

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

15th April 2004

PRESENT:-

Labour Group

Councillor Southerd (Chair) and Councillors Carroll, Isham, Jones, Shepherd, Southern (substitute for Councillor Taylor), Stone and Whyman, M.B.E.

Conservative Group

Councillors Ford, Mrs. Hall and Martin.

In Attendance

Councillor Bell (Labour Group).

EDS/82. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Taylor (Vice-Chair) (Labour Group) and Councillors Atkin and Bladen (Conservative Group).

EDS/83. **MINUTES**

The Open Minutes of the Meeting held on 4th March 2004 were taken as read, approved as a true record and signed by the Chair.

MATTERS DELEGATED TO COMMITTEE

EDS/84. **MEMBERS' QUESTIONS AND REPORTS – ALLIANCE FOR REGIONAL AID BRUSSELS LOBBY**

The Chair presented a report of the Alliance for Regional Aid's recent lobby to the European Commission in Brussels in respect of proposals for EU Regional Aid Funding and State Aid Rules post 2006. The Council was a member of the Coalfields Communities Campaign (CCC) and Councillor Dunn and himself had attended a major lobby of European institutions on 16-18th March 2004. Members were reminded that the entire framework for EU regional policy and rules governing state aid were under review. The lobby was timed to focus on a key window of opportunity between the publication of the cohesion report, which outlined the Commission's thinking for the suggested basis of these funds and the rules for state aid. The principal aims of the lobby were reported, together with details of key speakers and bodies whose views had been represented.

Overall, the message received was not good, with the likelihood that apart from Cornwall, the UK would receive no regional aid or be allowed individual state aid. The UK Government was dismissive of proposals, saying that the cost of the Commission's proposals far exceeded the amount that would be acceptable to richer member states. If, as seemed likely, the overall budget was reduced, the situation for the UK could change dramatically. The report highlighted those funding programmes most likely to be withdrawn. It appeared that only new objective 1 areas would be defined, being those EU

regions with a gross democratic product below 75% of the EU average. Otherwise, funding was likely to be allocated under particular themes. The UK's poorest areas on balance would suffer particularly if there were no criteria to target deprivation.

The proposed framework for state aid would follow the same formula. The Commission was proposing modest exemptions, but any competitive edge enjoyed by current Objective 2 areas would be lost. The EU Parliament seemed to be backing the Commission's proposals at this stage. However, at the instigation of some British M.E.P's, the Parliament's response would seek modification of the proposals on State aid. There were some positive outcomes and all of the proposals were in draft form at present. There might be time to lobby for amendments effectively. At the conclusion of the lobby, delegates agreed a motion outlining what the Alliance would like to see and setting in motion an action plan for future lobbying. The text of this motion was reported.

In receiving the report, Members sought clarification on the reasons Cornwall attracted grant eligibility and the timeframe for implementation of the action plan.

RESOLVED:-

That the report be noted and continued support be given to the Alliance to pursue its objectives in respect of Post 2006 European Union Regional Policy and State Aid Rules.

EDS/85. **REPORTS OF OVERVIEW AND SCRUTINY COMMITTEES – CUSTOMER CARE PROJECT – FEEDBACK**

Councillor Bell, Chair of the Corporate Scrutiny Committee presented a report to provide feedback to the Committee on the assessment of the services delivered by two units. This was part of a wider special project on customer care being undertaken throughout the Council and background to the project was provided. An assessment framework had been used to enable service delivery systems to be judged. This had helped Members to understand a range of issues for each department visited. To assist in the assessment process, a checklist was devised based on ISO9000 requirements and a copy of this was attached to the report.

The report detailed the findings of the Scrutiny Committee with regard to the Waste and Cleansing Unit in the Technical Services Division and the Environmental Protection Unit in the Environmental Health Division. For each unit, details were provided of services, service standards, operations and inspection. Information was also submitted about procedures, training, system auditing and review, together with the Committee's comments and findings on each unit. Overall, the report for each section was positive and gratitude was expressed to the respective Unit Managers for their assistance. Members had found both departments helpful, customer focused and effective in the work that was undertaken. There might be the potential for future improvement, for example through a formal quality management approach. Members took the opportunity to seek clarification on particular findings for each unit and thanked the Scrutiny Committee for its report.

