

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (SPECIAL)

9th January 2007

PRESENT:-

Labour Group

Councillor Taylor (Chair), Councillor Dunn (Vice-Chair) and Councillors Carroll, Shepherd, Southerd (substitute for Councillor Tilley), Southern (substitute for Councillor Mrs. Lane) Venning and Whyman, M.B.E.

Conservative Group

Councillors Bale, Mrs Hall and Mrs. Hood

Independent Member

Councillor Mrs. Walton

In Attendance

Councillor Bell (Labour Group).

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Mrs. Lane and Tilley (Labour Group).

EDS/57. **MEMBERS' QUESTIONS AND REPORTS**

The Chair reported that there was a need to consider an urgent item during the Exempt part of the Meeting. This concerned Procedural Legal Issues and was urgent because of the need to agree a response to a legal matter, before the next ordinary meeting. It was agreed to consider this issue later in the Meeting.

MATTERS DELEGATED TO COMMITTEE

EDS/58. **SERVICE BUDGETS 2006/07 AND 2007/08**

A report was submitted on the Committee's probable outturn for 2006/07 and the estimate of net revenue expenditure for 2007/08. It was proposed that these estimates would be included in the consolidated budget of the Council, subject to the Council's overall financial position. The report also set out proposals for the level of fees and charges under the responsibility of this Committee for the next financial year. A summary was included of the Committee's existing Capital Investment Programme. In addition, an analysis of the Committee's proposed service development bids was included for consideration.

The Committee's net revenue expenditure was summarised in an Appendix to the report, which set out the estimates for each main cost centre and aggregated several of the main service areas. Notes were provided to explain the main charges where these had occurred and a table gave an analysis of estimated net revenue expenditure. Overall the Committee's net revenue expenditure was reducing, although this was due largely to the interplay of

departmental and capital charges. A summary was provided of changes in budgets for Planning Services, Waste Collection and Street Cleansing, Environmental Services, Highways, Streets and Maintenance, Economic Regeneration and Licenses and Land Charges.

A further subjective analysis was provided in a table to show the Committee's services by cost type. The detail of the report looked at capital charges, comprising interest charges, depreciation and deferred charges. Central establishment recharges were reported, together with the Council's corporate costs and accounting for pensions.

The budget for 2007/08 had initially been compiled at November 2006 prices. An allowance for inflation had been included where it was considered unavoidable, to calculate the cash limit estimate for 2007/08. Details were provided of the assumptions built into the estimates.

Capital investment was considered and the report outlined the Committee's three current schemes. A further appendix provided a schedule of the proposed fees and charges to operate from 1st April 2007, together with a comparison to the existing charge. No major changes were proposed and generally fees and charges would be increased by around 2.5%. The report concluded by considering the Committee's proposed service developments, which were explained in greater detail in an Appendix to the report.

In response to a Member's question, further information was provided on the assumed reduction in fuel costs for Council vehicles.

RESOLVED:-

- (1) That the budgeted revenue income and expenditure for 2006/07 and 2007/08 for the Committee's Services be recommended to the Finance and Management Committee for approval.***
- (2) That the Committee's proposed fees and charges for 2007/08 be approved as submitted.***

EDS/59. **AUDIT COMMISSION BEST VALUE REVIEW OF CULTURAL SERVICES**

It was reported that the Audit Commission would carry out a Best Value Review of Cultural Services at the District Council in March 2007. The Audit Commission would look at Value for Money, Human Resource Strategies, Heritage, IT, Tourism, Economic Development and the impact of Crime and Disorder and Leisure provision throughout the District. The initiatives that impacted on the health of the population would also be examined. A cross department Officer group had been established and an outline was given of the preparatory work required, leading to the actual inspection in March 2007.

Member engagement was essential. It was proposed that the Chairs and Vice-Chairs of relevant Committees be kept involved in the progress and outcomes of the review and work carried out by Officers. A Members' seminar was proposed on the Officer findings and Action Plan prior to submission of the documentation.

The Leisure and Community Development Division had already undertaken work on the “Towards an Excellent Service” Standard. It was proposed that accreditation be sought as part of the service striving to improve. It was also proposed to join an appropriate organisation, to enable performance on leisure facility provision to be compared with other authorities. The Performance Manager had been appointed as Project Manager and would spend approximately half of her time on this project until the inspection on the Best Value Review.

