

Time commenced - 6.00 pm
Time finished - 8.10 pm

**PLANNING AND ENVIRONMENT COMMISSION
22 JULY 2004**

Present: Councillor Ahern (in the Chair)
Councillors Baxter, Bolton, Leeming, Troup and Willitts

01/04 Apologies for Absence

Apologies for absence were received from Councillors P Berry, Jackman and Rehman

02/04 Late Items Introduced by the Chair

In accordance with Section 100 (B) (4) of the Local Government Act 2972. The Chair agreed that the following items be admitted as late items, as a decision had to be made before the next meeting.

Minute no. 05/04 Revision of the Council's Environmental Policy

Minute no. 06/04 Suggested Co-option onto the Commission

03/04 Declarations of Interest

There were no declarations of interest.

04/04 Minutes

The minutes of the meeting held on 24 May 2004 were approved as a correct record and signed by the Chair.

05/04 Revision of the Council's Environmental Policy

It was reported that Andy Hills, Environmental Co-ordinator, had asked the Commission to consider proposals for the revision of the Council's Environmental Policy. It had been proposed that a workshop be set up for discussions, and a date was provisionally booked for the 2 September 2004 at 3.30pm.

It was felt that it should be rearranged to allow Commission members with work commitments to attend and it was requested that a special meeting be arranged in the evening.

Resolved to rearrange the workshop and send out a selection of dates to decide on one date for the workshop, preferably before the end of September. 2004.

06/04 Suggested Co-option onto the Commission

It had been suggested by Councillor Tittley that the Commission considered the co-option of Mr J Smith, 23 Whitehouse Close, Shelton Lock. The reason for Councillor Tittley's suggestion was that Mr Smith commended himself by taking a keen interest on behalf of his fellow residents in issues relating to planning and the environment.

The Chair advised the Commission that if they wished to pursue Councillor Tittley's suggestion it would be sensible for he and the Vice Chair to interview Mr Smith to find out what he could contribute to the work of the Commission.

After discussion, it was concluded that it would not be in the best interests of the Commission to co-opt Mr Smith. Being aware of his special interest in the Council's Tree Policy, it was suggested he should be invited to give evidence if the Commission decided to carry out a review of the Tree Policy.

Resolved to ask David Romaine, Overview and Scrutiny Co-ordination Officer, to write to Mr Smith to inform him of the Commission's decision.

Items for Discussion

07/04 Street Lighting Private Finance Initiative – Outline Business Case

Martin Follows, Project Manager, gave a presentation on the outline business case for the Private Finance Initiative (PFI) bid to the Department for Transport (DfT). He explained that an Expression of Interest (EoI) had been submitted after a Council Cabinet meeting in June 2003. An Indicative PFI credits of £32.47m had been awarded by the DfT but due to a reduction in interest rates used to calculate PFI grants, the support required for the proposed scheme had been reassessed at £35.09m, creating an affordability gap of around £500,000 at 2004/05 prices.

The Outline Business Case, as submitted to the DfT, reflects the latest financial information and the Council has requested that the PFI credit be increased to take into account of those factors. It was anticipated that the response from the DfT would be received by the 10 August 2004.

Members of the Commission were told that several options had been considered with the preferred option being a fast track replacement, which had the best cost benefit ratio. It was advised that 80% of the street lighting columns in the City did not meet the current specification but it was not considered cost effective to replace all lighting columns at once as there were some that had been recently installed and did meet

the specification. High pressure sodium or white light was recommended by the Police Authority, especially in areas with high levels of crime as this enhanced the quality of CCTV pictures.

It was reported that under most PFI Initiatives, members of staff were transferred over to the partner company. To investigate this, visits had been made to Stoke and Sunderland to obtain more information on the way the PFI would operate and how staff were treated. Concerns were raised in relation to conditions under the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE), covering factors such as salary and pension, and it was advised that a private company would still have the same duty of care toward its employees.

Councillor Willitts commented on the pavements which were to be refurbished in some areas of the City and asked if they would be dug up again to replace the lighting columns. He was told that the work would be integrated where possible.

It was explained that should the outline business case be approved, a short list of bidders would be put created and a preferred bidder selected in November 2005. The contract was scheduled to start in April 2006.

