Title		
Name		
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Address Line 2		
Town		
County		
Postcode		
Telephone		
Email address		

**I AM...**

Owner of the site	<input type="checkbox"/>	Developer	<input type="checkbox"/>
Planning consultant	<input type="checkbox"/>	Registered Social Landlord	<input type="checkbox"/>
Land Agent	<input type="checkbox"/>	Local Resident	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>	Amenity/Community Group	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>		

**SECTION 2: SITE DETAILS AND CURRENT USE**

Site location (including address and postcode)		
Ordnance survey grid reference (if known)	Easting:	Northing:
Site area (in hectares)		
Current land use e.g. agriculture, employment, unused/vacant etc.		
Type of site (greenfield or previously developed land as defined in Annex 2 of the NPPF)		
Neighbouring uses (if known)		
Relevant Planning history (if known, please include relevant planning application numbers)		
Has this site been promoted and assessed in previous SHLAA studies or been subject to pre application with officers of the Council?		
Please check the box to indicate you have provided a Location Plan clearly showing the site's location and detailed boundaries <input type="checkbox"/>		

**SECTION 3: PROPOSED FUTURE USE AND CAPACITY**

Use (Please tick all relevant)	Details (e.g. area, number of units, proposed floorspace in m <sup>2</sup> , number of pitches)	
Residential (if over 0.25ha)	<input type="checkbox"/>	

Affordable Housing	<input type="checkbox"/>	
Self Build or Custom Build Housing	<input type="checkbox"/>	
Gypsy and Travellers	<input type="checkbox"/>	
Office, Research and Development, Light Industrial (Use Class B1)	<input type="checkbox"/>	
General Industrial and Warehousing (Use Classes B2/B8)	<input type="checkbox"/>	
Retail	<input type="checkbox"/>	
Community facilities	<input type="checkbox"/>	
Sports/leisure	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	

#### SECTION 4: POTENTIAL CONSTRAINTS

Please give as much detail as possible. If work has been undertaken to address any potential constraints noted here, details of this can be submitted under Section 7 Further Information.

<b>ACCESS</b> (e.g. limitations or issues relating to site access including highway safety, pedestrian and cycle links)	
<b>TOPOGRAPHY OR GROUND CONDITIONS</b> (e.g. site slopes, varying site levels, contamination, instability)	
<b>LANDSCAPE AND TREES</b> (e.g. existing trees, hedgerows, ancient woodland, National Forest designation or other landscape features on the site)	
<b>FLOOD RISK AND DRAINAGE</b> (e.g. Flood Zone, liability of the site to flooding including surface water flooding, drainage issues)	
<b>ENVIRONMENTAL</b> (e.g. protected sites or species, local wildlife designations, geodiversity sites)	
<b>CULTURAL HERITAGE</b> (e.g. the presence of, or proximity to, Listed Buildings, Conservation Areas, Ancient Monuments)	
<b>BAD NEIGHBOUR USES</b> (e.g. is the site close to heavy industry, hazardous sites, major transport routes or gas pipelines)	
<b>UTILITIES AND INFRASTRUCTURE</b> (e.g. availability of electricity, water, telecommunications and foul sewerage networks)	
<b>OTHER CONSIDERATIONS</b> Are there any other issues that the Council should be aware of that may affect the developability of the site?	

SECTION 5: OWNERSHIP, MARKET INTEREST AND AVAILABILITY		
<b>Site Ownership</b> (tick all relevant)		Details
I (or my client) is the sole owner of the site	<input type="checkbox"/>	
I (or my client) is the part owner of the site	<input type="checkbox"/>	
I (or my client) does not own (or hold any interest in) the site	<input type="checkbox"/>	
If owner/part-owner, have you attached a copy of the Title Plan and Deeds with this form?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
If you are not the owner, or part owner, do you know who owns the remainder? Please provide details, and state if your proposal is supported by the owner.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Market Interest</b>		
(Please choose the most appropriate category and indicate what level of market interest there is/has recently been in the site for the use proposed on this form).		
		Details
Site is owned by a developer	<input type="checkbox"/>	
Site is under option to a developer	<input type="checkbox"/>	
Enquiries have been received	<input type="checkbox"/>	
Site is currently being marketed	<input type="checkbox"/>	
None	<input type="checkbox"/>	
Not known	<input type="checkbox"/>	
<b>Site Viability</b>		
(Please tick all appropriate)		
		Details
Do you consider the proposed use is economically viable? If yes, please give details of any viability work that has been undertaken	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are there any known significant abnormal development costs (e.g. contamination, demolition, access, restricted utilities)? If yes please provide details	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Will land in other ownership need to be acquired in order to develop the site?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Do restrictive covenants exist (please give details)	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Does a current use need to be relocated before the proposed development can come forward?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Do any public rights of way or shared access cross or adjoin the site?	Yes <input type="checkbox"/> No <input type="checkbox"/>	



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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 17</b>
<b>DATE OF MEETING:</b>	<b>15 August 2019</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN EXLEY 01283 228717 kevin.exley@southderbyshire.gov.uk</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>GYPSY AND TRAVELLERS DEVELOPMENT PLAN DOCUMENT SUSTAINABILITY APPRAISAL &amp; SCOPING REPORT</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS01</b>

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## **1.0 Recommendations**

- 1.1 That the Committee notes the proposed approach for considering Gypsy and Travellers (G&T) sites as summarised in this report.
- 1.2 That the Committee authorises the publication of the Council's Scoping Report Document for a statutory five week consultation with the 'Consultation Bodies' and other appropriate stakeholders.

## **2.0 Purpose of the Report**

- 2.1 To outline the scope of the Sustainability Appraisal process proposed to assist in the identification of G&T sites and seek authorisation to consult appropriate Consultation bodies on the scope of the proposed appraisal. The document may also need to assess the needs of Travelling Showpeople.

## **3.0 Detail**

- 3.1 Government Guidance<sup>1</sup> in Paragraph 9 states, "*Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area*"; and paragraph 19 states, "*Local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards (plots) to allow residential accommodation and space for storage equipment*". As such, Local Authorities are required by Central Government to assess the accommodation requirements of G&T and to develop a strategy that addresses any identified unmet need. The proposed Gypsy, Traveller site allocations Development Plan Document (DPD) will form part of the Local Plan and will identify, safeguard and allocate sites for G&T needs.



