

ENVIRONMENTAL SERVICES COMMITTEE

11th July 2002

PRESENT:-

Labour Group

Councillor Southerd (Chair), Councillor Taylor (Vice-Chair) and Councillors Brooks, Carroll, Pabla, Shepherd and Whyman.

Conservative Group

Councillors Douglas, Shaw and Mrs. Walton.

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Ford (Labour Group) and Councillor Bale (Conservative Group).

ES/15. **MINUTES**

The Open Minutes of the Meeting held on 30th May 2002 were taken as read, approved as a true record and signed by the Chair.

ES/16. **MEMBERS QUESTIONS AND REPORTS**

As this was the last Committee Meeting before the industrial action scheduled for 17th July, the Leader of the Council sought information on the likely impact on Council Services. The Deputy Chief Executive informed of the proportion of unionised staff at the Offices and manual workers at the Council's Depot, together with the likely impact on services. The Civic Offices would effectively be closed to the public unless there were sufficient staff to enable the Offices to be opened. Negotiations would be undertaken with the Trade Unions to provide emergency cover for some specified areas.

MATTERS DELEGATED TO COMMITTEE

ES/17. **PROPOSED DIVERSION PUBLIC FOOTPATH NO. 5 (PART) PARISH OF ROSLISTON**

It was reported that an application had been received to divert a section of public footpath No. 5 in the Parish in Rosliston. Details were submitted of the current definitive line, the proposed diversion and the assessment of the Public Rights of Way Officer.

Informal consultations had been undertaken and no objections had been received. It was therefore concluded that the proposed diversion was acceptable.

RESOLVED:-

That an Order be made under the provisions of Section 119 of the Highways Act 1980 to divert part of the definitive line of Public Footpath No. 5 in the Parish of Rosliston.

ES/18. PROPOSED DIVERSION PUBLIC FOOTPATH NO. 9 (PART) PARISH OF FOSTON AND SCROPTON

It was reported that an application had been received to divert a section of public footpath No. 9 in the Parish of Foston and Scropton. Details were submitted of the current definitive line, the proposed diversion and the assessment of the Public Rights of Way Officer.

Informal consultations had been undertaken and an objection had been received from the owners of an adjoining pig unit. This stated that the proposed diversion would allegedly comprise the biological security of the unit. The objection had been augmented by further information received from the National Pig Association. The evidence supplied had been viewed by the Council's Environmental Health Manager and there were no concerns from an environmental health standpoint with respect to the implementation of this diversion. The development of the Dove Valley Business Park had already changed the character of the land adjoining the pig unit fundamentally.

Members were reminded of the appeal process available to objectors. This could result in the application being referred to the Rights of Way Division of the Planning Inspectorate for determination. A Member enquired about the informal consultations undertaken to date and requested the deferral of this matter to enable further research.

RESOLVED:-

- (1) That the application be deferred to enable further research into the consultation undertaken for this application.***
- (2) That, subject to the outcome of this research, authority be delegated to the Chief Executive in consultation with the Chair of the Committee to approve the making of an Order under the provisions of Section 257 of the Town and Country Planning Act 1990 (as amended), to divert part of the definitive line of Public Footpath No. 9 in the Parish of Foston and Scropton.***
- (3) That if appropriate, a further report be submitted to a future meeting of the Committee.***

ES/19. PRIVATE HIRE PLATES

It was reported that Derbyshire County Council had to date supplied the yellow private hire registration plates affixed to vehicles. The County Council no longer had a stock of the plates and had ceased to manufacture them. Contact had been made with several firms and other local authorities to identify a preferred alternate supplier. On the grounds of cost, quality and appearance, MOGO UK was the preferred supplier for the new plates. Other local authorities using this system were satisfied with the product and the service received from the Company. The advantages of this system were reported and samples of the plate were displayed at the Meeting.

RESOLVED:-

That the Committee approves the introduction of new Private Hire plates for all Private Hire vehicles within South Derbyshire.

ES/20. **FOOD ENFORCEMENT – SERVICE PLAN**

It was reported that the Food Standards Agency required local authorities to produce a Food Enforcement Service Plan. The document had to be submitted to an appropriate Member forum for approval to ensure transparency and accountability. The guidance issued by the Food Standards Agency was specific in detailing the information that must be included within the Service Plan. Consideration was given to a draft Service Plan appended to the report. Members questioned the number of anticipated complaints and those likely to proceed to prosecution.