RESOLVED:-

- (1) That the Committee notes the implications and timeframe of the Best Value Review of Cultural Services.***
- (2) That all Members of the Council be invited to a seminar on the findings of the Best Value Review of Cultural Services Action Plan in February 2007.***

EDS/60.**ACCELERATING THE PROVISION OF RECYCLING AND COMPOSTING SERVICES TO ALL HOUSEHOLDS ACROSS THE DISTRICT**

It was reported that the Community Scrutiny Committee undertook a review of the Council’s Waste Management Plans in the late summer of 2006. A copy of that Committee’s report and recommendations was provided as a background paper. The recommendations fitted into four overarching aspects of the service, concerning recycling, composting, waste minimisation and publicity. There were three more specific issues concerning wheeled bin washing, contributions from developers and provision of Civic Amenity sites in the District. The report examined each of these issues in detail.

The recycling elements focused on expansion of the kerbside collection scheme and subjecting the recycling service to a market testing exercise during 2007.

Plans to extend the composting scheme were reported, together with the move to an “in vessel” system, that would accommodate kitchen waste. Providing “brown bins” across the District would take place by May 2008 and the report explained the resultant projected increase in the rates of recycling and composting.

The report included commentary on waste minimisation and the planned way forward. Under financial implications, the report highlighted the potential revenue and significant capital investment costs associated with the expansion of the kerbside collection scheme.

The Leader of the Council praised this report and commented on the capital costs associated with providing new bins for kerbside recycling. He questioned whether recycling facilities could be located closer to new housing developments. He asked whether developers could be required to provide such recycling centres and indeed bins for the kerbside collection schemes. The Head of Planning Services explained the strict legislative framework that governed planning policy formulation. The emerging local plan reflected this issue, but had to be aborted, so presently there was no policy stance. Such policies had to go through a formal mechanism and would ultimately be incorporated in the Local Development Framework. Alternatively,

negotiations could take place through the Section 106 Agreements mechanism, but the limitations of this approach were explained. The Leader asked if the Committee could commence formulation of a policy and how long it would take to implement such a policy. Practically, this could take between two to three years. The Deputy Chief Executive confirmed that a policy would give the Council capacity to require developers to co-operate. Reference was made to a further report, later in the Meeting, about establishing a Section 106 protocol. Local Member knowledge might prove useful, where advance notice of potential applications could enable early negotiation on the facilities required. The Leader made a plea that where significant development was taking place, Officers seek to get developers to provide recycling facilities.

Councillor Mrs. Walton concurred with the Leader's views and noted the economic issues associated with recycling in a rural area. The Village of Hilton had effective recycling arrangements in place, but it would be costly to make provision for other, more rural, northern parishes. Councillor Bale questioned whether recycling was regarded as compulsory and whether the alternate week collection scheme could penalise some residents. He felt there was a need for more recycling centres, particularly in the rural areas and also commented on the location of civic amenity facilities. The cost of wheeled bin washing for residents was also referred to. The Chair replied that the Council was not compelling the public to use bin washing contractors, but was seeking to publicise the availability of this service. He referred to the development of the alternate week collection service over recent years and the benefits of the new "in vessel" composting scheme. He touched on the proposals for dry recyclable collection and residents' feedback from the "Ideas into Action" campaign. The Head of Environmental Services also spoke of the Council's recycling aims and the need to reduce reliance on landfill sites. The alternate weekly collection scheme gave capacity for people to recycle. He also referred to provision of recycling centres and expansion of the kerbside collection scheme.

Note: at 6.55 p.m. the Chair and Councillor Bell left the Meeting. Councillor Dunn chaired the remainder of the Meeting.

Councillor Southern referred to contributions from developers for recycling bins, the expanding nature of the District and he hoped that this issue would be pursued. He also spoke about problems for families with bin capacity and those caused through excessive packaging waste.

Councillor Carroll reminded of previous capacity problems at recycling centres and she explained the difficulties over the Christmas period at the Melbourne recycling centre. There was a need to look at arrangements for such holiday periods, particularly for the larger recycling centres. The Head of Environmental Services recognised this problem, explaining that each year the amounts collected from recycling centres increased, particularly over the Christmas period. The Direct Services Manager added that there were over 80 recycling centres in South Derbyshire, which was quite high when compared to other local authority areas. He spoke about the difficulties at certain periods and the extra collections arranged. It was agreed to give further thought to how this would be managed at peak periods. Councillor Carroll suggested that a further recycling centre might be required for Melbourne, particularly if a planned development proceeded.

