

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

3rd June 2008

PRESENT:-

Conservative Group

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

Labour Group

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

In attendance

Councillors Atkin, Mrs. Farrington, Jones and Lemmon (Conservative Group) and Councillor Richards (Labour Group).

APOLOGIES

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

EDS/1. **MINUTES**

The Open Minutes of the Meeting on 17th April 2008 were taken as read, approved as a true record and signed by the Chair.

EDS/2. **PERFORMANCE MANAGEMENT REPORT 1ST APRIL 2007 - 31ST MARCH 2008**

A report was submitted to detail performance levels and achievements for the year ending 31st March 2008, in relation to this Committee's contribution to the four key strands of the Council's Performance Management Framework. The detail of the report looked at the key achievements made during the last quarter relating to the Corporate Plan and Improvement Plan. Actual/out-turn performance was reported, again for the Corporate and Improvement Plans, together with the Community Strategy Action Plan and Best Value Performance Indicators.

Members raised their concern about the lack of visitors to Sharpe's Pottery Museum.

RESOLVED:-

- (1) That the Committee notes the key achievements and performance for the year ending 31st March 2008 within its area of responsibility.***
- (2) That members note where performance has failed to achieve the specified target and accept the responses submitted.***

EDS/3. **SERVICE PLANS 2008/09**

It was reported that Service Plans were a key part of the Council's Performance Management Framework, acting as an important link between high-level plans and strategies and personal performance objectives established through the employee review and development scheme. The form and content of Service Plans had been reviewed and minor changes made, to capture a number of cross-cutting themes such as value for money, outcomes and linking priorities to budgets. Details were provided of the sections contained within each plan. The Service Plans reflected the current themes and priorities within the Corporate Plan and the Community Strategy. These would be reviewed when the new plans were published in 2009. For this reason, the plans covered a one-year period and monitoring reports would be provided on a quarterly basis.

It was suggested that paragraph 4.1, bullet point 5, of the Planning Services document be amended to read "undertake appropriate consultation, including in the rural area on LDF Core Strategy in accordance with Statement of Community Involvement".

Members sought further details including, the current position of the Urban Designer and rural transport.

Members asked that their thanks be recorded for the commitment that had been shown by the Development Control team.

RESOLVED:-

That Service Plans for Environmental Services and Planning Services be approved as the basis for service delivery for the period to March 2009.

EDS/4. **EAST MIDLANDS AIRPORT**

A report was submitted to appraise Members of consultations between the Council and East Midlands Airport (EMA) over the last year. It was proposed to seek the nomination of Members to meet annually with EMA and, on a one off basis, the express freight businesses operating at EMA, to discuss matters of ongoing interest.

Further background information was given detailing information on meetings that had previously taken place.

RESOLVED:-

That the review of consultation activity between the District Council and East Midlands Airport as set out in the report be noted and that Members attend meetings to discuss matters of ongoing interest with:-

- (1) Representatives of East Midlands Airport on an annual basis, and***
- (2) Representatives of each of the express freight businesses operating from East Midlands Airport.***

Those Members nominated were Councillors Bladen, Ford, Harrison and Taylor.

EDS/5. **THE RESCINDING OF TWO DIVERSION ORDERS MADE ON 20TH APRIL 2007 AND THE PROPOSAL OF TWO NEW DIVERSION ORDERS IN RESPECT OF FOOTPATH NOS. 39 AND 40, SWADLINCOTE**

It was reported that an application had been received from David Wilson Homes, East Midlands, to divert part of Public Footpath No. 39 and part of Public Footpath No. 40, Swadlincote. This was necessary to enable continued development of the site and to incorporate the area known as the Local Centre. The intention was for the diverted sections of path to follow the course of pavements and ‘green routes’.

A plan was submitted to Members showing full details of the two footpaths to be rescinded, and also the proposed diversion.

RESOLVED:-

- (1) That the previous order dated 20th April 2007 made under the provisions of the Town and Country Planning Act 1990, namely to divert part of Footpath No. 39 (Swadlincote) and part of Footpath No. 40 (Swadlincote), be rescinded.***
- (2) That the making of revised diversion orders under the provisions of the Town and Country Planning Act 1990, as detailed within the report be authorised.***

EDS/6. **DOG CONTROL ORDERS FOR SOUTH DERBYSHIRE**

Members were advised that a Dog Control Order (DCO) was a new piece of legislation that came into force in 2006. DCOs made under the Clean Neighbourhoods and Environment Act 2005, replaced the previous system of bylaws for the control of dogs and also the Dogs (Fouling of Land) Act 1996.

