

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

18th November 2010

PRESENT:-

Conservative Group

Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Bladen, Mrs. Brown, Mrs. Patten, Timms and Wheeler (substitute for Councillor Ford).

Labour Group

Councillors Mrs. Gillespie (substitute for Councillor Taylor), Mrs. Lane, Rhind and Tilley.

Independent Member

Councillor Pabla.

In Attendance

Councillor Mrs. Farrington (Conservative Group) and Councillor Richards (Labour Group).

EDS/22. **MINUTES**

The Open Minutes of the Meeting held on 7th October 2010 were taken as read, approved as a true record and signed by the Chairman.

EDS/23. **PRESENTATION – DERBYSHIRE COUNTY COUNCIL “HIGHWAYS CONSIDERATIONS OF PLANNING APPLICATIONS”**

Graham Fairs (Area Development Manager – South Area, Derbyshire County Council) addressed the Meeting, and advised Members of his areas of responsibility.

He outlined Derbyshire County Council's role in the planning process, and advised that they had certain points of reference when considering highways matters, including the Development Plan, the Local Transport Plan, Government Legislation, the Manual for Streets and Department for Transport Guidance on Transport Assessments. He added that they sought to ensure developments were safe, workable and sustainable. He confirmed that a lack of objection was not the same as an endorsement of a proposal, and clarified the process of inspecting applications.

He added that the Highways Authority only recommended refusal if it was considered that reasons could be sustained in the event of an appeal.

A Member responded that no objection to an application seemed like an endorsement, both to Members and to members of the public. Mr. Fairs replied that if a Member raised a concern early enough in the process, it could be addressed and included within the planning report. However, due to lack of resources, this could not be done for every application.

Questions were raised on disability splays, and the Manual for Streets 2, and Mr. Fairs advised Members that Derbyshire County Council looked in depth at 230 applications last year, and each one had a site visit.

EDS/24. **DECLARATIONS OF INTEREST**

Councillor Roberts declared a prejudicial interest in Minute No. EDS/29, Delegated Powers for Private Hire, as he was the owner of a private hire business.

MATTERS DELEGATED TO COMMITTEE

EDS/25. **LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY: WORK PROGRAMME**

A report was submitted requesting that Members approve a revised indicative programme and approach for preparing the Local Development Framework (LDF) Core Strategy, in response to the Coalition Government's move to the 'Big Society' and localism.

The Coalition Government had signalled its intention to fundamentally reform the system, and for LDFs to reflect the 'Big Society' and the principles of 'localism'. Details were awaited, principally in the forthcoming Localism Bill. Ministers had been swift in announcing the revocation of regional strategies and "top down" building targets, and a revised programme for the LDF Core Strategy was needed. Whilst this decision had recently been successfully challenged in the courts, and the East Midlands Regional Plan has therefore been reinstated, it was noted that Ministers intended to pursue revocation through forthcoming legislation..

Two main areas of work were proposed. Firstly a technical assessment of future housing needs, which Derbyshire and Nottinghamshire County Councils were jointly able to undertake. Secondly a series of ongoing community engagement events, enabling people to devise local 'visions' and balancing these against "bigger picture" issues. In order to support this new approach, a training event for elected Members across the Derby Housing Market Area was to be convened on 26 January 2011. In addition a proposed indicative timetable, to be considered formally early in 2011 was set out in the report.

RESOLVED:-

- (1) That the implications for the preparation of Local Development Frameworks, arising from the shift to the "Big Society" and "localism", including the proposed revocation of the East Midlands Regional Plan, and the need for "bottom up" community engagement, be noted.***
- (2) That the indicative revised LDF Core Strategy work programme be supported, to be formally approved in 2011, including the proposed***

technical work and ongoing public engagement, as set out in the report.

