

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

30th January 2003

**PRESENT:-**

**Labour Group**

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

**Conservative Group**

Councillors Bale, Douglas, Shaw and Mrs. Walton.

**In Attendance**

Councillors Bell and Stone (Labour Group).

EDS/54. **MINUTES**

The Open Minutes of the Meeting held on 14th November 2002 were taken as read, approved as a true record and signed by the Chair.

**MATTERS DELEGATED TO COMMITTEE**

EDS/55. **THE NATIONAL FOREST AND BEYOND – TOURISM LEAFLET**

Copies of the new 'National Forest and Beyond' tourism leaflet were circulated for Members' information. A second publication would be finalised shortly and this would provide accommodation details. Both guides would be launched on 26th February 2003 at Calke Abbey and it was considered they represented an excellent return for the Council's investment.

Details were provided of the other tourism work being undertaken through the Derbyshire Tourism Officers' Group and the Heart of England Tourist Board. The Chair commended the publication and recognised the efforts to raise the profile of tourism. Other Members commented on the school visits to Rosliston Forestry Centre and the creation of a tourism identity through the National Forest.

EDS/56. **PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 31 (PART) SWADLINCOTE**

It was reported that an application had been received to divert a section of the above Public Right of Way. The diversion was necessary to enable residential development, following a successful planning application. Details were provided of the definitive line, the proposal and the assessment of the Rights of Way Officer.

The informal consultation period had been completed and six letters of objection had been received from adjoining residents. These were supported strongly by the local Ward Member and a summary of the main objections was reported. Further consultation had been undertaken with Crime Prevention Officers on the concerns relating to crime and disorder.

A meeting had been held involving a representative of the developer, objecting residents and the local Ward Member, to seek a mutually acceptable resolution to the objections. It concluded with the developer agreeing to consider a revised diverted route away from the rear of properties on Highfield Road. The developer had since decided that the alternate route was unsuitable and had requested that the original application be considered. Due to the shape of the development site, the suggested alternate route would create a sizeable void which the developer believed would result in a congregating area. He had offered to install a two metre steel palisade fence in addition to the proposed landscaping, if this would address residents' concerns.

With the Chair's consent, the local Ward Member spoke to this item and explained residents' concerns. He had hoped that the revised route negotiated with the developer would be implemented. Other Members were supportive and recognised the implications for local residents. Clarification was sought on the proposed fencing and lighting for the diverted route. It was questioned whether there was demand for this route or whether it should be extinguished. It was understood that in the early 1990's, a proposed closure of this path had been met with strong opposition. Members considered the merits of the current application and the alternate route negotiated with local residents. It was noted that the applicant had a right of appeal if this application was refused.

**RESOLVED:-**

- (1) That the Council does not promote the diversion of part of public footpath No. 31, Swadlincote on the line proposed by the applicant.***
- (2) That the applicant be advised that the Committee might be minded to give favourable consideration to a revised application based on the alternate diversionary route negotiated with local residents and subject to the usual consultation arrangements.***

EDS/57. **ALTERATIONS TO RIGHTS OF WAY NETWORK AT TETRON POINT, SWADLINCOTE**

It was reported that Derbyshire County Council had received an application to alter the public rights of way network at Tetron Point, part of the former Nadins Opencast Coal site at Swadlincote. Access to the footpaths was suspended in 1992 to allow the site to be worked for coal. The site was now being restored to accommodate a variety of uses, including business and leisure facilities. It included two golf courses and a driving range, with ancillary leisure facilities. As a result of planning permission, it was necessary to alter the route of a number of paths to enable the proposed development. The existing footpaths were shown on a plan appended to the report together with the planned alternate routes.

It was proposed to replace the existing network of paths with three north to south pedestrian routes. A continuous circular route would also be provided around the edge of the Site for both cyclists and walkers. As well as providing a local recreational facility, the cycle paths would form part of a proposed new national cycle route. This in turn would provide the foundation for development of a network of other local routes, as outlined in

the South Derbyshire Cycling Strategy. The new routes proposed would be accessible to all and were intended to facilitate journeys to work, school and local shops. They would be connected at key locations to the surrounding roads and footpath networks.

The Vice-Chair welcomed the improvements to the footpath network but observed that one existing route would be closed under the proposals. Comment was also made on the need for appropriate safety fencing for the path next to the proposed golf driving range.

**RESOLVED:-**

***That Members' comments be submitted to Derbyshire County Council on the proposed alterations to the rights of way network across the former Nadins Opencast Coal Site.***

EDS/58. **DIVERSION OF PUBLIC FOOTPATHS NOS. 42 AND 44, SWADLINCOTE**

Further to Minute No. EDS/56 above, it was noted that there were two short sections of footpath outside the area of the golf complex which also required diverting. This was to enable the industrial development of a site in accordance with an approved planning consent.

