

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

12th April 2012

**PRESENT:-**

**Conservative Group**

Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Ford, Mrs. Hall, Mrs. Hood, Mrs. Patten and Mrs. Plenderleith (substitute for Councillor Mrs. Brown).

**Labour Group**

Councillors Chahal, Dunn, Mrs. Heath, Stuart, Taylor and Tilley.

**In attendance**

Councillors Atkin and Wheeler (Conservative Group).

EDS/79. **APOLOGY**

An apology for absence from the Meeting was received from Councillor Mrs. Brown (Conservative Group).

EDS/80. **MINUTES**

The Open Minutes of the Meetings held on 1st March and 15th March 2012 were taken as read, approved as true records and signed by the Chairman.

EDS/81. **DECLARATION OF INTEREST**

Councillor Roberts declared a prejudicial interest in Minute No. EDS/84, as a Private Hire Operator.

**MATTERS DELEGATED TO COMMITTEE**

EDS/82. **DRY RECYCLABLES TENDER PROCESS UPDATE**

A report was submitted which confirmed that the current recycling contractor, Palm UK, had been served a termination of contract notice and notified that the current contract would expire at the end of May 2013. A Recycling Tender Group had been established by the Director of Operations, who had visited a neighbouring authority who had recently gone through a joint procurement process.

In order to gain maximum competition from the market, the key recyclables required would be cardboard, food, tins and drink cans, plastic bottles, textiles and mixed glass. Other recyclables collected would be welcomed, and would be evaluated as part of the tender process. Collecting the widest range of recyclables from the doorstep reduced the need to provide 'bring' sites. By reducing the number of 'bring' sites, cash savings could be made. The latest performance tables for recycling revealed that South Derbyshire District Council was in 16th position out of 357 local authorities, with a recycling rate

of 49%. It was anticipated that the enhanced recycling facilities would increase rates to approximately 53%.

Members raised various points, and it was requested that further consultation took place with local residents and parish councils before agreeing to the reduction of 'bring' sites. The Director of Community Services agreed that this needed to be evidence-based and would provide a report back on the figures after appropriate monitoring.

**RESOLVED:-**

- (1) That the progress on the Recycling Contract to date be noted.***
- (2) That the provision of a third bin system for dry recyclables to replace the current green box and blue bag scheme be approved.***
- (3) That the reduction in the number of recycling bring sites serviced by the council from 83 to 10, at strategically placed locations, be approved in principle subject to the submission of a further report to the Committee after an appropriate monitoring period on the reduced usage of the sites.***

**EDS/83. FEASIBILITY INTO A SHARED BUILDING CONTROL SERVICE**

In 2008, the Council was involved in a project which looked at the creation of a shared Building Control Service for Derbyshire. This project was abandoned when the recession started, and the combined service proposal became unsustainable. Whilst the current financial constraints on the Council meant it was always appropriate to look at options for the most cost effective delivery of Council Services, it was not the only reason for considering the partnership option again. The provision of an improved service at a reduced cost to the Council was the objective, with the improvement aspects being the delivery of a wider set of services with the flexibility to manage the upturns and downturns of the economy.

A number of building control partnerships had already been established between Councils in various parts of the country, and in terms of a partnership arrangement for South Derbyshire, it was proposed to consider the potential of joining with East Staffordshire Building Control Service. The current shared Emergency Call Out Service had already been established, was operating smoothly, and it was now appropriate to look at the potential of a more comprehensive partnership.

**RESOLVED:-**

***That the feasibility of a shared Building Control Service be investigated.***

**EDS/84. AMENDMENTS TO PRIVATE HIRE LICENSING CONDITIONS AND ADOPTION OF STATEMENT OF POLICY**

The Council had not amended its Private Hire Licence conditions since 1st April 2009, and the proposed amendments were designed to comply with

nationally accepted best practice and/or recommendations of the Department of Transport.

The amended proposed Private Hire Conditions were included as an Appendix to the report, and all changes were highlighted. The proposed conditions had been circulated to all Private Hire Operators, and where possible, their comments had been included within the new proposed conditions.

The nature of the knowledge test was queried and it was asked how many applicants had failed this test. The Licensing Enforcement Manager agreed to respond directly to Councillor Mrs. Patten.