RESOLVED:-

That the Committee accepts the report of the Corporate Scrutiny Committee, on the Customer Care Project.

EDS/86. REVIEW OF POLICY AND DECISION MAKING

It was reported that a comprehensive review had been undertaken to examine how the Committee made policies and took decisions. Proposals were submitted to streamline decision making and enable the Committee to perform a more strategic, policy orientated role. The report also clarified responsibilities between this Committee and the Development Control Committee.

To provide background to the review, the Committee was reminded of the requirements of the Local Government Act 2000 and this Council's review of its political management arrangements. The Overview Committee was made responsible for reviewing the interim arrangements and work was informed by an independent assessment, conducted by the District Auditor. In May 2002, the Council confirmed the new arrangements and agreed an action plan for addressing issues raised during the review. In September, this Committee was invited to take part in a pilot project to review the extent to which decision making might be streamlined further and develop proposals to enable the Committee to perform a more strategic, policy orientated role.

A small Working Panel comprising the Chair, Vice-Chair and Councillor Bladen was established to manage the project. After its first meeting, it was agreed to invite the Chair and Vice-Chair of the Development Control Committee to join the Panel, in view of the potential areas of common interest. The first task completed was an analysis of the Committee's workload and this was appended to the report together with a list of the Committee's areas of responsibility. The analysis highlighted a number of issues which were reported. It prompted the Working Panel to ask Officers to report back on a number of specific areas. Members' questions and reports had been highlighted and the report set out the requirements from the Council's Procedure Rules.

The Working Panel then reviewed the Committee's areas of responsibility and noted the need to include a specific reference to the environment and environmental management. It also reviewed arrangements for approving or amending plans and strategies. The Committee had authority to alter all of its plans and strategies, other than the Local Plan. This was part of the Council's Budget and Policy Framework and had to be referred to the Council for approval. A risk assessment would be undertaken by Corporate Management Team (CMT) of significant County or regional plans and strategies to identify those which ought to be considered by the Council. The Working Panel concluded that no action was needed at the present time, although this issue should be revisited when the CMT assessment had been completed.

The Working Panel had considered the Terms of Reference of the Development Control Committee. In particular, it was responsible for administration of the Swadlincote Heritage Economic Regeneration Scheme (HERS) and other Historic Building and Conservation Area Grants. The Panel considered that the determination of these grants was essentially a policy

matter. It had recommended the transfer of the function to this Committee. If the proposal was acceptable to the Development Control Committee, it would be necessary to consider ways of rationalising the present arrangements, whereby the HERS scheme was administered by a sub-committee whilst Historic Buildings and Conservation Area Grants were reported directly to the full Committee.

The report then considered the Scheme of Delegation. The last major review had been undertaken in 1997 and the current Delegation arrangements were appended to the report. Each relevant division was asked by the Working Panel to consider the current Delegation Scheme and to comment on whether further delegation would be desirable. The reports of the various divisions were also appended to the report. The Environmental Health and Technical Services Divisions were satisfied with the current delegation arrangements. It was acknowledged that changes to the procurement procedures might further increase delegation. This area would need to be considered at a future date by the Finance and Management Committee, as it would apply to all service areas. The Economic Development Manager had suggested increased delegation regarding footpath diversions and extinguishment. Where no objections were received, it was proposed that these decisions be delegated to Officers. However, where there were objections a report would be brought to the Committee for determination. If these proposals were approved, the consultation arrangements would be expanded and all Members informed of new applications via the monthly planning applications list.

Consideration had been given to the development of a work programme. The Working Panel recognised this would enable the Committee to focus on planning for the future, developing policy and performance management. It would assist Members to shape the agenda and to manage the Committee's workload. A further annexe to the report showed a possible framework for the work programme. This covered five main areas of work: plans, strategies and policies, service projects and developments, managing performance, committee administration and "special projects". Ideally, the programme would cover a municipal year and be reviewed at each meeting to allow new issues to be brought forward. It might also be linked to an annual report, setting out the Committee's achievements and its plans for the future.