RESOLVED:-

That the Committee approves the Food Enforcement Service Plan, a copy of which is incorporated in the Signed Minute Book at Annexe SMB1, as submitted.

ES/21. **AUTHORISATION OF OFFICER FOR HEALTH AND SAFETY AT WORK etc ACT 1974 AND FOOD SAFETY ACT 1990**

The Committee's approval was sought to the authorisation of a newly-appointed officer under the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990.

RESOLVED:-

- (1) That the Committee confirms the authorisation of Katie Day as an Inspector to undertake the following duties under the Health and Safety at Work etc. Act 1974:**
- (a) As an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 for the purpose of administering the relevant provisions of Section 20(2) of the said Act, i.e. Section 20(2), (a),(b),(c),(d),(e),(f),(g),(h),(i),(j),(k),(l) and (m), and authorise her to institute legal proceedings in respect of contraventions arising out of the exercise of her duties under Section 20 of the said Act.**
 - (b) Further, that she be authorised to serve Improvement Notices under Section 21 and Prohibition Notices under Section 22 of the Act.**
 - (c) Also that she be authorised for the purpose of:**
 - (1) Any Health and Safety Regulation.**
 - (2) The provisions of the Acts mentioned in Schedule 1 of the Health and Safety at Work etc. Act 1974 which are specified in Schedule 1 of the 1974 Act which are specified in the third column of that Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provisions so specified.**

- (3) That in accordance with Section 26 of the Act, the Council indemnify her in respect of any act done by her in execution of purported execution of her duty, if they are satisfied that the officer honestly believed she was acting within her duties.**
- (2) That the Committee confirms the authorisation of Katie Day as an Officer to undertake the following duties under the Food Safety Act 1990:-**
- (a) Section 32(1)(a),(b) and (c) which are powers in relation to an Officer's right to enter food premises.**
 - (b) Section 9 – powers in relation to the inspection and seizure of suspected food.**
 - (c) Further, that she be authorised to Serve Improvement Notices under Section 10 and Emergency Prohibition Notices under Sections 11 and 12 of the Act.**
 - (d) Also that she be authorised for the purpose of enforcing or executing any regulations or orders made under the Act.**
 - (e) Section 29 – powers in relation to the procurement of samples.**
 - (f) That in accordance with Section 44 of the Act, the Council indemnify the Officer in respect of any act done by her in execution or purported execution of her duty, if it is satisfied that the Officer honestly believed that she was acting within the powers and duties required by her.**

and authorise her to institute legal proceedings in respect of contraventions arising out of the exercise of her duties.

ES/22. **DERBY AND DERBYSHIRE WASTE LOCAL PLAN**

It was reported that Derby City and Derbyshire County Councils had produced a policy document to deal with planning applications for the management or disposal of waste. The main aim was to ensure that such land use contributed to sustainable waste management and an outline was given of the key objectives regarding waste development.

One of the most important considerations was the “proximity principle” which meant that waste should be disposed of as close as possible to its source. This was not necessarily restricted to county boundaries. For South Derbyshire, it was noted that the Bretby Landfill Site was due to close in 2004. The New Albion site in Leicestershire was well placed to take non-hazardous waste from the southern part of the Derby sub-area. It had been accepted at the Leicestershire Waste Local Plan Inquiry that more than half of the site's input might come from Derbyshire and Staffordshire in accord with the proximity principle.

In order to reduce the amount of waste that went to landfill, the plan sought to require applicants to demonstrate that facilities would be in place for the segregation of reasonable quantities of recyclable and compostable materials.

RESOLVED:-

That the Committee informs Derbyshire County Council that it welcomes and supports the weight given to environmental and community issues in the consideration of planning applications for waste development as set out in policies in the Derby and Derbyshire Waste Local Plan first deposit draft.

ES/23. **COLLECTIONS FROM THE COUNCIL'S RECYCLING CENTRES**

It was reported that there were 37 major and 26 minor recycling centres located throughout South Derbyshire. A plan detailing the sites was appended to the report. Cans and plastics were collected from all centres by the Direct Services Unit, which also collected glass from the minor centres. Glass collections from major centres were made by a contractor who retained the proceeds from the sale of the glass. Last year some 547 tonnes of recyclables were collected from the major sites and 26 tonnes were collected from the minor sites. Recycling Credits were received at a rate of £29.92 per tonne. The service provided by the Direct Services Unit took one to two days per week and the driver was employed on other duties for the remainder of the week.