- 3.2 The Gypsy and Traveller Accommodation Assessment (GTAA) for Derby, Derbyshire, Peak National Park Authority and East Staffordshire published in June 2015 did not find a need for South Derbyshire District Council to identify plots (yards) for travelling showpeople. However, it should be noted that if a future revised GTAA were to result in different findings, it may be necessary for the Council to include requirements for travelling showpeople in the Gypsy and Traveller DPD.
- 3.3 The plan period for the DPD is April 1<sup>st</sup> 2011 to March 31<sup>st</sup> 2028. Planning permissions granted since 1<sup>st</sup> April 2011 therefore contribute to meeting the identified need.
- 3.4 The Derby, Derbyshire, Peak National Park Authority and East Staffordshire GTAA, published in June 2015, sets out the additional need for residential pitches across the area for 2014 – 2034. For South Derbyshire this need is 38 pitches. This is the most recent accepted requirement for the delivery of sites in South Derbyshire. The GTAA identified a need within the District for 14 new pitches over the 5- year period from 1 April 2014 to 31 March 2019, with a subsequent need for 7, 8 and 9 pitches for each 5-year period thereafter up to 2034. Policy H22 of the Part 1 Local Plan commits the Council to allocating new sites to meet this identified need through a DPD. Until a DPD is adopted, the need for G&T pitches will continue to be met through individual applications.
- 3.5 Since 1 April 2014, 15 pitches have been granted permission, which demonstrates that the need for additional pitches is being met and delivered to accord with the requirements of the GTAA. However, notwithstanding the fact that the Council is delivering the necessary pitches, there is also the requirement for the Council to identify a supply of specific sites sufficient to provide a rolling 5 years' worth of sites against the GTAA targets, as required by the Planning Policy for Traveller Sites. This guidance further states that as a minimum, broad locations for growth should be identified for years 6 -10 and years 11-15 where possible. Despite the recent permissions to meet the need between 2014 and 2019, the Council is not currently in a position to demonstrate a sufficient supply of specific sites to meet the need identified within the GTAA. In the absence of a Plan providing a five-year supply of sites, this lack of supply will continue to be a material consideration which will weigh in favour of allowing new sites through the planning application process.
- 3.6 Under the Planning and Compulsory Purchase Act 2004, a Sustainability Appraisal (SA) is mandatory in the preparation of Development Plan Documents that form part of the Local Plan. For these documents it is also necessary to conduct an environmental assessment in accordance with the requirements of the Strategic Environmental Assessment Directive (European Directive 2001/42/EC), as transposed into law in England by the SEA Regulations. Therefore, it is a legal requirement for the Gypsy and Traveller Site Allocations Plan to be subject to SA and SEA throughout its preparation.
- 3.7 The requirements to carry out SA and SEA are distinct, although it is possible to satisfy both using a single appraisal process (as advocated in the National Planning Practice Guidance). The SA process comprises a number of stages, with scoping being the first stage. A summary of the main stages of SA is detailed below:

Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope of the appraisal

Stage B: Developing and refining options (including site allocations) and assessing effects

Stage C: Preparing the Sustainability Appraisal Report

Stage D: Consulting on the Plan and the SA report

Stage E: Monitoring the significant effects of implementing the Plan

- 3.8 Accordingly a draft Scoping Report (annexed to this Committee Report) has been prepared for consultation. This report outlines the Council's proposed approach to sustainability appraisal in preparing the Plan and specifically sets out the framework against which sites promoted by landowners or other interested parties can be reviewed. The results of the Sustainability Appraisal will subsequently help inform the sites selected for allocation to meet identified G&T accommodation needs.
- 3.9 However, before the scope of the Sustainability Appraisal can be finalised there is a legislative requirement for the Council to consult on the proposed scope of the SA. This consultation must be undertaken for a period of five weeks and views must be sought from the Environment Agency, Natural England, and Historic England (known collectively as the Consultation Bodies). However, in line with previous scoping consultations undertaken by this Council, views will also be sought from other environmental bodies and governance agencies such as the wildlife trust, local NHS trusts and Derbyshire Constabulary, as well as adjoining district Councils, and South Derbyshire Parish Councils (a full list of proposed consultees is set out in section 6.1.3 of the draft scoping report). It is also proposed that the scoping report be made available on the Council's website in order that members of the public can comment on the scope of the appraisal if they wish.
- 3.10 Following the consultation, it is likely that a number of technical changes will be made to the Scoping Report, and more notably the SA framework which it includes, and an updated version of the Scoping Report placed on the Council's website. Any sites put forward for allocation will then be tested against the updated SA framework and the result of the Sustainability Appraisal, and details of how the Sustainability Appraisal has informed site selection published alongside any future plan.

#### **4.0 Financial Implications**

- 4.1 There are no direct financial implications from this report.

#### **5.0 Corporate Plan Implications**

- 5.1 The adoption of a complete South Derbyshire Local Plan is a key priority of the District Council and is included as an action within the Corporate Plan.

##### **Employment Implications**

- 5.2 None identified

##### **Legal Implications**

- 5.3 It is a statutory requirement to undertake a Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment regulations in producing a Development Plan Document.

##### **Risk Impact**

- 5.4 None identified

## **6.0 Community Impact**

### **Consultation**

- 6.1 Consultation on the Scoping Report for the Gypsy and Traveller Site Allocations Plan will take place for a five week period with relevant Consultation Bodies and stakeholders as required by statute.

### **Equality and Diversity Impact**

- 6.2 The preparation of the Plan will identify opportunities to deliver local housing needs for Gypsies and Travellers who are a protected group under the 2010 Equalities Act.

### **Social Value Impact**

- 6.3 Beneficial. This Sustainability Appraisal process a key part plan-making and enables plan making to have regard to social effects of the proposed plan.

### **Environmental Sustainability**

- 6.4 Beneficial. This Sustainability Appraisal process a key part plan-making and enables plan making to have regard to environmental effects of the proposed plan.

## **7.0 Corporate Plan Implications**

- 7.1 The adoption of a complete South Derbyshire Local Plan is a key priority of the District Council and is included as an action within the Corporate Plan. Moreover the Corporate Plan seeks to facilitate and deliver a range of integrated and sustainable housing and community infrastructure. It also seeks to protect and help support the most vulnerable, including those affected by financial challenges, and promote inclusion.

## **8.0 Community Impact**

- 8.1 The Local Plan Part 1 set out the requirement for the Gypsy and Traveller Site Allocations Plan to ensure that all housing need is considered across the District. In the absence of the Plan the Council will continue to take ad-hoc, rather than strategic approach to development and will not be able to directly control the location of future gypsy and traveller sites.

## **9.0 Conclusions**

- 9.1 The Derby, Derbyshire, Peak National Park Authority and East Staffordshire GTAA, published in June 2015, sets out the additional need for residential Gypsy and Traveller pitches in South Derbyshire. In order to comply with national policy requirements to identify a supply of specific sites sufficient to provide a rolling 5 years' worth of sites the Council will need to allocate new sites to meet identified needs. The Part 1 Local Plan commits to meeting this need through the preparation of a Gypsy and Traveller DPD. The Scoping report will support the preparation of this Plan and provide part of the evidence that will be used to assess sites put forward for meeting identified Gypsy and Traveller Accommodation needs.

## **10.0 Background Papers**

Draft Scoping Report for the South Derbyshire Gypsy and Traveller Site Allocations Plan

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 18</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ADRIAN LOWERY, 5764, <a href="mailto:adrian.lowery@southderbyshire.gov.uk">adrian.lowery@southderbyshire.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>PICTORIAL WILD FLOWER PLANTING TRIAL</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

## **1.0 Recommendations**

- 1.1 That Committee approves 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 are referred to the Finance and Management Committee for approval.

## **2.0 Purpose of the Report**

- 2.1 To seek approval to undertake pictorial wildflower planting as a pilot scheme at four locations within the district.

## **3.0 Executive Summary**

- 3.1 Unlike the current grass cutting arrangements, pictorial wildflower planting requires a different management and mowing regime.
- 3.2 The proposed pilot areas for pictorial wildflower planting are as follows:
  - Hartshorne Road, Repton – Right hand side of road heading towards Hartshorne just after the Knights Lane junction.
  - Ticknall Road, Ticknall – Left hand side of road heading into Ticknall
  - The Mease, Hilton - Derby Road end nearest to A50.
  - William Nadin Way, Swadlincote
- 3.3 In addition there are 'nature sites' where a meadow regime can replace current regular mowing, e.g. Sandholes, Midway.