Attached to the report was a plan showing the proposed diversions of footpaths Nos. 42 and 44, Swadlincote. Normally, the District Council would undertake the diversion process for these two paths. However, Derbyshire County Council had offered to include the diversions in the process for the golf complex scheme. Members' views were sought on whether to discharge this diversion function to Derbyshire County Council.

**RESOLVED:-**

***That the Council discharges the diversion process for public footpath Nos. 42 and 44, Swadlincote to the Derbyshire County Council.***

EDS/59. **PROVISION OF NEW BUS SHELTERS – SWADLINCOTE BUS STATION**

It was reported that Derbyshire County Council had identified funding to replace the existing bus shelters at Swadlincote Bus Station, within the current financial year. It was considered that the shelters had reached the end of their design life and their replacement would assist a modal shift towards the use of public transport. Previous enhancements to the Bus Station were completed by the County Council in March 2000. These improved pedestrian safety and provided new signage. The replacement of the shelters would form the next stage of this modernisation process. Details were given of the design of the proposed shelters and copies of a photograph had been circulated for Members' information. In addition, a new information panel would be provided on the paved area in front of Swadlincote Library, constructed of materials designed to complement the new shelters.

The total capital cost of replacing the shelters and providing the free-standing information panel was estimated at £45,000 and this would be met by Derbyshire County Council, through the Local Transport Plan. It would be necessary to increase cleansing frequencies to meet the requirements set by

the County Council at an extra cost of £700 per annum. Maintenance costs for the new shelters might rise slightly as they were constructed of glass rather than polycarbonate panels. The District Council would be responsible for maintaining and updating the information on bus service numbers and destinations, on the end of the shelters and the freestanding panels. These minor costs could be absorbed within existing resources.

A further option concerned the type of seating installed in the shelters. As an alternative to traditional seats, it was possible to provide “perches” which required less room and therefore increased the capacity of each shelter. Members favoured this idea and welcomed the improvements to the Swadlincote Bus Station. Comment was also made on the County Council’s decision to replace the polycarbonate panels in the shelters with glass panels.

**RESOLVED:-**

- (1) That the Council accepts Derbyshire County Council’s proposal to replace the existing bus shelters at Swadlincote Bus Station.***
- (2) That the new shelters be equipped with ‘perches’ rather than traditional seating.***
- (3) That the Council accepts ownership and responsibility for the cleaning and maintenance of the replacement bus shelters, to the specification set by Derbyshire County Council.***
- (4) That the Finance and Management Committee be requested to consider the allocation of the necessary resources to meet the cleaning and maintenance requirements as a late growth item for the 2003/04 budget.***

EDS/60. **HOUSE EXTENSIONS (SUPPLEMENTARY PLANNING GUIDANCE)**

It was reported that Supplementary Planning Guidance (SPG) was employed by local planning authorities to add detail and aid the application of policies contained in the Local Plan. The Council was required to consult widely on the format and content of such guidance. SPG’s were a material consideration when applications were determined.

The Committee considered a draft SPG on house extensions, which sought to advise householders on the form of extension that was likely to be acceptable to the Council. It simplified the current SPG, was drafted in plain English and simplified the specific guidance with regard to space between elevations. Consultation on the SPG would take place over a six week period and a further report would be submitted to a future Meeting of the Committee, to advise of the results of the consultation exercise. A minor modification was noted on the section of the SPG relating to character and form. The Chair felt that the SPG would provide useful guidance to residents who were considering the extension of their home and he reminded of the advisory service provided by the Planning Department.

**RESOLVED:-**

- (1) That the draft supplementary planning guidance note relating to house extensions be circulated for public consultation to such parties as is deemed appropriate.***
- (2) That the results of the consultation exercise be reported to the Committee at the earliest possible date.***

EDS/61. **WILLINGTON TOILETS**

Members were reminded of previous Committee decisions about the Willington Public Toilets. Along with a number of others, the toilets had been closed in 2000 as a financial measure. Considerable efforts had been made to complete a partnership agreement with Willington Parish Council, so that the toilets could be re-opened. The Parish Council had been unable to employ a toilet cleaner and the Committee's views were sought on a range of options so that this matter could be resolved.