- (3) *That the proposed workshop due to be held on 26 January 2011 for all elected Members of the Derby Housing Market Area Councils, be endorsed.*

EDS/26. **LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT: APRIL 2009 – MARCH 2010**

The Council had a statutory obligation to submit an Annual Monitoring Report (AMR) on the Local Development Framework (LDF) to the Secretary of State before 31st December each year. Whilst fundamental changes were being made to the LDF system by the new Coalition Government via the forthcoming Localism Bill, the requirement to prepare and submit an AMR remained.

The AMR was a useful tool in monitoring progress, on preparing development plans and tracking housing, employment and other development trends over the monitoring year. A draft AMR for the period 1st April 2009 to 31st March 2010 had therefore been prepared.

Headline findings from the AMR were provided within the report.

RESOLVED:-

- (1) *That the contents of the Local Development Framework (LDF) Annual Monitoring Report be noted and approved for publication, subject to necessary consequential changes arising from the reinstatement of the Regional Spatial Strategy.*
- (2) *That, if necessary, the AMR be submitted to the Secretary of State before the deadline of 31st December 2010.*

EDS/27. **PLANNING FOR FUTURE PHASES OF SWADLINCOTE TOWN CENTRE IMPROVEMENTS**

Following a request from Members, a report was submitted on the funding of future phases of improvements to Swadlincote Town Centre.

A full detailed account was provided on the background to work that had been completed in Swadlincote Town Centre. It was confirmed that phase 1 had been completed, and works to the first part of phase 2 – West Street, had also been completed, except for tree planting, which was due to be carried out in November. In addition, works to the second part of phase 2 – The Delph, were due to be completed this financial year.

The target within the Council's Corporate Plan for 2012, was to design phase 3 and explore options for funding. Work still to be implemented, when funds were available, were the repaving of High Street, Market Street and Midland Road, and improvements to Civic Way and around the bus station. The Master Plan was a comprehensive document, and the phasing of works was customised to fit the amount of funding available at the time. The next logical

step would be to repave High Street as a continuation of the works undertaken at The Delph.

The District Council owned a considerable amount of land in the town centre. In addition, the County Council also owned land within the town centre and on the edge. Therefore there was an opportunity to draw up a revitalised Vision and Strategy document that would continue the momentum of revitalising the town. Provision of public services could be provided in state of the art shared modern buildings that would release the remaining land for sale or private investment. The County Council's Property Services Department was rationalising its property holding and had ambitions to establish a hub in Swadlincote that would provide its services in the southern part of the County. This was likely to be implemented in the later phase of the programme, which would mean operational activity would commence in approximately three to four years time. This timescale would give both authorities time to work together, and also potentially with other public partners, and the private sector, to investigate, consult and prepare a new Vision and Strategy Document for Swadlincote Town Centre.

RESOLVED:-

- (1) That the report be noted.***
- (2) That the establishment of a joint officer working group with the County Council to produce a draft new Vision and Strategy document for Swadlincote Town Centre, be endorsed.***
- (3) That a report on progress be submitted for consideration at a future date.***

EDS/28. **PROPOSED PERMANENT DIVERSION OF PUBLIC FOOTPATH NO. 1 (PART) IN THE PARISH OF WESTON-ON-TRENT**

A report was submitted requesting that an order be made to divert Public Footpath No. 1, to enable the permitted development of the site of the Old Plough for 11 new dwellings to be implemented. Details of the existing public footpath were provided, along with the proposed new route, which would be a short diversion. Compared with the old route there would be no reduction in enjoyment of the route by users, nor would the diverted route be materially any less commodious.

RESOLVED:

- (1) That the making of an Order under Section 257 of the Town and Country Planning Act 1990, in respect of the proposed permanent diversion of Public Footpath No. 1 (Part) in the Parish of Weston-on-Trent, be authorised.***
- (2) That the Order be confirmed if no objections are received during the formal consultation stage.***

EDS/29. DELEGATED POWERS FOR PRIVATE HIRE

A report was submitted, requesting that certain enforcement responses in relation to specified offences, be delegated to the Head of Environmental Services, in relation to Private Hire activities, and for approval of a revised draft “Statement of Policy” relating to the determination of applications/renewals for a Private Hire Vehicle Driver’s Licence, Operators Licence and Proprietors.

