

# ITEM 4

Time commenced 6.00 pm  
Time finished 8.05 pm

## **PLANNING AND ENVIRONMENT COMMISSION 21 APRIL 2005**

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

In attendance: Councillor Redfern to speak on Item 92/04  
Councillor Carr to speak on 93/04, 97/04 and 99/04

### **87/04 Apologies for Absence**

There were no apologies for absence.

### **88/04 Late Items Introduced by the Chair**

In accordance with Section 100 (B) (4) of the Local Government Act 1972, the Chair agreed to admit an item on Tree Management Policy on the grounds that it needed to be considered before the next scheduled meeting of the Commission.

### **89/04 Declarations of Interest**

There were no declarations of interest.

### **90/04 Minutes**

The minutes of the meeting held on 3 March 2005 were confirmed as a correct record and signed by the Chair.

### **91/04 Call-In**

There were no call-ins.

## **Items for Discussion**

### **92/04 Markeaton Toilets**

Councillor Redfern had been invited by the Commission to speak on this item. She said that she had been made aware of an ongoing problem of anti-social behaviour at the male toilets on Markeaton Park near Ashbourne Road roundabout. Councillor Redfern told the Commission that she had visited the toilets herself and had found that there was a problem with improper use of the premises. She asked why these toilets were kept open at night when those on Kedleston Road had been closed.

John Hansed – Head of Streetcare and Waste Management, told the Commission that the Council received very few complaints from the public about public toilets in Derby. There had only been seven complaints in the last year and these were about graffiti and vandalism. However, he had recently spoken to the staff who service the toilets and they had reported problems with vagrancy, drug abuse, vandalism and homosexual activity. The staff had been asked to record the incidence of such problems and there would be another meeting in a month to quantify the scale of the problems and the Council would be working closely with the police. Sergeant Sean Skelton of Derbyshire Constabulary told the Commission that the police had received very few complaints about the toilets but he was concerned about the comments of Council staff. He confirmed that sexual activity in the toilets was an offence and said that the police had a duty to investigate. He also told the Commission that the problem was not confined to the toilets but that there was also activity in the park. Sergeant Skelton said that as a short term response, the police would be increasing patrols in the area and that there would be high visibility patrols conducted by uniformed officers. He confirmed that the officers would deal with any offences they observed.

Councillor Bolton suggested that John Hansed and Sergeant Skelton should report back to the Commission after they had completed their investigation. She thought there was a need for the Commission to consider the opening hours of the toilets and to make recommendations to Council Cabinet and the appropriate Chief Officers.

There was discussion about the option of closing the toilets but the Commission members concluded that there was a need to consider all the facts before making a decision and agreed to wait for the outcome of the investigation by the police and John Hansed's officers.

### **Resolved**

- 1. To await the outcome of the investigation by the police and John Hansed's officers.**
- 2. To request that a report on the investigation be brought to a future meeting of the Commission.**

## **93/04      Review of Dog Control and the Enforcement of Dog Fouling Legislation**

The Chair gave an update on the review and said that as part of the evidence gathering process, the Commission had thought it necessary to speak to Andrew Hopkin – Assistant Director, Environmental Health and Trading Standards and Councillor Carr, a Council Cabinet member, about the way in which Environmental Health and Trading Standards Division dealt with the issue of dog fouling.

Councillor Carr agreed that because of dog control service staffing levels, it was not possible to spend sufficient time enforcing the regulations. Andrew Hopkin confirmed that there were no accessible kennels close to the city which meant that the two dog wardens spent a large proportion of their time transporting stray dogs to the kennels

that the Council had to use. He said the possibility of using police kennels at St Mary's Wharf, when the police cease to be responsible for stray dogs, was being considered.

Andrew Hopkin said that he and Ian Donnelly – Group Leader Public Health, were frustrated by the lack of prosecutions. He confirmed that officers had carried out observations at a location identified by Councillor Tittley but said they had not seen anyone committing an offence. Councillor Willitts suggested that the Council should try and get the public to report dog owners who allowed their dogs to foul and did not remove it. Andrew Hopkin and Councillor Carr said that this had been tried but the public were not prepared to give statements.