A list of potential DCOs which might lead to an offence, for which a fixed penalty notice could be served were confirmed as follows:-

- Dog fouling.
- Failure to keep a dog on a lead.
- Exclusion of dogs from land.
- Taking more than a specified number of dogs onto land.
- Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer.

The penalty for committing an offence contained in a DCO was a maximum fine of level 3 on the standard scale (currently £1,000). Alternatively, the opportunity to pay a fixed penalty might be offered in place of prosecution, in line with the Council’s policy on the use of fixed penalty notices.

Further details were given on the consultation process required prior to a DCO coming into force.

The report also detailed proposed DCOs for certain areas of land within the District. These areas were located in Woodville, Repton, Etwall and Rosliston.

All parish councils had been consulted in relation to land within their areas. However, it was proposed that any DCO required in the future, would be consulted upon with the local Member before the statutory public consultation took place. This would then only be referred to the Environmental and Developmental Services Committee for approval should significant adverse comments be received.

Members gave various examples where problems had been experienced from dog fouling, including The Mease and Jackson's Lane, Etwall. Questions were also raised regarding the enforcement of these orders, to which the Environmental Protection Manager responded that the Neighbourhood Wardens would have the power to enforce the order.

RESOLVED:-

- (1) That the proposal for a Dog Control Order (DCO) be consulted upon in line with the DCO regulations and then set up to cover all publicly accessible areas of South Derbyshire, in relation to the offence of dog fouling.***
- (2) That proposals for a number of separate DCOs in the areas which parish councils had requested be approved. These DCOs to commence as soon as possible, following a consultation period, unless significant adverse comments are received (in these circumstances the matter would be referred back to the Environmental and Development Services Committee for a decision).***
- (3) That DCOs proposed by parish councils or other relevant parties in the future be consulted upon with the relevant local Member, before the statutory public consultation takes place, only being referred to the Environmental and Development Services Committee for approval should significant adverse comments be received.***

EDS/7. **FUTURE OF BUILDING CONTROL - CONSULTATION**

Members were advised that the Government, through the Department of Communities and Local Government, sought changes to the building control system in England and Wales. This was to address weaknesses in the current system and to ensure that it remained fit for purpose, now and in the future, whilst remaining easy to understand and comply with. The comprehensive report informed Members of the consultation document entitled 'The Future of Building Control' and sought agreement to a draft response to be submitted to the Department of Communities and Local Government by 10th June 2008.

RESOLVED:-

That Members reply to the consultation from the Department of Communities and Local Government as shown in paragraphs 2.1 to 2.21 of the report, a copy of which is included in the Signed Minute Book at SMB1.

EDS/8. IMPLEMENTATION OF DESIGNATED PUBLIC PLACE ORDER

It was confirmed that an area at Linton Road, Castle Gresley, had been the source of a number of issues relating to the consumption of alcohol by adults. These had a detrimental effect on the community and many parents and children did not want to use the play area, due to intimidation from these adults and broken glass. Although Police Officers and Police Community Support Officers regularly patrolled this area, they currently did not have any powers to confiscate alcohol from adults. The introduction of a DPPO would give the Police the power to confiscate any alcohol or alcohol containers from individuals in this area. Penalties for failing to comply with an officer request without reasonable excuse, could include a penalty notice for disorder of £50, or arrest and prosecution for a level 2 fine.

It was confirmed that the necessary consultation had taken place with the following:-

- Castle Gresley Parish Council.
- Each premises licence holder.
- Owners or occupiers of any land that would be identified in the order.

RESOLVED:-

That approval be given to implement a Designated Public Place Order (DPPO) in the Linton Road area of Castle Gresley.

EDS/9. 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 17th April 2008 were received.

WASTE AND CLEANSING SERVICES – MARKET TESTING (Paragraph 3)

The Committee agreed details of the procurement process, the contractors to be invited to tender, and the key principles to be included in the contract documentation.

J. BLADEN

CHAIRMAN
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