Resolved:

- 1 To note the report.**
- 2 To request that a update on the outline business case is given to the Commission later in the year.**

08/04 Forward Plan

The Commission agreed not to seek pre-decision scrutiny of any items in the Forward Plan at this time.

09/04 Responses of the Council Cabinet to any Reports of the Commission

Home Energy Conservation – How's Derby Doing?

The Commission considered a response from Council Cabinet on the Home Energy Conservation – How's Derby Doing? Draft Action Plan. The Council Cabinet had accepted the recommendations of the Commission in addition to their original decision.

Resolved to note the report.

Derby Joint Local Transport Plan 2006-2011, LTP2 Draft Policy and Delivery Frameworks

The Commission considered a response from Council Cabinet on the Derby Local Transport Plan 2006-2011, LTP2 Draft Policy and Delivery Frameworks. The Council

Cabinet accepted the recommendations of the Commission in addition to their original decision.

Resolved to note the report.

Matters referred to the Commission by Council Cabinet

10/04 Air Quality – Update and Screening Assessment

The Commission considered a report from the Director of Corporate Services which had been considered by the Council Cabinet on 15 June 2004 and referred to the Commission for comment. Jeff Laidler, Senior Pollution Control Officer, gave a presentation on the outcome of the Update and Screening Assessment (USA) report on the City's Air Quality and the proposals for statutory consultation.

It was reported that the assessment considered the levels of carbon monoxide, lead, sulphur dioxide, nitrogen dioxide, benzene, 1:3 butadiene and particulate material (PM10).

The Commission were advised that the level of each pollutant and the risk it posed needed to be assessed. The Update and Screening Assessment had identified a number of locations throughout the City where the levels of benzene, nitrogen dioxide and PM10 exceeded those specified in the national guidance.

The Chair asked about the action had been taken in regard to the business in the City, where benzene emissions exceeded the standards specified in the guidance. Jeff Laidler said that the Environment Agency were the enforcing authority in this case. It was agreed that there would be benefit in asking representatives of the business and the Environment Agency to explain to the Commission the actions that they were taking to reduce the emissions of benzene.

Resolved to make no comments on the report at this stage.

11/04 Food Law Enforcement Plan 2004/05

The Commission considered a report from the Director of Corporate Services which had been considered by the Council Cabinet on 15 June 2004 and referred to the Commission for comment. Mel Smith, Trading Standards Manager, gave a presentation outlining the revised Food Law Enforcement Plan for 2004/2005, which the Council was legally required to produce each year by the Food Standards Agency (FSA). The report contained details of the number of Food Safety and Food Standards inspections that it was proposed to carry out in the coming year.

Members of the Commission asked why all the food premises in the City would not require a Food Safety inspection. It was explained that premises were rated according to risk. For example, Medium Risk premises would be inspected every two years. It was explained that in 2003/04 no complaints about food premises had

resulted in prosecution. There had, however been some prosecutions since April 2004, which would be reported next year.

It was enquired how many staff would be required to achieve 100% of the programmed inspections for Food Standards. It was explained that at least two more members of staff were required. The Commission expressed the view that public health was of paramount importance and suggested that the Council Cabinet should consider making the funds available to provide the additional staff.

Resolved:

- 1 To note the report.**
- 2 To recommend that the Council Cabinet consider making available the funding needed to appoint the two additional officers that would be required to achieve 100% of the programmed inspections.**

Work Plan

12/04 Work Plan Topics

The Commission considered a number of suggested topic review subjects for the coming year. It was suggested that two topics should be selected.

It was considered that the following topic reviews would be the most relevant:

- A Review of the Council's Tree Policy
- Enforcement of the Dog Fouling Legislation in Derby
- Trimming of Trees and Bushes that Overhang Footways

The Commission felt that the tree-related topics would integrate well with each other, depending on the time of year they were covered.

In relation to the 2003/04 work plan, it was requested that updates be provided on the outcomes of:

- The age-restricted sales review
- The grass cutting review

Resolved:

- 1 To consider two topics for the following year:**
 - A Review of the Council's Tree Policy to include trimming of trees and bushes that overhang footways**
 - Enforcement of the Dog Fouling Legislation in Derby**

- 2 To request that updates were provided to a future meeting on how previous topic reviews were progressing.**

Minutes End