Councillor Baxter pointed out that Mansfield Borough Council had achieved successes and taken a number of prosecutions. He suggested that the lack of enforcement encouraged irresponsible dog owners and he thought that a different approach to dog fouling in Derby was required. In response, Andrew Hopkin said that when compared to Derby, Mansfield had more resources to deal with dog fouling and dog control. He told the Commission that one of the problem areas was the city's parks and said that arrangements were being made to authorise park staff to deal with dog fouling.

Councillor P Berry asked what happened with stray dogs and Ian Donnelly explained that if a dog was chipped or tagged, it was returned on the first occasion, to its owner. If it was collected on a second occasion, it was taken to the kennels and the owner would have to pay to redeem it. If the owner did not collect the dog, they were still billed and there was a policy of pursuing them vigorously to recover the costs.

In response to a question from Councillor Redfern, Andrew Hopkin and John Hansed confirmed that Streetcare cleaned dog excrement from roads and footways but said there was a problem with cleaning up on open spaces.

Commission members discussed specific problems in their areas and Councillor Troup referred to a particular problem with dog fouling on the footpaths near schools in the Blagreaves ward. Members suggested to Andrew Hopkin that one way of tackling problems would be to devote a lot of resources to it over a short period of time. This would raise the profile and might achieve some prosecutions which would gain further publicity.

Members agreed that there was a need to see the scale of dog fouling problems for themselves and confirmed arrangements for a tour of the city on the evening of 26 April 2005.

**Resolved to note the outcome of the Commission's discussions with Councillor Carr and Andrew Hopkin.**

## **94/04      Update on Street Lighting PFI**

John Hansed updated the Commission on the progress with the PFI bid. He said that it was on timetable and that finance had been approved by the government. There had been eight bid submissions and these had been shortlisted to three preferred bidders. They were Balfour Beatty, Vinci Investments/ABB and David

Webster Limited. Their bids would be submitted in July and negotiations held throughout the rest of 2005 examined over the next three months and the three preferred bidders would be invited to make their best and final offer (BAFO) in January 2006, the contractor would then be selected.

In relation to staffing issues, John Hansed said that staff would transfer under TUPE and that all the contractors wanted to recruit as many qualified Derby people as possible. The client side staffing could not be finalised until the contractor was decided. In response to a question from Councillor Troup, John Hansed said that the contract would be for 25 years.

John Hansed said that Allen Jakes had been recruited as Street Lighting Manager and that his experience had proved very valuable and had enabled a lot of progress to be made with the repairs backlog. Councillor Troup welcomed the progress with the backlog but said he was still receiving complaints about street lighting.

**Resolved to note the report.**

#### 95/04      Local Transport Plan Workshop

Members were informed that a workshop session had been arranged for the evening of 19 May 2005 to enable the Commission to consider and comment upon the development of the Local Transport Plan (LTP) for 2006-2011.

A short briefing note that had been provided by Peter Price – Transport Policy Manager, was circulated to the Commission. The briefing notes summarised timetable for the LTP and it detailed the arrangements for the workshop. It was agreed to start the workshop at 6pm.

Councillor Bolton told the Commission it was important that the LTP report was written in plain English and said that the Plain English Panel needed to be given an early opportunity to consider the report. The Commission agreed to ask Peter Price to take the draft LTP report to the Plain English Panel as soon as possible.

**Resolved:**

- 1. To confirm the arrangements for the LTP workshop on 19 May 2005.**
- 2. To ask Peter Price – Transport Policy Manager, to take the draft LTP report to the Plain English Panel as soon as possible.**

#### 96/04      Land Adoption across Derby

The Commission considered a minute extract from the Scrutiny Management Commission on adoption of land. As the Chair of the Scrutiny Management Commission, Councillor Troup explained that the item had initially been referred to that Commission by Area Panel 1. The Area Panel was concerned that land at Breadsall Hilltop could not be adopted by the Council until it was made up to a sufficient standard. The Area Panel were aware of several areas of land across the city which were unadopted and had requested the Commission to investigate the

wider issue of land adoption across the city. The Scrutiny Management Commission had referred the item to the Planning and Environment Commission, which had been requested to consider the matter and report back.