- 3.4 A meeting is planned with the County Council's Head of Network Management in August to progress this proposal and to explore opportunities for joint working, however the pilots would need to commence this autumn for wildflowers to appear next spring so a decision to proceed is needed prior to any agreement with the County Council.

#### **4.0 Detail**

- 4.1 In April 2018, Environmental and Development Services and Housing and Community Services Committee agreed a set of standards for how the Council will manage a number of its public facing services including:
- parks and open spaces
  - grass cutting and street cleansing
  - Housing estates and communal areas.
- 4.2 These standards set out the frequency and the nature of the services that would be delivered and have since been underpinned by Key Performance Indicators in the Council Plan on:
- Improving local environmental quality (measured through an annual survey supported by Keep Britain Tidy)
  - Adherence to the grass cutting standards.
- 4.3 South Derbyshire District Council cuts grass to ensure that people can use the roads and pavements safely. The Council cuts the grass on all Council-owned land, highway verges (as an agent for Derbyshire County Council), public open spaces, parks, town centres and memorial gardens.
- 4.4 The County Council has indicated that whilst it would not object to the Council piloting wildflower planting on highway verges, it does not have any resources to support this. It would also not support just leaving grass to grow as this creates safety/visibility issues.
- 4.5 For all highway verges, the Council would need to apply for and obtain a cultivation licence from the County Council prior to any planting taking place.
- 4.6 As a guide, areas outside 30mph signs are cut three times a year and traffic sight lines are cut four times a year. Under the Agency Agreement with Derbyshire County Council the Council is required to cut a metre strip of the verge in two of every three years with the third year requiring a full verge cut back to the highway boundary. Areas within the 30mph zones are cut 16 times a year.
- 4.7 The Council uses large mowers to make cutting as efficient as possible. Sometimes, these machines cannot cut close enough to trees and bases of obstacles so trimmers are used to ensure a consistent cut across all areas on every cut. Grass cuttings are not collected.
- 4.8 There are a number of distinct approaches to the introduction of wildflower verges and increasing biodiversity, principally these are "re-wilding", native wildflower plantings and ornamental wildflower planting. Re-wilding" i.e. merely allowing grass to grow and cut and clear annually, is perhaps considered the more sustainable

option and is sympathetic to local biodiversity, but can take between three to five years to show any noticeable difference. Native wildflower and ornamental wildflower planting can deliver quicker results.

4.9 Unlike the current grass cutting arrangements, wildflower plantings require a different management and mowing regime which involves:

- Autumn
  - Marking out the area to be planted
  - Spraying to eradicate weeds
  - Rotavating
  - Seeding
- Spring/Summer
  - Once the seeds have flowered and set seed the verges then need to be cut, raked, bailed and cleared.
  - The arisings then need to be disposed of. Currently cut grass is blown back on to the verges with no disposal costs.
- The above management process would then start again with repeat sowing necessary to maintain the full impact of the wildflower the following year.

4.10 The proposed pilot areas for pictorial meadows are as follows:

- Hartshorne Road, Repton – Right hand side of road heading towards Hartshorne just after the Knights Lane junction.
- Ticknall Road, Ticknall – Left hand side of road heading into Ticknall
- The Mease, Hilton - Derby Road end nearest to A50.
- William Nadin Way, Swadlincote

## 5.0 **Financial Implications**

5.1 Costs in year one include for two cuts and clearances and two herbicide treatments plus full coverage seeding, subsequent years include for one cut and clearance and top up seeding.

	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24</b>	<b>Total</b>
Manpower	£3,822	£1,912	£1,950	£1,989	£2,028	£11,701
Equipment Hire Costs	£2,250	£750	£ 765	£ 780	£ 795	£ 5,340
Materials	£1,214	£447	£ 456	£ 465	£ 474	£ 3,056
<b>Total</b>	<b>£7,286</b>	<b>£3,109</b>	<b>£3,162</b>	<b>£3,234</b>	<b>£3,297</b>	<b>£20,088</b>

5.2 Initially, the Council would need to hire the type of equipment required to undertake the management of such sites during the pilot phase as compact tractors and bailing equipment would be required for larger sites, or ride-on flail mower/collectors for smaller sites such as verges or parks.

5.3 In the long-term; investment by the Council in such equipment would need to be considered. Wildflower management is more intensive than conventional mowing therefore consideration about the number of staff and appropriate training would need to be factored in to any longer-term undertaking.

5.4 Due to the favourable out-turn on the General Fund in 2018/19 as reported in July; the additional cost for the trial scheme can be funded through the General Fund.

- 5.5 Once the outcome of the trial has been considered, any additional long-term costs will need to be evaluated and reported accordingly.

## **6.0 Corporate Implications**

### **Employment Implications**

- 6.1 Wildflower management is more intensive than conventional mowing therefore consideration about the number of staff and appropriate training would need to be factored in to any longer-term undertaking.
- 6.2 In the short-term workforce resources would need to be deployed on overtime to enable planting to take place this year. Overtime is voluntary and the Council would therefore be reliant on securing sufficient volunteers to undertake the work in the short timescale available.

### **Legal Implications**

- 6.3 Renegotiation of the Highways' Agency Agreement with the County Council could be required.

### **Corporate Plan Implications**

- 6.4 If successful the potential roll-out of wildflower planting in parts of the District may require the Council to rethink the Service Standards that have previously been agreed.

### **Risk Impact**

- 6.5 There is increased awareness from the public of the potential for public land owners to improve their impact on the built and natural environment; there is momentum throughout the Country to be seen to be doing something, particularly following the National Pollinator Strategy in 2014. Failure to implement such a scheme could have a detrimental effect on the Council's reputation.

## **7.0 Community Impact**

### **Consultation**

- 7.1 Prior to implementing the pilots the Council will need to develop a communications plan to inform and in some cases persuade a sometimes skeptical public about the benefits of not cutting the grass.

### **Equality and Diversity Impact**

- 7.2 Not applicable

### **Social Value Impact**

- 7.3 Wildflower planting increases biodiversity, pictorial planting enhances the aesthetic appearance of otherwise bland green spaces and encourages wildlife.

### **Environmental Sustainability**



- 7.4 In August 2018 the Council established a Corporate Environmental Sustainability Group (CESG) to consider ways in which the Council could improve its environmental credentials. This was timely, given the most recent Council Motion in June 2019 for the Council to declare a Climate Change Emergency signed up to by over 100 local authorities across the country.
- 7.5 The Group's remit is to move the Council towards becoming a beacon of environmental good practice. Its first task was to focus on retaining accreditation to the International Environmental Standard ISO14001 which was successfully achieved in October 2018 but the Group is now focusing on developing a range of other environmental projects including:
- Developing a Staff Travel Plan by encouraging staff to walk, cycle and use public transport both to work and in the course of their duties to reduce carbon emissions and improve the health and well-being of staff.
  - Considering ways that the Council can better manage its own waste, water and energy improving its procurement practices to ensure consideration is given to environmental factors during the procurement process.
  - Developing a biodiversity plan for the District which has the potential to fundamentally change the way in which the Council manages its own land, public open space and land it manages on behalf of others i.e. highway verges.
- 7.6 A separate report on the agenda for this Committee which will recommend developing a biodiversity plan for the District, or what the Group is calling "A Strategic Action Plan for Nature".
- 7.7 This Plan will be a long-term Strategy for the District and will form part of the evidence base for the next Local Plan. It will help and support the Council to provide more clarity to developers on the way in which the Council would like to see net biodiversity gain being delivered as part of any future development.
- 7.8 In the short-term, however, whilst this Plan is being prepared the Group is working on a package of biodiversity measures to pilot across the District for consideration by Members. These will be outlined in full in the Committee report.
- 7.9 The first of these measures, is to undertake pilot wildflower planting/pictorial meadows in a number of locations across the District to enable a better understanding of the resources, staff, equipment etc. required (indicative costings for the pilot verges are attached) and to also gauge the public's reaction to cutting the grass less in these places.