Councillor Southerd praised the report and the services delivered. He spoke about the practicalities of localised recycling centres, the composting service improvements and how provision was made for the increasing numbers of flats within the District. Perhaps this type of accommodation could be used as a pilot scheme when reviewing planning policy. The Direct Services Manager explained the efforts to provide localised solutions for flats and in some case communal bins were provided.

Councillor Mrs. Walton spoke of the lack of civic pride of those people who abused recycling centres and the problems caused for neighbours. She felt there was a need for a concerted campaign, to reduce the amount of packaging waste and to educate producers and retailers. She congratulated those residents who recycled and spoke of fly tipping problems in certain areas of the District. It was agreed that the Committee's congratulations be recorded to the Clean Team for their excellent service. The Head of Environmental Services replied that Safer Neighbourhood Wardens were now examining fly tipped waste, to seek evidence for prosecutions. Reference was made to specific action, which had resulted in the issue of a fixed penalty notice and a number of warning letters. The Leader sought further information on this matter, questioning why all offenders had not been served with fixed penalty notices. It was explained that those issued with warning letters had deposited recyclable materials improperly rather than fly tipping refuse. The Leader urged that fixed penalty notices be issued wherever possible, to provide a strong message about enforcement. Other Members commented on the amount of packaging waste.

RESOLVED:-

That the Committee approves the revised plans to improve provision for recycling and waste minimisation.

EDS/61. **SECTION 106 AGREEMENTS – MEMBERS' PROTOCOL**

The Committee's approval was sought to a formal protocol, to enable local Members to feed issues of significance into the planning system. Mechanisms had been established to meet the needs of development at a strategic level, but there was also a need to ensure that other issues of local significance were fed into the system. A draft protocol had been prepared and was appended to the report. It had been agreed that Member involvement would be without prejudice to the determining of planning applications and merely a mechanism for identifying potential impacts. The triggers for the protocol were planning applications of five dwellings or more, or new commercial floor space of 1,000 sq metres or more.

Section 106 Agreements should only be sought if they met five tests in accordance with a Secretary of State Circular. A training session was planned for Members on the use of the protocol. Any meetings under the protocol would be required to take place as early as possible, to give sufficient time for negotiations with the developer and to ensure that the determination of planning applications was not delayed unduly.

In February 2006, the Committee considered a report on consultation from the Government to replace Section 106 contributions with a Planning Gain Supplement (Minute No. EDS/55 refers). The Government had now published a further consultation document and it was considered expedient

to retain the Section 106 Planning Agreements Working Panel, to prepare a draft response to this consultation.

The Leader acknowledged the excellent approach of this Council towards Section 106 Agreements. Derbyshire County Council held this approach as an exemplar to other local authorities. He explained the fundamental principles behind this approach, to avoid residual problems for the community at the expense of developer gain. The current arrangements were working exceptionally well and the protocol would provide a mechanism for developers to work with the Council. Councillor Mrs. Walton echoed these sentiments and praised the approach to Section 106 Agreements, which enabled developers to work with the Council, to build communities. Councillor Southerd added that the District Council was a facilitator along with other agencies. Developers needed to be aware of their obligations and should work with the Council.

RESOLVED:-

(1) That the Committee adopts the Members' Protocol as submitted.

(2) That the Section 106 Planning Agreements Working Panel be retained to prepare a response to the Government's consultation paper on changes to Planning Obligations.

EDS/62. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

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.

CONTRACT FOR NEW COMPOSTING FACILITIES (Paragraph 3)

The Committee agreed to enter into a new compost processing contract and authorised Officers to finalise legal issues.

SWADLINCOTE TOWN CENTRE STUDY AND MASTERPLAN – IMPROVEMENTS TO JITTIES (Paragraph 3)

The Committee agreed to enter into a lease agreement.

UPDATE ON PROCEDURAL LEGAL ISSUES (Paragraph 5)

The Committee deferred consideration of this matter.

W. DUNN

CHAIR
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