**RESOLVED:-**

- (1) That the amended private hire licence conditions for operators, vehicles and drivers as set out in Appendix 1 to the report, be approved from 1st June 2012.***
- (2) That the Statement of Policy concerning the relevance of offences in relation to Private Hire Drivers & Operators Licences as set out in Appendix 2 to the report, be approved.***

(Councillor Roberts declared a prejudicial interest in this item as a Private Hire Operator and withdrew from the Meeting during the consideration and determination thereof).

EDS/85. **NUISANCE FROM ROADSIDE SALE OF CARS**

It was reported that the Council had received complaints for some months about private vehicles that were being left on or near roadside verges on busy parts of the District's road network, whilst being advertised for private sale. The vehicles were generally perceived to be causing disruption to the flow of traffic when potential purchasers parked their own cars, to view the vehicles in question. Statutory controls existed to prevent vehicles being parked for sale on the road network and were summarised in an Appendix to this report.

The District Council had investigated complaints of nuisance parking and found that vehicles were not being parked in contravention of Section 3 of the Clean Neighbourhoods and Environment Act. The District Council's own officers were therefore unable to pursue legal actions against vehicle owners. In these instances, reports, where relevant, were provided to DVLA (if the vehicles were untaxed), and Derbyshire County Council (if the vehicles were considered by officers to be contravening 147A of the Highways Act 1980). Officers had sought to informally deal with these complaints, however this had not been successful. It was the belief that vehicles were being sold on a semi-commercial basis and positioned in such a way that vendors were able to maximise exposure to the vehicle without contravening the Clean Neighbourhoods and Environment Act.

It was thought that a sustained regulatory effort to control this activity would change the behaviour of the vendors of these vehicles and would result in real improvements in South Derbyshire. However, this would only be possible if all

the regulatory authorities were fully committed to using their statutory powers. With this in mind, it was proposed to seek Committee approval for a resolution to write to the County Council in the strongest possible terms to exhort their officers to make use of the provisions of Section 147A of the Highways Act, to require vehicle owners to remove cars for sale from road verges where they were causing a danger on the road or an interruption to users of the road. It was proposed to offer the maximum possible support to the County Council to enable them to use their powers. However it should be noted that the proposal would only be sought to be invoked for a relatively limited number of problem locations. No action would be sought against private non-commercial vendors, where the vehicle was parked in a location which did not cause a nuisance.

**RESOLVED:-**

- (1) That the Chief Executive be instructed to write to the Chief Executive of Derbyshire County Council in the strongest possible terms to seek assurances that the County Council will use its powers under the Highways Act 1980 to deal with cars advertised for sale parked on roadside verges.***
- (2) That Officers of South Derbyshire District Council provide full support to the County Council to provide evidence of nuisance roadside sales together with monitoring reports and witness statements and other relevant support to enable the County Council to discharge its duties to best effect.***

EDS/86. **ARLESTON LANE PETITION**

It was noted that a petition with 41 signatures had been submitted to the Council in line with the Petition Protocol.

The details of the petition was as follows:-

“We the undersigned would like to raise an objection to the siting of a bus shelter on Arleston Lane opposite the bottom of Derwent Drive.

The reason for this objection is that we believe that it could become a gathering point for the youth of the area when the service ceases after 6.00 p.m. which would cause noise disruption to the neighbouring houses.”

In accordance with the protocol, an acknowledgement had been sent to the lead petitioner and this request had been forwarded to Derbyshire County Council for their consideration and response.

It was noted that the petition related to Stenson Ward, not Woodville Ward as reported.

**RESOLVED:-**

***That the receipt of the petition relating to Arleston Lane in accordance with the Petition Protocol be noted.***

EDS/87. **WORK PROGRAMME**

Members were asked to consider the updated work programme and review its content where appropriate.

**RESOLVED:-**

*That the updated work programme be approved.*

EDS/88. **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (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 Meetings held on 1st and 15th March 2012 were received.*

**REORGANISATION OF DIRECT SERVICES SECTION WITHIN ENVIRONMENTAL SERVICES (Paragraph 1)**

*Approval was granted for the reorganisation of Direct Services Section within Environmental Services as detailed within the report.*

**SERVICE REVISIONS IN ENVIRONMENTAL HEALTH – NEIGHBOURHOOD WARDEN SERVICE (Paragraph 2)**

*Members approved service revisions within Environmental Health to the Neighbourhood Warden Service.*

P. WATSON

CHAIRMAN