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 19</b>
<b>DATE OF MEETING:</b>	<b>15 AUGUST 2019</b>	<b>CATEGORY: DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ADRIAN LOWERY, 5764 <a href="mailto:adrian.lowery@southderbyshire.gov.uk">adrian.lowery@southderbyshire.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>OVERSEAL RECYCLING CENTRE CLOSURE</b>	
<b>WARD(S) AFFECTED:</b>	<b>SEALS</b>	<b>TERMS OF REFERENCE:</b>

## **1.0 Recommendations**

- 1.1 That following a request from Overseal Parish Council, Committee approves the removal of the recycling bins at the Woodville Road Car Park, Overseal at the earliest opportunity.
- 1.2 That the Committee approves officers give relevant notice, to the contractors servicing the recycling bins at Woodville Road, that the service is to be terminated.

## **2.0 Purpose of the Report**

- 2.1 For Committee to consider the request from Overseal Parish Council to remove the recycling site from the Woodville Road Car Park, Overseal.

## **3.0 Detail**

- 3.1 The District Council has received a request from Overseal Parish Council to remove the recycling bins from the Woodville Road Car Park.
- 3.2 The car park is owned by Derbyshire County Council (DCC) and there is a current lease from the County to the District Council. The lease term expired in 2013 but, as a business tenancy under the Landlord and Tenant Act, the lease does not terminate until notice has been served by either party. No notice has been served, and the District has paid County's most recent rent invoice for the period until March 2020.
- 3.3 If Committee decided the recycling bins are no longer required, Corporate Property will review whether the Council wishes to continue leasing the car park in consultation with the Parish and County Councils; the bins appear to be the primary purpose for our lease.

- 3.5 The Woodville Road Car Park recycling site was one of ten retained following the introduction of the kerbside recycling scheme in 2013.
- 3.6 The site has bins for textiles, tetrapak, glass, cans and plastics the textiles and glass are provided free of charge to the Council by contractors who get the value of the materials collected. The tetrapak, cans and plastics are charged for by the contractor and they also retain the value of the materials.
- 3.7 The site has been subject to low level anti-social behaviour and a few instances of fly tipping.
- 3.8 A report to this Committee on 6 March 2014, agreed to reduce the number of recycling bring sites across the District down from eighty-three sites to ten.
- 3.9 Two of the ten sites have subsequently been removed; one after requests from local councillors following serious anti-social behaviour and another due to the land owner requiring removal.

#### **4.0 Financial Implications**

- 4.1 Lost income from recycling credits is approximately £1,160 per year.
- 4.2 Savings from recycling contractor payments £1,100 per year
- 4.3 Savings from car park lease costs £875 per year.
- 4.4 Reduced visits by Clean Team equates to approximately £1,420 per year.

#### **5.0 Corporate Implications**

##### **Employment Implications**

- 5.1 None

##### **Legal Implications**

- 5.2 Notice will be given to current site operators to remove bins/banks from site; there are no long term contractual obligations in respect of this service.

##### **Corporate Plan Implications**

- 5.3 The net contribution is negligible; the current eight sites contribute 169 tonnes of material to overall recycling performance. This is an average of 20 tonnes per site per year. To put this into context kerbside recycling contributes over 7,000 tonnes per year.

##### **Risk Impact**

- 5.5 No risk.

#### **6.0 Community Impact**

## **Consultation**

- 6.1 The Parish Council is well placed to represent local views and see an increase in car parking as a more valuable resource for the community. Notices will be placed on the site for a two week period prior to removal of bins.

## **Equality and Diversity Impact**

- 6.2 All residents have equal access to the kerbside recycling scheme.

## **Social Value Impact**

- 6.3 Bring sites attract fly tipping and other anti-social behaviour.

## **Environmental Sustainability**

- 6.4 The removal of the Overseal site will make the remaining seven sites less viable for contractors to continue collections from; the overall contribution to the Council's recycling performance is less than one percentage point.

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 20</b>
<b>DATE OF MEETING:</b>	<b>15 August 2019</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>TONY SYLVESTER HEAD OF PLANNING AND STRATEGIC HOUSING</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SECTION 106 AGREEMENTS AND ADOPTION OF OPEN SPACE ETC.</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: FM05</b>

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## **1.0 Recommendations**

- 1.1 The Committee endorses 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 notes 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.

## **2.0 Purpose of Report**

- 2.1 A recent analysis of the Section 106 process for the adoption of public open space as it affects the Council has been undertaken in the light of sustained and increasing high levels of development. It is now necessary to appraise the Committee of the outcome and the proposed working practices going forward. It is not the task of this report to cover other obligations secured under Section 106 agreements. This report concentrates on obligations insofar as the Council itself is the recipient of funds.

## **3.0 Executive Summary**

- 3.1 With the continued increase in housing growth in the District it was deemed sensible to analyse and review the provision of public open space and other recreation facilities. The scope of the analysis included the in-house process to deliver facilities from pre-application stage through to adoption and maintenance; to ensure that the Community Infrastructure Levy (CIL) Regulations are met and that a comprehensive and efficient system is

developed to deliver both Council and community aspirations. Longer term the Council needs to determine its policy with regards to the adoption or otherwise of: public open space/recreation facilities (POS); built facilities such as community and leisure buildings; and Sustainable Urban Drainage systems (SuDs). These policy matters will be the subject of a subsequent report.

## 4.0 Detail

### 4.1 Background

It is first necessary to set out the background to the process by which land and facilities destined for public use are brought about as a result of residential development.

- 4.2 In the early 1990s the system was quite different than it is today. House builders used to set out their open space requirements, in accordance with Council space standards and then apply to the Council to adopt them accompanied by a sum for maintenance. Later in the 1990s when Councils started to make use of the provisions of Section 106 of the Town and Country Planning Act 1990<sup>1</sup>, it thus became more usual to secure funding through commuted sums as planning obligations. This ensured that sums were collected upon adoption and were more enforceable in law. To this end, adopted policy set out in the document '*Section 106 Agreements – a Guide for Developers*' (2010)<sup>2</sup> has sought contributions towards affordable housing, recreational open space, education, healthcare, national forest planting and River Mease contributions from all new residential development over four dwellings (but revised by committee resolution in 2015 as a result of the Government's change to the National Planning Policy Guidance barring contributions for less than 11 dwellings). This has enabled the collection of various sums for various purposes in order that there was some contribution towards mitigation of the impact of the development on local infrastructure. The level of open space/recreation provision was then secured through Supplementary Planning Guidance (the relevant rates are also set out in the Developers Guide). As a result of the policy, the Council is now in possession of many areas of public open space which it has been paid to maintain, albeit only allowing for an initial ten year period.