The Chair praised the report and spoke of the work undertaken. He referred particularly to the work programme and felt it would give the Committee the ability to focus on policy areas. The Leader of the Council also praised the report. He recognised the benefits for democratic inclusion given by the current arrangements, but noted the potential delays in making decisions through a traditional committee approach. He questioned whether there were any further areas of delegation that could be considered. Councillor Ford was supportive of the proposals. In response to a question from Councillor Stone, details were provided about the publicity arrangements for footpath diversions.

RESOLVED:-

That the Committee approves the report and recommends the Council to adopt the proposals submitted for a review of policy and decision making.

EDS/87. **PLANNING POLICY STATEMENT 1: CREATING SUSTAINABLE COMMUNITIES (PPS1)**

It was reported that PPS1 would replace the current Planning Policy Guidance (PPG) Note 1, as part of the Government's ongoing review of planning documents. The review considered whether PPG's were needed or required greater clarity and whether guidance on practical implementation should be separated from policy statements. The intention was that PPS1 should support the Government's objectives for planning culture change and the key policies and principles which should underpin the planning system. These were built around three reported themes and sustainable development would become the purpose of the planning system. The guidance in PPS1 supported the requirements for regional and local plans to be prepared with a view to contributing to the achievement of sustainable development.

The report then highlighted specific sections of PPS1 and a suggested response was provided to each of the issues raised. The response had to be submitted to the Office of the Deputy Prime Minister by 21st May 2004.

The Chair asked whether the development control process would be given more flexibility through the lack of specific guidance. The Officer confirmed that theoretically this was correct, but it was a question of balance. Councillor Southern spoke of the confusion caused in recent years and the scope for differing interpretations of sustainability. The Planning Services Manager responded that traditionally the interpretation of new policies took time to "settle down" and a historic example was the Structure Plan. Over time, local authorities would deliver the main objectives of the PPS. He also responded to a question from the Chair about the impact of PPS1 on PPG Note 3.

RESOLVED:-

That the Council responds to the Consultation Paper from the Office of the Deputy Prime Minister on Planning Policy Statement 1: Creating Sustainable Communities as follows:-

The Council welcomes the continuing commitment set out in the guidance to the plan-led system, but is concerned that separating policy from guidance on practical implementation creates opportunities for differences in interpretation that will lead to challenge and delay, thus undermining the Government's aims of speeding up the process.

EDS/88. **CORPORATE PLAN – MILESTONES AND TARGETS**

It was reported that the Corporate Plan was an important part of the Council's Performance Management Framework, along with the Best Value Performance Plan, Service Plans and the Employee Review and Development Scheme. The current Plan was agreed by the Council and covered a three year period to March 2007. The Plan was built around eight key aims and for each of the key aims there were a number of targets and first year milestones. Details were provided of each of the key aims. At the April Meeting of Council, Members were asked to agree Committee and Service Plan responsibilities for each of the targets and milestones. This would help to ensure that the plan was delivered efficiently and effectively. Attached to the report were proposed

target and milestone responsibilities for the Committee. The annexes also provided details of the respective lead officer within the Corporate Management Team and the Service Plan responsibilities.

It was anticipated that all policy committees would play an important role in shaping proposals and monitoring and reviewing performance, in achieving targets and milestones. At present, the draft Service Plans for 2004/07 were being finalised in the light of Corporate Plan responsibilities and the 2004 budget proposals. The Plans would be monitored and reported to Committee on a quarterly basis, to enable Members to have more involvement in managing performance. Other areas where Members might wish to have more involvement included appointing a “champion” for a specific proposal, agreeing briefs for plans, strategies and project plans and making site visits to discuss issues and proposals with customers and frontline staff. The Deputy Chief Executive questioned whether Members might wish to consider these issues and provide feedback on their relative priority.

