

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

2nd October 2003

**PRESENT:-**

**Labour Group**

Councillor Taylor (Vice-Chair in the Chair), Councillors Carroll, Isham, Jones, Pabla (substitute for Councillor Southerd), Shepherd, Stone, and Whyman, M.B.E.

**Conservative Group**

Councillors Atkin, Bladen, Ford, Mrs. Hall and Martin.

**APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Southerd (Chair) (Labour Group).

EDS/28. **MINUTES**

The Open Minutes of the Meeting held on 21st August 2003 were taken as read, approved as a true record and signed by the Chair.

EDS/29. **DECLARATIONS OF INTEREST**

Councillor Isham declared a personal interest in respect of item no. 8 – BT Public Payphone Review and Councillor Whyman M.B.E. declared a personal interest in respect of item no. 15 – Draft Cross Regional National Forest Development Strategy.

EDS/30. **MEMBERS' QUESTIONS AND REPORTS**

(a) East Midlands Airport

Councillor Bladen voiced his concerns about a recent article on Radio Derby, regarding the possible renaming of East Midlands Airport. He questioned whether local authorities were to be consulted on this proposal and it was agreed to investigate this matter.

(b) Relocation of Hepworths Building Products

The Leader of the Council reported an announcement by Hepworths Building Products, that it was transferring all production to its Blackfordby site. No compulsory redundancies were envisaged and it was hoped that the Company's Swadlincote site could be redeveloped to provide high quality inward investment. Hepworths would work closely with the Council on the regeneration of its site.

**MATTERS DELEGATED TO COMMITTEE****EDS/31. PROPOSED DIVERSION PUBLIC FOOTPATH NO. 1 (PART) SWADLINCOTE**

It was reported that an application had been received to divert part of the above right of way. The diversion was necessary to enable development, following a successful planning application. The Committee was advised of the definitive line, the proposal and the assessment of the Rights of Way Officer. An informal consultation period had been completed and no objections had been received.

**RESOLVED:-**

***That an Order be made under the provisions of Section 257 of the Town and Country Planning Act 1990 to divert part of the definitive line of Public Footpath No. 1, Swadlincote.***

**EDS/32. BT PUBLIC PAYPHONE REVIEW**

It was reported that British Telecommunications plc (BT) was undertaking an 18 month phased review of public payphone provision. BT had stated that the increase in mobile phone usage had had a significant impact on the use of payphones and public demand had declined by more than 50% in the last three years. BT had explained its obligations to provide a public payphone service and had reported its views on maintaining payphones where there was poor mobile telephone coverage. Each payphone proposed for removal would be surveyed to assess the type of community served and take account of the distance to the nearest alternative kiosk. The process was to remove little used kiosks, whilst retaining a service to each community. Current analysis showed that less than 10% of emergency calls were made from payphones. BT's service had to be maintained through its own profitability and the report identified the measures taken in recent years to try and maintain a commercially viable business. The survey for South Derbyshire had recently been completed and a table showed those payphones recognised as having low usage and the nearest alternative payphone. Notices were displayed in kiosks inviting the local community to express their views. The public were asked to comment to local authority planning departments or parish councils in the first instance.

The Leader of the Council was disappointed at the comments made by BT regarding areas where there was poor mobile telephone coverage, as some parts of South Derbyshire suffered poor reception. He commented on the importance of payphones for emergency calls and felt that profitability should not be at the cost of safety. The Committee considered each of the payphones proposed for removal and the nearest alternative. Ward Members commented that many of the suggested alternative payphones were too far away. Reference was made to people with hearing difficulties who might not be able to use mobile telephones and therefore relied upon public payphones. A Member asked whether any of the payphones planned for removal were in the vicinity of properties occupied by vulnerable groups. A Hartshorne Ward Member voiced concerns about the removal of the payphone on Goseley Avenue and felt that this should be retained and that on Bretby View, proposed as the nearest alternative, should be removed. There was a history

of vandalism problems with the payphone at Bretby View. The consultation arrangements were also criticised.

**RESOLVED:-**

***That Members' views be submitted in response to this consultation document.***

EDS/33. **2003/04 SERVICE PLANS – HALF YEAR MONITORING REPORTS**

It was reported that Service Plans were an important part of the Council's performance management framework. In November 2002, the Committee approved Service Plans for the Planning Services, Economic Development, Technical Services and Environmental Health Divisions. These Plans were intended to provide a basis for service delivery during the current financial year. Reports were provided to review progress from 1st April to 30th September 2003. Members were reminded of the form and content of each Service Plan and Divisional Managers were invited to highlight particular issues within their respective Service Plans.

