

ENVIRONMENTAL SERVICES COMMITTEE

14th February 2002

PRESENT:-

Labour Group

Councillor Southerd (Chair), Councillor Taylor (Vice-Chair) and Councillors Bambrick, Brooks, Carroll, Pabla, Rose, Shepherd and Whyman.

Conservative Group

Councillors Bale, Hood (substitute for Councillor Douglas), Shaw and Mrs. Wheeler (substitute for Councillor Mrs. Walton).

In Attendance

Councillors Bell and Evens (Labour Group) and Councillor Bladen (Conservative Group).

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Douglas and Mrs. Walton (Conservative Group).

ES/10. **MINUTES**

The Open Minutes of the Meeting held on 3rd January 2002 were taken as read, approved as true record and signed by the Chair.

MATTERS DELEGATED TO COMMITTEE

ES/11. **MEMBERS' QUESTIONS AND REPORTS**

(a) Repton to Willington Highway Speed Limit

The Committee received a report from Councillor Taylor seeking support for a reduction in the maximum speed limit between Repton and Willington. The issue of speeding traffic had been discussed at Repton Area Meetings and representations had been made to the Highway Authority, Derbyshire County Council. Representations had also been made to the Derbyshire Constabulary, Traffic Section and its response had been circulated. Those attending the Repton Area Meeting concluded that a speed reduction would improve the perception of safety for pedestrians, making it more attractive as a walking route and potentially decreasing the use of cars between the two villages.

A number of Members supported this proposal, referring to the perceived highway safety problems and the traffic calming that had taken place in neighbouring villages. It was understood that traffic monitoring was being undertaken. A reduction in the speed limit along the Swarkestone Bridge was also suggested and a Member commented on the delays in implementing speed reductions through Findern.

RESOLVED:-

That representations be made to Derbyshire County Council seeking a reduction in the maximum speed limit between Repton and Willington.

(b) Public Toilet Provision

The Chair sought an update on the partnership arrangements for public toilet provision. The Deputy Chief Executive reminded Members of the decision taken at the last Meeting, and outlined the discussions with Willington Parish Council and an approach made by Repton Parish Council. The Leader of the Council summarised that, other than the agreed closures of facilities in Newhall and Woodville, the remaining public toilets could remain open through partnership arrangements. Clarification was provided on the discussions with Willington Parish Council and whilst its goodwill was noted, Members stated the need for this partnership arrangement to be the same as those already in place for other parishes.

RESOLVED:-

That officers conclude discussions with parish councils regarding partnership arrangements for public toilet provision.

(c) Composting Scheme – Repton

A Member reported problems experienced in Repton following the introduction of the Composting Scheme in the Village. Complaints had been received from residents that the size of the wheeled bin was insufficient and they were needing to make repeated visits to the civic amenity site. The residents had enquired whether they could purchase a larger wheeled bin to overcome these difficulties.

The Deputy Chief Executive explained the waste minimisation and recycling objectives of the composting scheme. He advised that similar problems had been experienced in other areas following the implementation of the composting scheme and that with some education these were usually overcome. Mr. Reid reported the publicity proposals to inform residents of the other recycling facilities in Repton to remove waste paper and plastics from the wheeled bin. He also explained the research being undertaken with other authorities regarding the collection of compostible materials. A review of the Council's system might be appropriate and report would be submitted to a future meeting of the Committee.

RESOLVED:-

That Members' comments be noted.

ES/12. **MORIA REPLAN**

It was reported that in January 1999, the former Planning and Economic Development Committee authorised a contribution of £6,500 over a three-year period towards the costs of the Moira Replan initiative. The scheme was designed to help young people in South Derbyshire and North-West Leicestershire who were unemployed and eligible for assistance from the Government's New Deal Programme. The final instalment of £2,000 had now

been requested and a detailed account of recent progress with the project was appended to the report.

RESOLVED:-

That progress on the Scheme be noted and that the final grant instalment of £2,000 be approved.

ES/13. **GREEN PAPER ON PLANNING**

It was reported that the Department for Transport, Local Government and the Regions (DTLR) had issued the Green Paper “Planning: Delivering a Fundamental Change”. It set out for consultation radical and far reaching proposals for the planning system. The DTLR had published three further consultation documents to complement this process, covering major infrastructure projects, compulsory purchase and compensation, and reforming planning obligations. The proposals would involve primary legislation, but it was unlikely that this would be in place before the current review of the Local Plan.

The Government’s proposals were based on continuing the “Plan Led” system of development control, but it was intended to simplify the system, reducing the number of plans under a two-tier structure. The Government considered that current arrangements for area-wide local plans had not worked effectively, but this statement was disputed by Members. The Green Paper proposed the abolition of Structure Plans, Local Plans and Unitary Development Plans, to be replaced by local development frameworks, prepared by District and Unitary Councils. These would complement community strategies with timescales for preparation being in months rather than years. It was proposed to replace current regional planning guidance with a strengthened regional spatial strategy. This would have statutory status, be more focused, reflecting specific regional needs with more emphasis on sub-regional strategies and integration with other strategies. It would provide the strategic guidance for local development frameworks, local transport plans and regional economic development strategies.

