

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

31st January 2013

PRESENT:-

Conservative Group

Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Mrs. Brown, Mrs. Hall, Mrs. Patten, Smith (substitute for Councillor Ford) and Stanton.

Labour Group

Councillors Chahal, Dunn, Mrs. Heath, Mulgrew (substitute for Councillor Taylor), Stuart and Tilley.

In attendance

Councillor Atkin (Conservative Group).

EDS/43. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Ford (Conservative Group) and Councillor Taylor (Labour Group).

EDS/44. **MINUTES**

The Open Minutes of the Meetings held on 4th October, 22nd November and 20th December, were taken as read, approved as true records and signed by the Chairman.

EDS/45. **DECLARATION OF INTEREST**

Councillor Mulgrew declared a personal interest in item No.10a, as a family member worked in the department mentioned within the report.

MATTERS DELEGATED TO COMMITTEE

EDS/46. **INTRODUCTION OF A NEW LOCAL ENFORCEMENT PLAN (PURSUANT TO PARA. 207 OF THE NATIONAL PLANING POLICY FRAMEWORK)**

It was reported that under the National Planning Policy Framework (NPPF), within paragraph 207, each authority must draw up a Local Enforcement Plan. The policy, which was attached as an appendix to the report, had been drawn up largely to reflect established current practice which was built on the previous guidance set out in PPG18 and the Council's own Priority Policy, originated in 2004, and updated in January 2010. This Policy set out the general principles that formed the standard operating procedures and functions of the Planning Enforcement Service, within the Development Management function of the Council.

In addition, the Senior Enforcement Officer advised Members that an addition to the draft document would be made at 4.5, inserting a procedure to deal with deliberate concealment of a breach of planning control in order to gain immunity from enforcement action. In such instances consideration would be given to seeking a Planning Enforcement Order from the Magistrates' Court, which was a new improved power inserted into the Town and Country Planning Act 1990 (as amended) by the Localism Act 2011.

The additional wording was noted as follows;

“However, deliberate concealment of a breach of planning control in order to gain immunity from enforcement action does not necessarily benefit from the statutory immunity timescales. New powers inserted into the Town and Country Planning Act 1990 (as amended) by the Localism Act 2011 will allow the Council to apply to the Magistrates' Court for a Planning Enforcement Order, where a deliberate concealment of a breach of planning control becomes evident. Where such a breach of planning control is discovered, consideration will be given to the expediency and anticipated success of using such powers. The application can be made at any time within six months of the date on which there was sufficient evidence to justify the application”

RESOLVED:-

That the adoption of the Local Enforcement Plan for use by the Head of Community and Planning Services for everyday application of planning enforcement policy within the District, be approved.

EDS/47. **CONSERVATION AREA CHARACTER STATEMENTS**

A report was submitted which sought approval to issue 11 conservation area character statements for public consultation, and to resolve outstanding matters concerning conservation area boundary amendments at Milton and Repton.

Details of the proposed methods of consultation were included within the report along with the relevant locations for public exhibitions. The Conservation and Heritage Officer would be present at each event, to consider and take note of comments and to answer questions.

Further details were provided on the suggested boundary extension to the Stanton-by-Bridge conservation area, and boundary adjustments to the Trent and Mersey Canal conservation area. Proposed boundary amendments at Milton and Repton were also detailed.

It was confirmed that once the conservation area character statements had been adopted, they would be available via the District Council's website. In addition it was suggested that when they had been fully adopted, a copy be sent to each relevant parish council.

RESOLVED:-

(1) That public consultation, within an 8 week period, be undertaken on the second 11 of 22 conservation area character statements.

- (2) *That public consultation seeks views on suggested boundary extensions to the Stanton-by-Bridge conservation area, and boundary adjustments (small exclusions and additions), to the Trent and Mersey Canal conservation area.*
- (3) *That proposed boundary amendments at Milton and Repton, be adopted.*
- (4) *That the conservation area character statements for Milton and Repton, be adopted.*

EDS/48. **CORPORATE PLAN 2009-14: PERFORMANCE MANAGEMENT REPORT (1st OCTOBER – 31st DECEMBER 2012)**

Progress and achievements during the period 1st October to 31st December 2012, in relation to the Council's Corporate Plan 2009-14, were detailed within the report. It was confirmed that all performance measures for this Committee were on target.

RESOLVED:-

- (1) *That progress and achievements during the period 1st October to 31st December 2012 in relation to the Council's Corporate Plan 2009/14, be noted.*
- (2) *That where progress has failed to achieve the specified target, the adequacy of the remedial action taken be reviewed.*

EDS/49. **WORK PROGRAMME**

The Committee considered the updated work programme.

RESOLVED:-

That the updated work programme be approved.

EDS/50. **PROSECUTION OF SDDC DUE TO VEHICLE DEFECTS**

It was reported that on 21st June 2012, a Council vehicle had been stopped by the Vehicle and Operator Services Agency, (VOSA), for a routine roadside check. On examination, the vehicle was found to have 3 defective tyres and 3 of the 6 wheel nuts on one of the wheels were loose. Following this, a summons was issued at Walsall Magistrates Court to answer the offences.

On 21st January 2013, the Council was represented by an external solicitor. Also in attendance was the Director of Operations and the Direct Services Manager. The driver of the vehicle was also summoned to appear and charged with the same offences. The Director of Operations took the view that although the driver should have checked the vehicle before it was taken out, the systems in existence in June 2012 were not robust enough to place the

blame on the driver. The Council therefore requested that the charge against the driver be withdrawn, and this was agreed.

Having pleaded guilty, the Council's solicitors informed the Court of measures taken, to reassure the Court that the offence was a one off incident and would not happen again. Full details of the improvements issued since the event were included within the report.

The District Judge praised the Council for attending the Court in person and for not placing the blame solely on the driver. The Council were fined 10% of the maximum available and given credit for the mitigation measures introduced since the incident came to light.

RESOLVED:-

That the report and the remedial improvements that have taken place since the vehicle defects come to light, be noted.

EDS/51. **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (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 Meetings held on 4th October and 20th December 2012, were received.

P. WATSON

CHAIRMAN