The Planning Services Manager reminded Members of the increasing number of planning applications and building control workload. This was recognised by Members, who were also mindful that similar problems might be experienced elsewhere within the Council. Under the tasks at risk of non-delivery, further information was sought about the introduction of public speaking at the Development Control Committee. Research had been undertaken and there was a mixed response amongst local authorities, with some withdrawing this service. Public speaking would extend the length of the Committee considerably, require stringent management and further administrative support. Members discussed the Performance Indicators, particularly relating to appeals against the Council and the award of costs. There was some confusion about the meaning of certain Indicators and clarification was provided. Ensuring "fair access" by providing translation of information into languages other than English was a further issue discussed. This was being addressed corporately through a risk assessment process.

In receiving the Economic Development Service Plan, a Member discussed tourism, the value of overnight accommodation to enhance tourism revenue and the need for a Derbyshire or East Midlands Strategy to attract visitors on a regional basis. Comments were also made on the Performance Indicators, particularly relating to asset management.

Consideration was given to the Service Plan for the Technical Services Division. A Ward Member commented on fly-tipping problems in the Stenson area and was advised of the efforts made to address this issue. Reference was made to the recently approved dry recyclable scheme which would be introduced in areas currently participating in the Composting Scheme. It was hoped that the Scheme could be expanded throughout South Derbyshire in the future. This Scheme had worked well in other Council areas and Officers would make every possible effort to ensure that it was successful in South Derbyshire. There was praise for the "Clean Team" and it was questioned whether any progress had been made on the "Brightstar" project. The Deputy Chief Executive reported that the Australian operational partner had withdrawn from the project and efforts were being made to find another company to take this initiative forward. Members questioned the other

options available if this project did not proceed. A Member felt that fly-tipping problems were exacerbated by restrictions at Civic Amenity sites and he suggested the recycling of builders rubble for use in road and footway construction.

The Leader of the Council praised the Technical Services Division, but noted the poor Performance Indicator regarding the emptying of litter bins. This problem was accepted and an explanation was provided of the strict monitoring of this Indicator. Revised working practices were being implemented to improve performance. A Stenson Ward Member reminded of the need for adequate civic amenity facilities in that part of the District.

In receiving the Environmental Health Service Plan, a Member commented on the problems caused through travellers and the costs incurred in tidying sites. The Chair referred to legislative changes that had made it more difficult to enforce the eviction of travellers. The Office of the Deputy Prime Minister was due to issue a consultation document on joint working procedures for travellers and it was agreed that the document be referred to a future Meeting of the Committee. The Leader of the Council shared these concerns and felt there was a need for a new and innovative approach to resolve traveller problems. Air quality monitoring statistics were also discussed.

**RESOLVED:-**

- (1) That the half year Service Plan Monitoring Reports for Planning Services, Economic Development, Technical Services and Environmental Health be received and that Members comments be noted.***
- (2) That a further report be submitted to a future Meeting to enable the Committee to consider the consultation paper from the Office of the Deputy Prime Minister on travellers - joint working procedures.***

EDS/34. **COMPREHENSIVE PERFORMANCE ASSESSMENT – BALANCING HOUSING MARKETS – THEMATIC REVIEW**

It was reported that an Officer Group had been established and a base-line assessment had been produced on Balancing Housing Markets. From this, a summary of key issues was established and details were appended to the report. Many strengths had been found with the way that the Council worked to balance its housing markets and some examples were provided. There were some areas for improvement relating to keeping up to date information, poor cross authority working and poor links with partner strategies or linkages between departments. The Group had consulted with staff, TACT, developers, private landlords and others, to test the findings and discover whether there were any other areas for improvement that should be built into an improvement plan. The responses received were set out within the report.