Regional planning bodies would be expected to satisfy certain criteria, which were reported. They could no longer consist solely of local authorities and whilst this was accepted, Members felt elected people should still be in the majority.

The Government had indicated that there would need to be a change at the national level involving a review of all planning policy guidance notes. It still considered the development control system to be necessary. The Green Paper set out changes which aimed to create a process more responsive to needs, delivering quicker transparent decisions, producing a quality environment and involving the community. The report explained the Government’s views on how this would be achieved. Consideration was given to the proposals and a Member commented that certain aspects were a “developer’s charter” and should be opposed strongly.

Separate consultation documents had been issued on reforming planning obligations, compulsory purchase and compensation, and major infrastructure proposals. The report outlined each of the consultations, the Government’s preferred view and the deadlines for comments.

Members gave consideration to a suggested response to the various consultation papers. With regard to the review of the Development Control process, comment was made on the proposal to introduce financial penalties for failure to determine an application in accordance with agreed timescales. The introduction of fees for pre-application discussions was considered and Members felt comfortable with this approach for specific major proposals, but less so for advice or brief discussions on minor applications. Charging for timely advice by statutory consultants was also discussed. Members echoed the reported concerns regarding the targets for speed of dealing with applications, it being felt that the quality of the decision reached should be the predominant criterion.

The Planning Services Manager explained that the consultation deadline was 18th March 2002. A seminar was to be held on the Green Paper towards the end of February. It was proposed that the formal response be issued following the seminar in order that any further issues or developments arising could be incorporated in the Council's response.

RESOLVED:-

That the Planning Services Manager responds to the Department for Transport, Local Government and the Regions on the Green Paper "Planning: Delivering a Fundamental Change", based on the views expressed in the report, those comments submitted by Members and any further information received at the forthcoming seminar on this Green Paper.

Note: At 6.40 p.m., Councillor Shaw joined the Meeting.

ES/14. **PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 16, PARISH OF SMISBY**

It was reported that an application had been received from the East Midlands Regional Office of the National Trust to divert part of Footpath No. 16 in the Parish of Smisby. The diversion was requested in conjunction with the change of use of Wicket Nook Cottage.

Investigations had been undertaken by the Rights of Way Section at Derbyshire County Council which had revealed that the Right of Way was in fact a cul-de-sac footpath. The comments submitted by the Rights of Way Section were reported and a site inspection had confirmed these findings. The proposed diversion would provide an alternative route linking this footpath to the adjacent rights of way network. The assessment of the Council's Rights of Way officer was reported and no objections had been received to the informal consultation exercise.

RESOLVED:-

That an Order be made under the provisions of Section 119 of the Highways Act 1980 to divert the definitive line of Public Footpath No.16, Parish of Smisby.

ES/15. **NORTH/SOUTH MOVEMENTS ON THE M1 CORRIDOR IN THE EAST MIDLANDS – CONSULTATION ON THE DRAFT PREFERRED PACKAGE**

The Committee's views were sought following a consultation exercise undertaken by consultants on behalf of the Department for Transport, Local Government and the Regions. This concerned the draft preferred package emerging from a multi-modal study of north/south movements on the M1 corridor in the East Midlands. A vast amount of information had been gathered and several package options tested, resulting in the emergence of the draft preferred package of proposals.

The eastern edge of South Derbyshire lay just within the study area and most of the proposals would not affect the District. However, the study had found that much of the congestion was created by vehicles using short lengths of the M1 for movements across the study area. The preferred package included a proposal for a new Derby South Parkway Station which would be located close to the site of the former Willington Power Station along the Burton to Derby Line, in between the Uttoxeter and Castle Donington Line. The proposal included re-opening the Castle Donington Line to passenger trains and new road links to the adjacent A50. Details were given of the services which would use this station.

The study had noted the perception that local needs between key urban centres were neglected due to poor rail service frequency and unreliability. Different service patterns building on current services and proposed new services such as the National Forest Line were also tested. None of the service performed well on an operating basis but it was proposed to provide a dedicated East Midlands Rail Service, including an hourly service between Matlock and Ashby. This was in effect a truncated National Forest Line but without the Ashby to Burton section, which incurred the bulk of the cost with little prospect of increased patronage.

Members voiced their disappointment about the omission of the section of the National Forest Line from Ashby to Burton-on-Trent. However, it was explained that the study had sought cost effective solutions to traffic congestion on the M1 and there had been no evidence to support the viability of the route from Ashby to Burton-on-Trent. This proposal might enable an extension of the route to Burton-on-Trent at a future date. Members were mindful of the competing proposals and the wish to secure the new Derby South Parkway Station. Reference was also made to a possible rail service between Matlock and Birmingham which could provide a rail link through South Derbyshire.