Councillor Carroll welcomed the report but felt that the layout of the targets and milestones annexes could be improved. The Deputy Chief Executive explained how information would be provided to Members through the rolled forward Corporate Plan and Service Plans. The Chair added that once the baseline assessment had been completed, details would be available of in-year targets and achievement dates.

RESOLVED:-

- (1) That Committee and Service Plan responsibilities for Corporate Plan Targets and 2004/05 Milestones, as set out in the report, be noted.***
- (2) That Members provide feedback on how they would like to contribute to the delivery of the Corporate Plan.***

EDS/89.DEFRA GRANT FOR RECYCLING 2004/05

It was reported that DEFRA had recently announced that it would give local authorities in England a share of a £20 million grant to help recycle household waste in 2004/05. The Council would receive £17,308. The grant fulfilled DEFRA’s commitment to reduce spending pressures on local government in the waste area. It was proposed to spend the money on refurbishing the Council’s main recycling centres, accompanied by appropriate publicity. The refurbishment initiative was submitted as a service development proposal for the 2004/05 budget, but was not successful.

In receiving the report, Members agreed the principle that this funding should be utilised on a recycling initiative. Officers were asked to prepare other options and to submit a further report to a future Meeting of the Committee.

RESOLVED:-

- (1) That the Committee agrees that the Grant should be expended to improve recycling in the District, but defers consideration of expenditure of the DEFRA Grant.***
- (2) That a further report be submitted to a future Meeting of the Committee, giving options for the expenditure of this Grant.***

EDS/90. SUPPLEMENTARY PLANNING GUIDANCE ON HOUSING DESIGN AND LAYOUT AND EXTENDING YOUR HOME

The Committee was reminded of the consultation which took place on this proposed Supplementary Planning Guidance. This included statutory bodies, local amenity groups and a range of agents and developers. The report set out the responses received, together with comments and where appropriate, proposals on how the Supplementary Planning Guidance should be amended. A copy of the revised guidance was appended to the report, highlighting the alterations suggested.

The Leader of the Council felt that there were different messages throughout this Supplementary Planning Guidance, which caused confusion and concern. It seemed that the Government was seeking to solve the problems of the southeast by applying this guidance to the whole country. Councillor Southern referred to the problems caused by “nuisance neighbours”. He was concerned by the planned increased density of development, the reductions in garden space and he felt that the Council should retain its current standards.

The Chair responded, referring Members to a section of the supplementary planning guidance. The Planning Services Manager felt the key issues were around improved design, higher densities of development and lower car parking levels. He spoke about the means of achieving these objectives and referred to recent developments in Hilton. He then spoke about the types of development required to meet market needs and felt that the revised standards would not have a significant impact on the District, other than the requirements for car parking. This policy sought to require slightly higher levels of parking provision than the national target, given the rural nature of the area and the reliance on the private motor car.

The Leader of the Council understood that the guidance was issued by Government and he referred to a specific section of the document, which demonstrated the contradictions contained within it. He was very concerned that some developers might seek to exploit the higher densities of development. The Planning Services Manager sought to provide reassurance, commenting on the design standards of major house builders. In response to a question from the Chair, it was confirmed that the Development Control Committee could refuse applications on poor design grounds, as a matter of judgement. With reluctance, the Leader of the Council moved the report recommendations.

RESOLVED:-

That the supplementary planning guidance, as amended following consultation be adopted for the purposes of Development Control, pursuant to the emerging South Derbyshire Local Plan.

EDS/91. **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 4th March 2004 were received.

PLANNING DELIVERY GRANT FOR 2004/05 (Paragraph 8)

The Committee authorised expenditure of the Planning Delivery Grant in accordance with identified priorities.

REFUSE COLLECTION SERVICE – CLOSURE OF BRETBY LANDFILL SITE (Paragraph 9)

The Committee noted this item, referred it for further consideration by the Finance and Management Committee and authorised negotiations with Derbyshire County Council.

T. SOUTHERD

CHAIR