**RESOLVED:-**

***That the Committee notes the progress made on the Balancing Housing Markets Thematic Review.***

EDS/35. **PPG3 CONSULTATION PAPERS**

The Committee received a comprehensive report that sought views on the publication of a Parliamentary Statement on planning for housing, consultation papers on changes to planning policy for housing and related research study reports. The Minister for Housing and Planning had made a Parliamentary Statement on planning for housing which clarified aspects of Planning Policy Guidance Note 3: Housing (PPG3). In addition, the Government had published two consultation documents proposing policy changes to PPG3, which were ‘Supporting the Delivery of New Housing’ and ‘Influencing the size, type and affordability of housing’. The Government had published two research reports, undertaken by consultants, which looked at different aspects of the effectiveness of PPG3. Whilst these had not been issued for consultation, they were of interest and the main findings were reported. The documents were ‘Better Streets, Better Places Delivering Sustainable Residential Environments: PPG3 and Highway Adoption’ and ‘Delivering Planning Policy for Housing – PPG3 Implementation Study’.

The proposals had implications for the planning, economic development and housing functions of the Council. A copy of each of the documents had been placed in the Members’ Room or could be viewed on the ODPM website and comments were required by 31st October 2003. The detail of the report included proposed comments to each of the consultations and other documents.

The Leader of the Council welcomed the report and referred to the longstanding unease about some aspects of PPG3. He felt that the consultation might provide the opportunity to address some of these concerns. The affordable housing proposals were welcomed and seen as a genuine relaxation of current PPG3 policy. Comment was also made about bringing unused industrial sites back into use for housing. The Deputy Leader of the Council supported the comments about affordable housing and felt that there would be a benefit in linking any required surveys to existing housing needs surveys, to avoid duplication of research. The Vice-Chair referred to issues for the urban core and particularly the pressure for residential development on former employment sites. He suggested that the consultation response include the specific experiences of South Derbyshire to aid understanding of this important issue.

**RESOLVED:-**

- (1) That the contents of the Parliamentary Statement on planning for housing, consultation papers on changes to planning policy for housing and related research study reports be noted.***
- (2) That the Office of the Deputy Prime Minister (ODPM) be informed of the Council’s views on the following consultation papers:-***
  - (i) Parliamentary Statement*  
***The Statement is noted and further research is awaited with interest.*****
  - (ii) Consultation Paper – ‘Supporting the Delivery of New Housing’***

***The District Council has longstanding concerns over the loss of employment land and sites in urban areas. These would be exacerbated further by the introduction of the considerable burden upon local authorities to prove the economic viability of such sites as proposed in this consultation. It is also considered that the approach will weaken the established plan-led system and introduce uncertainty over the future of allocated sites. Whilst forthcoming practice guidance is awaited with interest, the District Council suggests that the burden of proof should remain with applicants for planning permission – the approach promoted in the Council’s emerging Local Plan.***

***(iii) Consultation Paper – ‘Influencing the size, type and affordability of housing’***

***The District Council broadly welcomes the proposals in particular those which lower the affordable housing threshold and allow tenure to be specified where necessary. The specific allocation of affordable housing sites in development plans in rural areas is also to be welcomed, although it would make sense to allow this to happen in all areas and not be restricted to sites which would not normally be released for housing. However, the cost implications to local authorities is a serious issue which cannot be over emphasised and the Practice Guidance is awaited with interest.***

***(iv) Research Paper – Better Streets, Better Places – Delivering Sustainable Residential Environments: PPG3 and Highway Adoption***

***The District Council welcomes the publication of the research paper and awaits with interest the Government’s response in due course.***

***(3) That a full copy of the report and Members’ comments be forwarded to the ODPM to accompany this response.***

**EDS/36. FOOD ENFORCEMENT – AUTHORISATION UNDER EUROPEAN COMMUNITIES ACT 1972**

It was reported that following investigations throughout the country by Environmental Health Departments, the Food Standards Agency had requested all local authorities to increase surveillance and enforcement activities in relation to illegally imported meat products into the United Kingdom. As a consequence of this, it had been requested that Officers obtain additional powers under the above legislation, in order to investigate, detain and seize illegally imported food. Many of these powers were additionally enforced by the Meat Hygiene Service. Details were provided of each of the regulations made under the European Communities Act and the powers conferred.

**RESOLVED:-**

*That the Committee authorises those Officers identified below to enforce the following pieces of legislation:-*

**The Officers**

*Carl Jacobs, Ian Moore, Lisa Forshaw, Katie Day, Sue Shaw*

**The Legislation**

*European Communities Act 1972*

*Products of Animal Origin (Third Country Imports)(England) Regulations 2002 (as amended)*

*Products of Animal Origin (Imports & Exports) Regulations 1996*

*TSE (England) Regulations 2002*

*The Meat (Enhanced Enforcement Powers) Regulations 2000*

EDS/37. **FOOD ENFORCEMENT – SERVICE PLAN**

It was reported that the Foods Standards Agency required that a Service Plan be prepared and submitted for Member approval, to ensure transparency and accountability of the service. Details of were provided of the guidance issued by the Food Standards Agency and the required content of the Service Plan. Members considered the proposed Service Plan which was appended to the report.