In response to a question from the Chair, Steve Medlock – Head of Park Services, said that when a development was completed, the site was inspected by the Council. If the work appeared to be carried out according to the plans, the site remained in the developer's ownership for 12 months approval period during which the developer is responsible for maintenance. If after this period the land was in a satisfactory condition, it was adopted by the Council.

Regarding the Breadsall Hilltop site, Steve Medlock said that this was a former school site which had been sold to developers by the County Council just before the County Council's education function was transferred to the City Council. The developers put in a planning application for housing on the west side of the site and open space on the east side. As part of the planning agreement, the developers were required to provide a lump sum for improvements to the Adult Education Centre and open space.

Steve Medlock said that it had taken a long time for the developer to complete the laying out of the open space, although it was now nearly finished. He told the Commission that the problem was enforcing planning conditions on the developers. This was now mostly done through Section 106 agreements which were contracts and so could therefore in theory be enforced. Before Section 106 agreements were regularly used the Council would sometimes end up maintaining sites which they did not own, just to keep tidy.

Steve Medlock said that most problems were due to the difficulty of getting the developer to bring the land up to standard. Once the building work was finished, the developer tended to lose interest and concentrate on their next site. It therefore took time to bring the land up to the required standard but once this had been done there were rarely real problems, as the developer was keen to hand it over and transfer the maintenance costs to the Council. In response to a question, Steve Medlock also said there could be problems if the developer went bankrupt and it would then cost the Council to take the site into its ownership.

Steve Medlock said that the process for acquiring a site came through the planning process and Section 106 agreement. The site was then developed, laid out and eventually transferred to the Council. The planners, estates and legal departments were all involved in this process. Meetings were held to keep the process under review.

Steve Medlock agreed that enforcement of the planning conditions would be helpful. Councillor Troup suggested that if it had a strong case, the Council should pursue it more vigorously. Steve Medlock agreed and said that there was a need to make developers comply with the open space provisions, before they moved off site. He said that there were now better conditions that required the developers to complete the open space work when half the houses on the site had been sold but there was still the question of what the Council did, if the developer failed to comply. Councillor Troup suggested that the Council needed to get tougher with developers.

**Resolved to request the Co-ordination Officer, in conjunction with Steve Medlock and the Chair and Vice Chair of the Commission to prepare a report for the Scrutiny Management Commission.**

## **97/04      Tree Management Policy**

The Commission considered the e-mail sent to the Chair by the Director of Commercial Services and the responses he had received to e-mails sent to Councillor Care and Councillor Carr.

Councillor Carr told the Commission that the only issue was the Commission's recommendation to transfer funding for cosmetic tree work to the Area Panels. He said that all the rest of the work was going ahead. The Chair asked why the Commission had not received a report from the Chief Officer and Councillor Carr said it was question of how to frame objective criteria for challenging the Arborecultural Officer.

The Chair asked why there had been no response to the Commission's recommendations, regarding the re-writing of the Tree Management Policy and Strategy for Trees. Councillor Carr said that he believed that this was being done but said that it was late. He agreed to speak to the Chief Officer about this.

Councillor P Berry suggested that the Commission should set a timetable for the response from the Chief Officer. It was agreed to ask that this response be provided to the Commission at its meeting on 2 June 2005.

**Resolved to ask Council Cabinet for a response to the Commission's recommendation at the Commission meeting, to be held on 2 June 2005.**

## **98/04      Council Cabinet Forward Plan**

No new items were identified.

## **Responses of the Council Cabinet to any reports of the Commission**

## **99/04      Response of Council Cabinet to the Commission's Revenue Budget Recommendation**

The Commission considered a report of the Director of Corporate Services, which set out the Council Cabinet's response to the Commission's 2005/06 revenue budget recommendation. Councillor Carr thanked the Commission for recommending that public priorities fund be used to support the proof of age card scheme. Councillor Troup suggested that the Commission thank Council Cabinet for their positive response to the Commission's budget recommendations.

**Resolved:**

- 1. To note the response of Council Cabinet to the Commission's 2005/06 revenue budget recommendation.**
- 2. To thank Council Cabinet for their positive response to the Commission's budget recommendations.**

**Minutes End**