The Council's recycling vehicle was purpose built and adapted from a former refuse freighter. Following the takeover of its manufacturer, the vehicle had become increasingly expensive to maintain and there were difficulties in acquiring spare parts. Its scheduled replacement in 1999 was delayed to enable thorough consideration of the Council's recycling plans through a Best Value Review. The vehicle had reached the end of its useful economic life and was no longer able to provide a reliable service. Two options presented for Members' consideration were the purchase of a new recycling vehicle and continuation of the present service or seeking a private sector partner.

A relatively small tonnage was collected from the 26 minor centres and the cost per tonne of material recycled was very high. The Action Plan arising from the Cleansing of the Environment Best Value Review identified the possible removal of these minor sites as a means of reducing refuse collection costs. However, the minor sites had been in place for a number of years and their removal would be seen as a loss of service to some residents. Many were established with parish council assistance. Members considered the merits of a "use it or lose it" campaign before deciding whether to remove some or all of these minor sites. The replacement of current recycling containers with larger glass "igloos" was also suggested. This would improve cost effectiveness as a greater tonnage of glass could be removed in a single visit. It was proposed that the campaign be undertaken before considering options for future delivery of the service.

Questions were submitted on the reasons for the high cost of recycling compared to other authorities and how the service was delivered when the recycling vehicle was unavailable. It was not felt that removal of the minor recycling centres was likely to cause an increase in fly-tipping. The Hilton Ward member spoke about population numbers in relation to the location of recycling centres. It was requested that an additional major recycling site be provided for Hilton. The need for parish council consultation was recognised

before any amendments were undertaken and it was suggested that a strategic review of all recycling centres take place. The financial implications of each option were reported.

RESOLVED:-

- (1) That a campaign be undertaken to increase the amounts of recyclables collected from the 26 minor recycling centres, on a “use it or lose it” basis.***
- (2) That the results of this campaign be reported to a future meeting of the Committee to enable Members to consider the future viability of these minor sites.***
- (3) That the Council undertakes a strategic review of its recycling centres.***

Note: At 6.50 p.m. Councillors Taylor and Douglas left the Meeting.

ES/24. **SCHEME OF DELEGATION AND AUTHORISATION OF OFFICERS FOR ABANDONED VEHICLES**

It was reported that the power to serve notices on abandoned vehicles currently lay with the Chief Executive. In order to improve the efficiency of this service, it was proposed that the powers be transferred to the Head of Environmental Health and that Environmental Health Officers, Technical Officers and the Licensing and Enforcement Officer be authorised to serve statutory notices directly on abandoned vehicles.

In June 2000 the former Housing and Environment Committee approved a Scheme of delegation and authorisation for Officers of the Environmental Health Section. A proposed addition to that authorisation was submitted to include dealing with abandoned vehicles.

Carbonated vehicle notice pro-formas were being produced which the designated officers could carry. Notices could then be affixed to abandoned vehicles in a similar manner to that of a parking ticket, following a complaint from a member of the public or during the officer's normal duties. Amended legislation gave local authorities the power to deal with abandoned vehicles, that had no intrinsic value, within 24 hours. It was proposed to trial the new notices on this type of vehicle, prior to extending this scheme to other vehicles which required a seven day notice. As many unlicensed vehicles became future abandoned vehicles, warning notices had been obtained from the Driver and Vehicle Licensing Agency (DVLA) for unlicensed vehicles parked on the highway. These could be affixed to a vehicle by officers and the information forwarded to the local DVLA office which would then take appropriate action.

RESOLVED:-

That the Committee approves that the Head of Environmental Health under the delegated authority contained within Minute No. PR/5 of the Policy and Resources Committee dated 10th July 1997 and of the Council dated 28th January 1990 be authorised to act on behalf of South Derbyshire District Council under the provisions of the Refuse

Disposal (Amenity) Act 1978 and subsequently delegate officers the authority to serve Notices under Section 3 of the Act.

ES/25. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

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

MINUTES

The Exempt Minutes of the Meeting held on 30th May 2002 were received.

T. SOUTHERD

CHAIR