**RESOLVED:-**

*That the Committee approves the Food Enforcement Service Plan for 2003/04.*

EDS/38. **HEALTH AND SAFETY ENFORCEMENT – SERVICE PLAN**

It was reported that the Health and Safety Commission required that a Service Plan be approved by Members to make clear the contribution that the Environmental Health Department's Commercial Section made to current HSC priorities. The Service Plan should identify both reactive and proactive work. Members were advised of the specific guidance issued by the Health and Safety Commission on the information that should be included in the Service Plan. Consideration was given to the proposed Service Plan, which was appended to the report.

**RESOLVED:-**

*That the Committee approves the Health and Safety Enforcement Service Plan for 2003/04.*

EDS/39. **DRAFT CROSS REGIONAL NATIONAL FOREST DEVELOPMENT STRATEGY**

It was reported that there were a range of common issues and opportunities across the National Forest and its surrounding area, that would benefit from being addressed in a strategic manner at the cross-regional, regional and sub-regional levels. As part of the exit strategy for the former Leicestershire and South Derbyshire Coalfields and to provide guidance for the emerging sub-regional partnership, the East and West Midlands regional development

agencies, together with appropriate local authorities and the National Forest Company had commissioned consultants to prepare a cross-regional National Forest Strategy. The National Forest provided the common focus, but the study area included the whole of the Districts of East Staffordshire, North West Leicestershire and South Derbyshire together with those parts of Lichfield, Charnwood and Hinkley and Bosworth, that lay within the National Forest or the former coalfield area.

The consultants had undertaken an analysis of existing strategies and interviews with representatives of major organisations in the study area. The intention was to present the strategy to a workshop later in the year, before finalising the document. Appended to the report were an Executive Summary and a section on recommendations and actions. There was a general recognition of the close relationships, particularly between the three main districts of East Staffordshire, North West Leicestershire and South Derbyshire. Based on the opportunities presented by the National Forest, a vision had been suggested from which a limited number of objectives had been defined. The three sectors of Tourism, Environmental Technologies and ICT were identified where the area had a specific competitive advantage and recommendations had then been made to encourage the development of infrastructure and growth in these sectors. The recommendations were reported.

Recommendations in respect of transport related in part to the need for joint working on a number of issues across common boundaries. Particular reference was made to the West Midlands to East Midlands Multi-Modal Study and the balance between the recognised need for a regeneration link between Burton, Swadlincote and Ashby, with the environmental pressures this entailed. A further issue related to district councils taking the lead, particularly as they were not highway authorities. There would be resource implications for further studies to be undertaken.

There might be further complications regarding the development of regional tourism being undertaken by the RDA's and subsequent branding and operation at a local level. However, the 'National Forest and Beyond Initiative' was to be supported as a local branding and marketing initiative.

A Member referred to the stimulation of broadband services and asked how far the Council was pursuing this. It was an objective of the East Midlands Development Agency to make all small and medium enterprises accessible to broadband by 2005. There were investment issues to be addressed, primarily by county councils and larger agencies. The Member felt that the District Council should promote this issue. It was agreed to ask the Economic Development Manager to examine broadband coverage for the District, to find where there were gaps in provision and see if the Council could facilitate service provision to those areas.

The Leader of the Council welcomed the report and felt that the Council should seize the initiative to secure the National Forest rail line. He spoke of Leicestershire County Council's view that the rail line could not be provided because of cost, but he felt that if there was a will and determination, it could be delivered. He felt it vital for the future of the area and it might be that the District Council would need to initiate fund raising efforts for the rail line. The Chair added that the National Forest line was integral for future transport for the area. It was agreed to include comments in the response to

the draft strategy, that the National Forest line be incorporated within the Transport Strategy.

**RESOLVED:-**

***That Members' comments be taken on board and that the draft Strategy be approved and commended to emda, the Derby and Derbyshire Economic Partnership and others for implementation***

EDS/40. **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 21st August 2003 were received.***

S. TAYLOR

CHAIR