One option would be for the Council to clean the toilets and recharge the cost to the Parish Council. The Direct Services Organisation routinely cleaned toilets at Ticknall and the Willington toilets could be added at an additional cost of approximately £1,500 per annum. The Parish Council had recently met and was prepared to provide funding at this level. It would be able to arrange for the toilets to be opened and closed. With payment of the cleaning fee, a partnership agreement could be completed. If the toilets were re-opened, there would be additional costs to the Council of approximately £500 per annum for service costs and internal maintenance. This figure was not presently included in revenue budgets and would need to be incorporated into next year's budget.

The Chair commented that despite inaccurate press reporting, there had been an ongoing dialogue with the Parish Council. The Leader of the Council felt this provided an excellent example of the Council working in partnership with others and he applauded the efforts of the Parish Council.

**RESOLVED:-**

***That the Council enters into a partnership agreement with Willington Parish Council as outlined in the report and subject to the Parish Council meeting the costs of the DSO cleaning the Willington public toilets.***

EDS/62. **AUTHORISATION OF OFFICER FOR HEALTH & SAFETY AT WORK ECT., ACT 1974 AND FOOD SAFETY ACT 1990**

The Committee was asked to confirm the authorisation of Lisa Forshaw under the terms of the Health and Safety At Work etc. Act 1974 and the Food Safety Act 1990.

**RESOLVED:-**

- (1) That the Committee confirms the authorisation of Lisa Forshaw 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:***
    - (i) ***Any Health and Safety Regulation.***
    - (ii) ***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.***
  - (d) ***That in accordance with Section 26 of the Act, the Council indemnify her 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 she was acting within her duties.***
- (2) ***That the Committee confirms the authorisation of Lisa Forshaw 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.***

#### **EDS/63. MOTOR SALVAGE OPERATORS REGULATIONS 2002**

It was reported that regulations had been introduced requiring motor salvage operators to register with their local authority. Members were informed of the requirements placed on motor salvage operators and the implications for the Council. Operators failing to register would be committing an offence and they would also need to inform the Council of changes that might affect the Licence or if they ceased trading. The Council would have to register all

applications other than in specified circumstances. Any refusal or cancellation of a Licence was likely to be on the grounds that the operator was not a fit and proper person, based on information provided by the Police or via the Criminal Records Bureau. There was an appeal mechanism available to applicants. The Council had to maintain a register of operators and a further register that was available for public inspection.

The Council was entitled to charge a reasonable fee for operating the registration scheme and the Home Office guidance suggested a fee of between £40-£70. It was suggested that a fee of £60 be levied for each application. Each registration would be valid for a three-year period. Fees could also be charged for a certified copy of the public register or for non-certified copies of the register. Discussions were taking place with Derbyshire Constabulary regarding the information that could be released to the Council to assist determination of a fit and proper person to hold an Operators Licence. The Committee was asked to approve delegation arrangements for the signing of Notices, Certificates of Registration and certifying copies of the Register.

**RESOLVED:-**

- (1) That the Committee approves the adoption of the Motor Salvage Operators Regulations 2002 and that the following Officers be designated for the Regulations:-***  
***Head of Community Services***  
***Environmental Health Manager***  
***Environmental Health Manager (Commercial and Licensing); and***  
***Environmental Protection Manager.***
- (2) That the Committee approves the following charges for administrative purposes:-***
  - Registration Fee - £60;***
  - If a Criminal Records Bureau Check is required, this fee will be levied in addition to the registration;***
  - A certified copy of the register (signed by an authorised officer as a true copy) - £10; and***
  - A non-certified copy of the register - £5.***

EDS/64. **APPLICATION FOR TRADE OF ICE CREAM VEHICLE IN CONSENT AREA**

It was reported that an application had been received to site a mobile ice cream vehicle within Swadlincote Town Centre. In 1991, the Council designated parts of the Town Centre as a consent street trading area, under powers contained within the Local Government (Miscellaneous Provisions) Act 1982. The legislation gave the Council discretion to grant trading consent and to impose conditions for any period up to twelve months. There was no right of appeal if the Council refused an application.

At present, consent was only granted to a hot dog stall sited in Midland Road and a Hot Potato vendor in the High Street. Historically, consent had been given to four vendors to trade in the Town Centre. Two had subsequently ceased trading and Members' policy had been not to replace these or grant further consents when applications were received. If Members were minded to alter this policy and permit further traders to occupy the Town Centre, it would be reasonable to advertise and seek expressions of interest, before considering any individual application.

**RESOLVED:-**

***That the Committee upholds its previous policy and does not accede to the request to site a mobile ice cream vehicle within Swadlincote Town Centre.***

EDS/65. **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 14th November 2002 were received.***

**LAND AT NO. 22 THE GREEN, FINDERN (Paragraph 9)**

***The Committee approved the transfer of an area of land to the rear of this property.***

T. SOUTHERD

CHAIR