### 4.3 The current process

The process to deliver adopted public space and facilities is still evolving and adapting to the changing pace and dynamic way in which developments are being delivered. Indeed, work is on-going to ensure that the system is efficient and as robust as possible so that the facilities delivered on the ground will be fit for purpose. Currently, the developer can take one of two routes to ensure the delivery of the facilities: by request to the Council for any on-site space to be adopted subject to a maintenance sum; through a management company charged with the maintenance and management of the facilities.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/1990/8/section/106>

<sup>2</sup> <https://www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/planning-policy/supplementary-planning-documents>

- 4.4 The issue of the adoption of SuDs though is currently less clear. In the past the local water Company has required developers to ensure that the local authority adopts the main surface water features such as the main detention pond(s) in order that it would then adopt the surface water sewers on the site. As such the Council has adopted several surface water features and now has a duty to maintain them in perpetuity. However, it now seems that the water company may have relaxed its stance and is allowing features to be adopted by management companies. This is currently being researched and will be the subject of further discussion with the water company.
- 4.5 Recently the whole internal process leading from pre-application meetings to delivery on the ground has been reviewed (assuming adoption has been requested) and the following describes this in more detail. Where a developer prefers the private management company route, the Section 106 agreement still requires certain management controls to be met to ensure that a satisfactory outcome is achieved and maintained. The overall process is shown in outline below but is shown in more detail in Annexe A:



Detailed stage	Personnel involved
<u>Pre-decision</u>	Planning officers, Cultural Service Officers, grounds maintenance
Consider POS etc. needs from strategies and developer's guide <sup>3</sup>	
Prepare set of requirements (on and off site) To include S106 agreement negotiations – prepare draft	
Developer designs scheme	
Planning application process – internal and external consultation	Planners, POS team, grounds maintenance, members, other external
<u>Planning decision</u>	
Issue decision with relevant planning conditions (where matters undetermined) and S106 agreement to secure provision/maintenance/management	Planning officers, Cultural Service Officers, Lawyers, occasionally external advisors
<u>Post Decision/pre-build</u>	
Receipt of details to discharge conditions: <ul style="list-style-type: none"> <li>• Landscape details</li> <li>• SuDs</li> <li>• Trees</li> <li>• Recreation and POS – on and off site</li> <li>• Biodiversity/ecology</li> </ul>	
<u>Build Phase</u>	Planning enforcement, Cultural services, grounds maintenance
<u>Build Complete</u> (by phase if applicable) <p>A. Assess management of POS and SuDs arrangements:</p> <ul style="list-style-type: none"> <li>• Developer notifies Council of completed site</li> <li>• Pre-meeting of all relevant officers</li> <li>• Site inspection</li> </ul>	Planning officers, Cultural Service Officers, grounds maintenance

<sup>3</sup> Consideration of need for POS etc. working from existing strategies and strategies yet to be written

<p>B. Agreed management arrangements</p> <ul style="list-style-type: none"> <li>• Report passed to consultees and developer to highlight any issues</li> <li>• On-going inspections in accord with agreed arrangements – can 12 month monitoring period start? <b>Y</b> or <b>N</b></li> </ul>	<p>Cultural services, grounds maintenance, planning enforcement (if necessary)</p>
<p><b>Y</b> - Monitoring period starts</p> <ul style="list-style-type: none"> <li>• Interim inspections and issue schedule for remedial action where applicable</li> <li>• Final inspection – if acceptable instruct Legal team to adopt (includes management/ maintenance plan)</li> <li>• Receive maintenance payment<sup>4</sup> (commuted sum)</li> </ul> <p><b>N</b> – Pre-meeting setting out management responsibilities because it is either (a) unfit for the period to start or (b) contracted out to a management company</p>	<p>Cultural services, grounds maintenance</p> <p>Legal team</p>
<p>If (b) monitoring regime commences in accordance with agreed management/maintenance plan by management company</p>	<p>Cultural services</p>
<p>Instruction to Legal Services to adopt – form sent to Finance - plot on GIS</p>	<p>Cultural services</p>
<p>Operational Services to add into schedule</p>	<p>Operational Services</p>
<p>Legal reports to all that adoption has been completed</p>	<p>Legal Services</p>
<p>Commence S106 agreement monitoring – check triggers for payment etc</p>	<p>Planning</p>
<p>Application for release of funds sent</p>	<p>Cultural services</p>

<sup>4</sup> Equivalent to ten years maintenance

from Cultural Services to Planning and Finance	
Planning invokes audit trail (forms) to final cash release	Planning

#### 4.6 Next steps

Over the past couple of years or so a new approach to the provision of on-site open space (and potentially SuDs) has been emerging. It seems that housebuilders are attempting to capitalise the latent value of the cost of maintenance of on-site space to the extent that it is being sold to the highest bidder. Management companies are then purchasing the open space from the housebuilder with a maintenance contract, but then passing on the cost to individual householders on the site as an annual charge. Most Section 106 agreements enable this to be operated legitimately, although it may not have been envisaged that it would be operated in this way. From a planning authority view, the material issue is to ensure that the requisite on-site space is provided and properly maintained for public use – primarily but not exclusively for the use of the new residents on the site. It is beyond the planning authority's powers to dictate exactly how this is done, hence the option that appears in many agreements.

4.7 The Council currently has no formal policy relating to whether to adopt open space, SuDs or any other public community facility; or whether to ensure that a management company formed of local groups in the community take on the responsibility. It is intended that a report be prepared for presentation to this committee in the coming weeks which seeks to establish that policy.

4.8 It is important to note that SuDs can be subject to separate processes in some cases and these may be subject to longer maintenance periods. For example, where although the main public recreation spaces may be managed by a private company, often house builders prefer the Council to adopt main balancing facilities and claim that Severn Trent Water require such to enable the completion for its adoption as public sewers.

### 5.0 Financial Implications

5.1 Currently, all Section 106 agreements contain the means to enable the Council to ensure that sufficient space is dedicated to public recreation use and there appear to be no undue new burdens on the Planning Service especially since the Planning Service Review.

5.2 However, the sustained scale and volume of development in the district is providing challenges for the current level of staffing in the Cultural Services Unit. With regard to the adoption of open space the unit has a significant role to play throughout the whole adoption process including review and comment on relevant planning applications and S106 agreements through pre-application and up to approval. Support is also required as part of the build phase and

monitoring phases leading up to adoption. At adoption the unit will have management and maintenance or monitoring responsibilities including on occasion new buildings. Further where Section 106 capital sums have been secured the unit will lead on delivery of the associated capital programme linked to priorities identified within the Open Space, Sport and Community Facility strategy.

- 5.3 There also may be opportunities for the Council to compete for private maintenance contracts should spaces continue to be privately managed.

## **6.0 Employee Implications**

- 6.1 No further burdens would ensue in the Planning Service. It is anticipated the the new Head of Culture and Community Services will review the staffing and resource requirements within her service to effectively manage the tasks outlined as part of the adoptions process.

## **7.0 Corporate Implications**

- 7.1 The on-going requirements described seek to ensure that facilities can be delivered in alignment with the priority actions within the Council's Corporate Plan. The process will therefore have a direct positive impact on the Council's ability to deliver actions against the key objectives of:

- Progress
- Place
- People

## **8.0 Community Impact**

- 8.1 **Consultation:** None

- 8.2 **Equality and Diversity Impact:** The more efficient and economic delivery of public facilities will assist in meeting the diverse needs of all established and future residents and non-residents across the District. Certain elements of proposed improvements to the system are intended to address existing gaps and shortfalls in the adoption process and will thus assist in achieving improved quality of facilities.

- 8.3 **Social Value Impact:** Enhancement of the process will assist in securing high quality facilities going forward; the provision and enhancement of sustainable developments will enhance public health and well-being.

- 8.4 **Environmental Sustainability:** Better performance management will contribute toward the achievement of economic, social and environmental objectives.