RESOLVED:-

- (1) That the Committee supports without prejudice to the future consideration of detailed proposals, the draft preferred package, including the concept of re-opening the Castle Donington rail line to passenger trains and provision of a new Derby South Parkway Station.***
- (2) That whilst supportive of the introduction of part of the National Forest Line, disappointment be expressed regarding the omission of the section from Ashby to Burton-on-Trent.***

Note: at 7.05 p.m. Councillors Bladen, Evens and Whyman left the Meeting.

ES/16. **GENERAL ENFORCEMENT POLICY FOR ENVIRONMENTAL HEALTH DIVISION**

(Note: The Chair invited officers to give details of two successful prosecutions).

It was reported that earlier in the day, the Council had secured two successful prosecutions. Menzies Hotel plc had been fined £4,500 and costs of £1,500 for failure to comply with pool safety requirements. The Hatton Service Station had been fined £1,000 and substantial costs for non-compliance with an Abatement Notice regarding a “Jet Wash”.

It was reported that the Audit Commission required each local authority environmental health section to produce an enforcement policy document. The Committee gave consideration to the proposed General Enforcement Policy for the Environmental Health Division which outlined the enforcement procedure, and followed the principles of the Cabinet Office’s concordat and the Human Rights Act 1998. In general, it specified the options available to enforce the legal provisions of various environmental health functions and indicated the steps that must be followed by officers in the enforcement of the relevant Act. Details were given of the publicity proposed for the policy.

RESOLVED:-

That the General Enforcement Policy for the Environmental Health Division be approved and the Environmental Health Manager be authorised to approve any subsequent minor alterations to the Policy.

ES/17. **HEALTH AND SAFETY ENFORCEMENT POLICY**

It was reported that each local authority was required by the Health and Safety Commission to produce a Health and Safety Enforcement Policy document. The Committee considered a proposed policy which outlined the enforcement procedure of the Council and followed the principles of the Cabinet Office’s Enforcement Concordat, the Human Rights Act 1998 and guidance issued by the Health and Safety Executive Local Authority Unit. In general, it specified the options available to enforce the Health and Safety at Work Act 1974 and the steps that must be followed by officers in the enforcement of that Act. Details were given of the publicity proposed for this policy.

RESOLVED:-

That the Health and Safety Enforcement Policy for the Environmental Health Division be approved and the Environmental Health Manager be authorised to approve any subsequent minor alterations to the policy.

ES/18. **HEALTH AND SAFETY AUDIT OF SOUTH DERBYSHIRE DISTRICT COUNCIL'S HEALTH AND SAFETY INSPECTION FREQUENCY/SYSTEMS UNDERTAKEN BY THE HEALTH AND SAFETY COMMISSION LOCAL AUTHORITY UNIT**

The Committee's approval was sought to an Action Plan and a proposed response to the Health and Safety Commission following an audit undertaken by the Local Authority Unit of the Health and Safety Executive. The report considered by the Committee included extracts of the Health and Safety Audit and proposed comments in response. The inspection and audit were undertaken by Nick O'Donnell of the Local Authority Unit of the Health and Safety Executive on 27th and 28th November 2001. This followed the Council's yearly statistical return, which had revealed it was in the lowest sector of performing authorities with regard to Health and Safety inspections in the Country.

The Audit Report comprised an Executive Summary, Introduction, Scope of the Audit and gave details of the organisation. It then identified the Authority's strengths and key areas for improvement, looked at its enforcement policy and procedures, reviewed correspondence, the work programme and service plans. The Audit considered the planned inspection programme, priority planning system, training, competence and investigation. Finally, the Audit Report considered performance management and reviews. Throughout the document a number of recommendations had been made and proposed responses were provided.

An update was given on the achievements made to date and overall, the concerns of the Audit were being addressed.

RESOLVED:-

That the Committee approves the Action Plan submitted as the basis of a reply to the Health and Safety Commission following the audit undertaken by the Local Authority Unit of the Health and Safety Executive.

ES/19. **VEHICLE PROCUREMENT – 2002/03**

The Committee was informed of vehicle requirements for the current financial year. Tenders were being sought for two additional vehicles and three replacement vehicles for the current fleet.

A 7.5 tonne tipper vehicle with a 1000 kg tail lift was required for use by the Clean Team in order to clear fly-tipping, litter and dog fouling. A 3.5 tonne van with a tail lift was required for the clinical waste service to comply with new statutory regulations. A new footway sweeper was sought to replace an existing Schmidt Footway Sweeper which had reached the end of its useful life. A John Deere mower had also reached the end of its useful life and it was proposed to lease and maintain a suitable replacement in order to provide a reliable service. Finally, a replacement vehicle was sought for use by the Pest Control Officer in the Environmental Health Division. The current vehicle had reached the end of its useful life and would not provide a reliable service in the future.

RESOLVED:-

That the Committee approves the invitation of tenders in accordance with the Financial Procedure Rules (Contract Rules) and the acceptance of the most economically advantageous tenders received.

T. SOUTHERD

CHAIR

The Meeting terminated at 7.10 p.m.