Full details were also provided of the current situation with regard to convictions that were taken into consideration for private hire drivers. A change to the Council’s “Statement of Policy” set out a framework against which the relevance of convictions, and the time elapsed since they took place could be evaluated. The framework also defined the circumstances in which Officers might approve applications without referral to the Licensing and Appeals Sub-Committee.

RESOLVED:-

- (1) That the Statement of Policy concerning the relevance of criminal convictions, relating to the determination of applications/renewal of Private Hire Drivers Licences, Private Hire Operators Licences or Proprietors, be approved.***
- (2) That certain decisions be delegated to the Head of Environmental Services, as set out in the report, and that the scheme of delegation to officers be amended appropriately.***

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

EDS/30. GENERAL ENFORCEMENT POLICY FOR ENVIRONMENTAL SERVICES

A report was submitted, which sought Member approval for revisions to the Environmental Services General Enforcement Policy.

It was a requirement of the Audit Commission and other Government Organisations, that each local authority produced an Enforcement Policy for its regulatory functions. Developments in legislation, case law and national guidance meant that existing enforcement policies now required review. It had been decided to consolidate Environmental Services current enforcement policies into a single document. Through specialist appendices the new policy covered particular issues arising from the different specialised areas of enforcement that Environmental Services covered.

Functions were specified within the policy that had options available to enforce legal provisions

RESOLVED:-

That the General Enforcement Policy and Associated Guidance be approved, and that any subsequent minor alterations to the Policy be approved by the Head of Environmental Services.

**EDS/31. CORPORATE PLAN 2009 – 14: PERFORMANCE MANAGEMENT REPORT
(1st JULY 2010 – 30th SEPTEMBER 2010)**

A report was submitted detailing the achievements for the quarter ending 30th September 2010 in relation to the Council's Corporate Plan 2009 – 14. The Corporate Plan Action Plan consisted of four main themes, of which this Committee was responsible for actions within the Sustainable Growth and Opportunity theme.

RESOLVED:-

- (1) That the Council's key achievements and performance for the period 1st July – 30th September 2010 be noted.***
- (2) That, where performance has failed to achieve the specified target, the response be noted.***

**EDS/32. RENEWAL OF CERTIFICATION OF THE COUNCIL TO ISO14001 AND THE
ECO MANAGEMENT AND AUDIT SCHEME (EMAS)**

A report was submitted advising Members that South Derbyshire District Council had been scrutinised and both the Eco Management and Audit Scheme (EMAS) and ISO14001 accreditation had been renewed. The certification confirmed that the Council was performing well to these standards with regards to its environmental management, and that there were no legal breaches or non-conformances.

Members were requested to adopt the Environmental Standard that was the basis of the Council's accreditation, as the main document to communicate the Council's environmental performance to interested parties. Further details were provided on the verification, and also financial and resource implications.

Through the activities of EMAS, including training and promotion of awareness, substantial progress had been made. This offered a saving, which amounted to £39,236 on reduced utility bills alone between 1st April 2009 and 31st March 2010.

Many new improvements had also been funded from mainstream budgets once the business case had been identified. More of this type of investment might be required if investment opportunities arose that exceeded existing resources.

RESOLVED:-

- (1) That the 2009/2010 Environmental Statement be adopted.***
- (2) That the full external verification and re-accreditation to the ISO14001 and EMAS standards be noted.***
- (3) That the Environmental Statement be published, together with the information that South Derbyshire District Council remains one of only 5% of councils in the UK that operates according to an***

accredited environmental management standard that assures legal compliance, and year on year improvement on environmental performance.

EDS/33. **WORK PROGRAMME**

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

RESOLVED:-

That the updated work programme be approved.

P. WATSON

CHAIRMAN

The Meeting terminated at 7.25 p.m.