## **9.0 Conclusions**

- 9.1 Towards the end of last year, a review of the adoptions process has led to an enhancement of the way in which the Council will take on public facilities. The proposals set out to improve the quality of the proposed facilities to ensure that

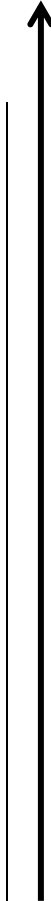
greater resources are directed towards more efficient working and the continued management of Section 106 contributions. A period of phased implementation will result in a number of enhancements and improvements to take the process forward over the next few years.

- 9.2 The report also identifies possible future opportunities for the generation of additional income to help meet the cost of maintenance and offer a more comprehensive management of the Council's facilities. There is also an opportunity to review the current rates charged by the Council for the maintenance of space.

Annexe A - Open Space Process Mapping

	PLANNING		S.106		ADOPTION		LEGAL/FINANCE	
			Money will be entered as spent in Exacom	Planning			Money released	Finance
							Will transfer money to correct accounts	Finance
			Application for maintenance monies form to be filled in for release of maintenance and inspection monies – <u>sent to Finance and Planning</u>  Form will include the split of maintenance money between POS and Grounds Maintenance teams. Form will set out whether new equipment is required to help with maintenance.	POS Grounds maintenance Finance Planning				
			Check agreement for triggers	Planning				
					Grounds team add into maintenance/schedule	Grounds Maintenance	ADOPTION - Legal reports to all (Planning, POS, Grounds and Finance) that formal adoption of land has been completed.  Money conterminously transferred at point of adoption.	Legal team  Finance
POST DECISION					INSTRUCT Legal team if all OK to adopt (include Planning App No).  Send form <sup>i</sup> 'X' with a copy to Finance  Plot on GIS <sup>ii</sup>	POS team	Separate out S106 monies	Finance
						POS team Grounds		
					Has the site inspection been passed?	POS team (will instruct Legal		

					<b>YES</b> - 12 month period <b>can</b> start 1. Interim inspections can take place 2. Final inspection after 12 months 3. If OK then instruct Legal team to adopt the land 4. Maintenance continues by the housebuilder until the land has been formally adopted  <b>NON-ADOPTION</b> If not adopting land then at this point the agreed management arrangement is invoked and monitored as set out in the agreement.	team) Grounds <sup>iii</sup>		
			On-going Inspections <sup>iv</sup>	POS team Planning Enforcement	Has the site inspection been passed? <b>NO</b> - 12 month period <sup>v</sup> <b>cannot</b> start 1. Further inspections at adoption point 2. If acceptable then 12 month period can start 3. If not then continued Inspections until agreed 12 month period can start	POS team Grounds		
			Agreed management arrangement <sup>vi</sup>	Planners	Report passed to consultees and passed to developer to highlight any issues	POS team to complete report Planners		
			Assess management of POS and SUDS arrangements <sup>vii</sup>	Planners POS team Others Legal Grounds maintenance	<b>SITE INSPECTION</b> <sup>viii</sup> in accordance with S.106 agreement	POS team <sup>ix</sup> Grounds Trees SUDS/external		
			NO		Pre-meeting of all involved <sup>x</sup>	Planner to coordinate		
<b>BUILD COMPLETE</b> (by phase if applicable)			Has the build been completed?  YES - See adoption column	Planners	Developer notifies of completed site	Planners		
			ADOPTION of POS					
<b>BUILD</b> (by phase if applicable)	Planning Enforcement POS team		POS, SUDS and Recreation Provision submissions made (what is to be implemented including management company	Planners POS team Other externals Grounds				



TIME	PRE DECISION			if relevant)	maintenance				
		Receipt of details to discharge conditions  • Landscaping <sup>xi</sup> • SUDS <sup>xii</sup> • Trees • Recreation • Biodiversity • Grounds <sup>xiii</sup>	Planners POS team Grounds Maintenance Other external	Final S.106 agreement signed  Notify POS and Grounds Maintenance team of the final S106 <sup>xiv</sup>	Planners				
		ISSUE PLANNING DECISION		DRAFT TERMS					
		Planning Decision NB. Relevant Planning Conditions  Issue <b>form</b> to POS team informing S.106 negotiations and invitation to feedback on detail		Further Negotiation	Planners Developers				
		Consultation <sup>xv</sup> Internal/External	Planners POS team Grounds Maintenance Other external	S.106 Agreement negotiations <sup>xvi</sup>	Planners Developers POS team <sup>xvii</sup>				
		Developer Designs Scheme	Planners						
		Set of requirements (on-site and off-site)	Planners						
		Early Stages  • Pre Application • Outline Application • Reserved Matters/Full Application • Generate <b>Planning POS form</b> including tree appraisal <sup>xviii</sup>	Planners  Open Space team  Grounds maintenance team						
		Consider POS needs <sup>xix</sup> through an update SPD.  To include POS strategy, Playing Pitch Strategy, SUDS, Biodiversity, Trees, Cemeteries, Allotments							
		PLANNING		S.106		ADOPTION		LEGAL	



- 
- <sup>i</sup> Form required
  - <sup>ii</sup> Schedule of adoptable assets/infrastructure by POS team/grounds maintenance. Details to be mapped which will require assigning data owners and responsibilities.
  - <sup>iii</sup> SDDC Officers to maintain in the 12 month period before adoption?
  - <sup>iv</sup> Mapping of management companies or lists
  - <sup>v</sup> Initial Maintenance Period – owner manages and maintains the open space ensuring it is free of defects for a 12 month period.
  - <sup>vi</sup> Management arrangement/agreement should include: annual report to householders on POS etc and to include reporting lines for complaints. Management Company will absolve SDDC of all duties under the Environmental Protection Act. What other minimum requirements for minimum standards assurance.
  - <sup>vii</sup> Management Company shopping list – a document to be sent out and Adoption in phases? Also see 7
  - <sup>viii</sup> Guidance note for inspection visits
  - <sup>ix</sup> Technical support for built facilities
  - <sup>x</sup> Plans available to all at inspection
  - <sup>xi</sup> Landscape Architect required
  - <sup>xii</sup> Engineer – business case to be written
  - <sup>xiii</sup> Conditions (consult direct services) and consider land levels/maintenance
  - <sup>xiv</sup> Form needed?
  - <sup>xv</sup> Wider internal consultation required
  - <sup>xvi</sup> S.106 terms verified by POS team
  - <sup>xvii</sup> SDDC offers to maintain POS as a ‘competitive bid’ and Legal Question re: Management Companies
  - <sup>xviii</sup> Would a TPO be required in future?
  - <sup>xix</sup> Review Developer Contributions document

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REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 21
DATE OF MEETING:	15 <sup>th</sup> AUGUST 2019	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	MATT HOLFORD, <a href="mailto:matthew.holford@south-derbys.gov.uk">matthew.holford@south- derbys.gov.uk</a> , 01283 595856	DOC:
SUBJECT:	PUBLIC SPACES PROTECTION ORDERS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS14

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## 1. Recommendations

- 1.1 That the Committee approves 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 approves that officers commence a consultation process on the possible inclusion of various other matters within additional Public Spaces Protection Notices.

## 2. Purpose of Report

- 2.1 To advise Committee 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.
- 2.2 To seek approval to extend six existing Public Spaces Protection Orders for the maximum permissible three year period.
- 2.3 To seek approval to undertake public consultations on possible additional matters to be included within future Public Spaces Protection Notices.

## 3. Background

- 3.1 The Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") introduced various discretionary powers for the police and local authorities to take new actions to tackle anti-social behaviour.
- 3.2 Sections 59 to 75 of the Act offer Councils powers using Public Spaces Protection Orders (PSPOs) to stop individuals or groups from committing anti-social behaviour (ASB) in a public place.

- 3.3 Before making a PSPO the Council must be satisfied that the behaviour being restricted;
- Is having, or be likely to have, a detrimental effect on the quality of life of those in the locality, and;
  - Is persistent or continuing in nature;
  - Is unreasonable, and
  - The impact of the behaviour justifies the restrictions being proposed.
- 3.4 The PSPO can control the unreasonable behaviour by imposing conditions on the use of a specified area. Statutory guidance issued by the Home Office advises that a PSPO is “*designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict access*”.
- 3.5 Once declared a PSPO can last up to a maximum three years. After this it must either be extended or it is automatically revoked. The controls contained in a PSPO can be varied or removed at any time.
- 3.6 Where the conditions of a PSPO are breached there are two possible sanctions. Firstly, a Fixed Penalty Notice (FPN) can be issued which, if paid, discharges the liability for the offence. If the offence is not admitted or the FPN is not paid then the offence can be taken to a Magistrate’s Court to seek a prosecution. Where a PSPO is used for restricting alcohol consumption, a FPN will only be issued to an individual if they fail to comply with a request to cease drinking or surrender the alcohol.
- 3.7 FPNs can be issued by Police Officers, Police Community Support Officers (PCSOs), Council Officers or anyone else authorised by the Council. Prosecutions can only be taken by the Council. FPN’s issued in relation to alcohol consumption will be issued by either a PCSO or Police Officer.
- 3.8 The contents of a PSPO can be challenged in the High Court within six weeks of it being made. The challenge can be either on the basis that the Council did not have the power to make the relevant restriction, that the relevant tests stated in para 3.3 above are not met, or that the procedural requirements for creating a PSPO were not met.

### **3.9 PSPOs in South Derbyshire**

- 3.10 Levels of anti-social behaviour in South Derbyshire are relatively low. Nevertheless the Council has made proactive use of the power to deal with specific issues or locations of anti-social behaviour and to continue to apply pre-existing controls on how people use its parks and open spaces.
- 3.11 To date the Council has declared seven PSPOs, all of which are published on the Council’s website. These consist of;
1. A District-wide PSPO requiring dog owners to clean up after their dog;
  2. A requirement for dogs to be kept on leads in some parks;
  3. A ban on dogs in some children’s play areas;
  4. A PSPO making registered owners responsible for litter thrown from their vehicle;
  5. Eureka Park PSPO to control aspects of ASB in Eureka Park;
  6. A prohibition on access to land off Staker Lane, Findern to prevent fly tipping;

7. The Swadlincote Town Centre PSPO to control aspects of town centre ASB.
- 3.12 The PSPOs numbered 1 to 5 in paragraph 3.11 all expire in January 2020. The Staker Lane PSPO expires in August 2021. This report seeks Committee approval to extend all of these six PSPOs in their current form to 2023.
- 3.13 Non-statutory guidance issued by the LGA on the use of PSPOs states that “*Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate*”.
- 3.14 Appendix 1 to this report contains an evidence review of the impacts of each of the PSPOs numbered 1 to 6 in paragraph 3.11 above. In the opinion of the Head of Environmental Services the community effect of all six of these PSPOs has been positive and there is objective evidence to justify the continuation of all six Orders.
- 3.15 The seventh PSPO relating to Swadlincote Town centre is the subject of a separate report from the Community Safety Manager.

### **3.16 Additional Matters for Possible Inclusion in a PSPO**

- 3.17 Since the declaration of the PSPOs, further matters have been brought to the attention of the Head of Environmental Services for possible control through the use of PSPOs. These matters are set out below.
- 3.18 Fly tipping remains one of the Council’s corporate priorities. The Council has already used a PSPO to successfully prevent fly tipping incidents at a former ‘hot spot’ for tipping and ASB - namely Staker Lane. This involved obtaining a PSPO to limit access to this small section of public highway and then gating it off whilst still permitting limited access to local land owners and public agency vehicles.
- 3.19 **Lowes Lane** near Swarkestone has been the subject of multiple incidents of fly tipping in recent years as well as other forms of ASB. It is a length of public highway which ends in an unsurfaced track which does not permit a through route for vehicles. Both the public highway and privately owned fields either side of the Lane have been targeted by fly tippers and it is one of the top five most frequent locations for fly tipping in South Derbyshire. Officers are of the opinion that the use of a PSPO to limit access along the Lane may offer an opportunity to ‘design out’ opportunities for offenders.
- 3.20 The possible use of a PSPO along Lowes Lane has already been the subject of initial discussions between the District Council and Derbyshire County Council. Given that the location is public highway, any proposals to restrict access will potentially conflict with the Road Traffic Act.
- 3.21 Officers therefore seek approval to undertake further formal consultations on the potential use of a PSPO for Lowes Lane. The outcomes of this consultation will be brought back to Committee at a later date.
- 3.22 A number of other local authorities have used PSPOs to **require dog owners to carry bags or other receptacles to collect their dog faeces when using parks and open spaces**. This matter was considered by this Committee in November 2016 at which time the Committee resolved to review the Council’s position once a reasonable amount of evidence about the benefits and dis-benefits had become clear.

- 3.23 In accordance with the November 2016 Committee resolution officers seek approval to undertake consultations on the potential use of a PSPO to require dog owners to carry bags or other receptacles to collect their dog faeces when using parks and open spaces. The outcomes of this consultation will be brought back to Committee at a later date.
- 3.24 Since the declaration of the PSPOs in 2017 a small number of additional children's play areas have been created, for example Foss Road, Hilton. It is proposed to consult on and revise the **children's play areas from which dogs are prohibited** contained in the existing PSPO. The outcomes of this consultation will be brought back to Committee at a later date.
- 3.25 As shown by the evidence in Appendix 1, on the whole the PSPOs have had a beneficial impact and based on anecdotal evidence from officers they have generally been welcomed by local communities. However, the most contentious PSPO is that which requires dog walkers to keep their **dog on a lead in Swadlincote Woodlands**. Of all of the PSPO requirements this is the one which is the most frequent cause of complaint to enforcement officers.
- 3.26 Officers therefore seek approval to undertake specific consultations with users and stakeholders of Swadlincote Woodlands to understand the demands for the continuation of the requirement to keep a dog on lead in this location.
- 3.27 For the purpose of clarity it is intended to continue to include Swadlincote Woodlands in the Dogs on Leads PSPO for the time being. However, the outcomes of this consultation will be brought back to Committee at a later date at which point Committee will take the decision about whether to continue to include Swadlincote Woodland within the Dogs on Lead Order, or to choose to exclude it.

#### **4. Financial Implications**

- 4.1 Effective enforcement of all of the existing PSPOs can be delivered within existing budgets.
- 4.2 The costs for the proposed consultations described in paragraph 3.16 onwards will be met from existing budgets.
- 4.3 The financial implications of the introduction of any changes to PSPOs will be covered in future reports which seek approval for such changes.

#### **5. Corporate Implications**

##### **Employment Implications**

- 5.1 None.

##### **Legal Implications**

- 5.2 Minor. The extended PSPOs will all will be subject to possible appeal in the High Court for up to 6 weeks after being made.

##### **Corporate Plan Implications**

- 5.3 The proposals align with the "Place" Corporate Plan Theme and the key aim to "help maintain low crime and anti-social behaviour levels".

## **Risk Impact**

- 5.4 The proposals will have a beneficial mitigating action against the corporate risk of “Managing the environmental impact of incidents across the District”.

## **6. Community Implications**

### **Consultation**

- 6.1 The Act sets out bodies with whom the Council must consult before introducing or varying a PSPO. These include the local chief officer of Police; the Police and Crime Commissioner; the County Council; owners and occupiers of land affected; local parish councils. Councils have discretion to consult more widely than this as they deem appropriate.
- 6.2 For the purposes of consulting on the extension of the existing PSPOs, officers intend to send the Evidence Review in Appendix 1 as the basis of the consultation to the parties named in paragraph 6.1. If these consultations result in any proposed changes to the existing PSPOs then a further report will be brought to this Committee.
- 6.3 More extensive consultations to be agreed with the Council’s Communications Team will be undertaken for the proposals described in paragraphs 3.16 to 3.27, namely
- 6.3.1 To determine the potential viability and scope of a PSPO to limit access on Lowes Lane, Swarkestone;
  - 6.3.2 To determine the need for the introduction of a PSPO requiring dog owners to carry bags or other receptacles to collect their dog faeces when using parks and open spaces;
  - 6.3.3 To determine the need to prohibit dogs from being allowed into children’s play areas not already covered by the PSPO, and;
  - 6.3.4 To determine the need to retain the requirement for dogs to be kept on the lead in Swadlincote Woodlands.
- 6.4 Full details of the consultation process and consultation results will be presented to Committee within the future relevant reports.

### **Equality and Diversity Impact**

- 6.5 Fair and proportionate application of the law should ensure that improvements in equality and diversity are indirectly delivered by tackling crime and anti-social behaviour.

### **Social Value Impact**

- 6.6 Beneficial.

### **Environmental Sustainability**

- 6.7 Beneficial. Proportionate regulation is an important feature of ensuring community cohesion. It also ensures positive economic growth by preventing businesses which operate outside the law from gaining a competitive advantage in their respective market.

## **7. Conclusion**

- 7.1 That Members approve the extension of the existing six PSPOs to which the report relates until 2023.
- 7.2 That Members approve officers to begin consulting on the matters described and to bring further report(s) to Committee to enable decisions to be made on each matter.

## **8. Background Papers**

- 8.1 Environment & Development Services Committee, 20<sup>th</sup> August 2015.
- 8.2 Environment & Development Services Committee, 17<sup>th</sup> November 2016

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 22</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> AUGUST 2019</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES 01283 595848/5722 <a href="mailto:democraticservices@southderbyshire.gov.uk">democraticservices@southderbyshire.gov. uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMITTEE WORK PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

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## **1.0 Recommendations**

1.1 That the Committee considers and approves the updated work programme.

## **2.0 Purpose of Report**

2.1 The Committee is asked to consider the updated work programme.

## **3.0 Detail**

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

## **4.0 Financial Implications**

4.1 None arising directly from this report.

## **5.0 Background Papers**

5.1 Work Programme.



## Environmental & Development Committee – 15<sup>th</sup> August 2019 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
<b>Reports Previously Considered by Last Three Committees</b>		
South Derbyshire Infrastructure Delivery Plan 2019	28 <sup>th</sup> February 2019	Richard Groves Planning Policy Officer (01283) 595738
Aviation 2050-The Future of UK Aviation	28 <sup>th</sup> February 2019	Richard Groves Planning Policy Officer (01283) 595738
Corporate Plan 2016-21: Performance Report Q3	28 <sup>th</sup> February 2019	Communications Team (01283) 228705
Our Waste, Our Resources: A Strategy for England	28 <sup>th</sup> February 2019	Adrian Lowery Direct Services Manager (01283) 595764
Planning Services Review Update	28 <sup>th</sup> February 2019	Tony Sylvester Planning Services Manager (01283) 595743

Key Performance Indicators – Licensing Department	17 <sup>th</sup> April 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Fixed Penalty Notices For Household Duty Of Care Offences	17 <sup>th</sup> April 2019	Matt Holford Environmental Health Manager (01283) 595856
Corporate Environmental Sustainability Group	17 <sup>th</sup> April 2019	Matt Holford Environmental Health Manager (01283) 595856
Business Support within the Environmental Health Service	17 <sup>th</sup> April 2019	Matt Holford Environmental Health Manager (01283) 595856
Service Plans	17 <sup>th</sup> April 2019	Communications Team (01283) 228705
Resources and Waste Strategy Consultation	17 <sup>th</sup> April 2019	Adrian Lowery Direct Services Manager (01283) 595764
Corporate Plan 2016-21: Performance Report Q4	30 <sup>th</sup> May 2019	Communications Team (01283) 228705
Update to Private Hire Licensing Policy and Conditions	30 <sup>th</sup> May 2019	Emma McHugh Senior Licensing Officer (01283) 595716

Provisional Programme of Reports To Be Considered by Committee		
Corporate Plan 2016-21: Performance Report Q1	15 <sup>th</sup> August 2019	Communications Team (01283) 228705
Key Performance Indicators-Licensing Department	15 <sup>th</sup> August 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Knowledge Test Fee	15 <sup>th</sup> August 2019	Emma McHugh Senior Licensing Officer (01283) 595716
Corporate Environmental Sustainability Group	15 <sup>th</sup> August 2019	Allison Thomas Strategic Director (Service Delivery) (01283) 595775
Annual Enforcement and Compliance Report 2018/19	15 <sup>th</sup> August 2019	Matt Holford Head of Environmental Services (01283) 595856
Environmental Awareness and Local Community Action	15 <sup>th</sup> August 2019	Matt Holford Head of Environmental Services (01283) 595856
Food Service Plan 2019/20	15 <sup>th</sup> August 2019	Matt Holford Head of Environmental Services (01283) 595856

Swarkestone Public Footpath No. 9 (Part) Stopping up Order	15 <sup>th</sup> August 2019	Tony Sylvester Head of Planning Services and Strategic Housing (01283) 595743
Proposed Strategic Plan for Nature	15 <sup>th</sup> August 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Call for Sites-Strategic Housing and Economic Land Availability Assessment	15 <sup>th</sup> August 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Gypsy and Traveller Site Allocations Development Plan Document Sustainability Appraisal and Scoping Report	15 <sup>th</sup> August 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Pictorial Wild Flower Planting Trial	15 <sup>th</sup> August 2019	Adrian Lowery Head of Operational Services (01283) 595764
Overseal Recycling Site Removal	15 <sup>th</sup> August 2019	Adrian Lowery Head of Operational Services (01283) 595764
Section 106 Agreements and Adoption of Open Spaces	15 <sup>th</sup> August 2019	Tony Sylvester Head of Planning Services and Strategic Housing (01283) 595743
Public Spaces Protection Order	15 <sup>th</sup> August 2019	Matt Holford Head of Environmental Services (01283) 595856

Derby HMA future Plan Production Options	26 <sup>th</sup> September 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Waste and Minerals Plan Consultation from the County Council	26 <sup>th</sup> September 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Corporate Plan 2016-21: Performance Report Q2	14 <sup>th</sup> November 2019	Communications Team (01283) 228705
S106 Developer Contributions	14 <sup>th</sup> November 2019	Karen Beavin Planning Policy Team Leader (01283) 595749
Corporate Plan 2016-21: Performance Report Q3	5 <sup>th</sup> March 2020	Communications Team (01283) 228705