

# **ITEM 4**

Time commenced – 6.00 pm  
Time finished – 8.15 pm

## **PLANNING, HOUSING AND LEISURE BOARD** **24 JULY 2012**

Present: Councillor Redfern (Chair)  
Councillors Allen, Jackson, S. Khan and Troup

### **09/12 Apologies for Absence**

Apologies for absence were received from Councillor Hillier and Nawaz.

### **10/12 Late Items Introduced by the Chair**

There were no late items.

### **11/12 Declarations of Interest**

There were no declarations of interest.

### **12/12 Minutes of the Meeting held on 12 June 2012**

The minutes of the meeting held on 12 June 2012 were agreed as a correct record and signed by the Chair.

### **13/12 Call-in**

There were no items.

### **14/12 Council Cabinet Forward Plan**

The board noted the following updates, particularly reference numbers 26/12, 20/12 and 21/12 which were not available at the time of the agenda publication:

<b>Reference Number</b>	<b>Update</b>
96/10 (July)	Withdrawn
32/11 (July)	Council Cabinet to consider in October 2012
75/11 (July)	Considered at Council Cabinet in July 2012
98/11 (July)	Included for consideration at September's board meeting.
104/11 (July)	Council Cabinet to consider in September 2012
116/11 (July)	Previously considered by the Adults, Health and Housing Commission. Jeremy Mason, Housing Strategy Officer, had provided an update to the Overview and Scrutiny Officer. Following the consultation and the concerns

	raised by the commission, the Tenancy Strategy was redrafted to negate the use of fixed term tenancies.
10/12 (July)	Withdrawn
11/12 (July)	The Overview and Scrutiny Officer reported that the item had been amended since publication.
79/10 (July)	Included for consideration at September's board meeting.
93/11 (July)	Included for consideration at July's board meeting.
06/12 (July)	The Director of Leisure and Culture confirmed that discussions were on-going.
26/12 (August)	Council Cabinet to consider in September 2012
17/11(August)	Previously considered by the board.
65/11 (August)	Included for consideration at July's board meeting.
83/11 (August)	Included for consideration at July's board meeting.
109/11 (August)	Included for consideration by the Corporate Scrutiny and Climate Change Board.
113/11 (August)	Considered at Council Cabinet in July 2012
07/12 (August)	Council Cabinet to consider in September 2012
08/12 (August)	Council Cabinet to consider in September 2012
17/12 (August)	Included for consideration at September's board meeting.
20/11 (August)	Included for consideration at November's board meeting.
21/12 (August)	Included for consideration at November's board meeting.

**Resolved to note the Forward Plan for July and August 2012.**

## 15/12 The Establishment of Derby Museums and Arts Trust

The board received a report from the Director of Leisure and Culture, on behalf of the Strategic Director of Neighbourhoods. The board queried the accountability of the trust and the scrutiny process. The director explained that the implementation of a trust structure would provide the most effective delivery of the museum services, in terms of value and operation. The board was informed that this governance structure would enable the council to retain ownership of the budget, buildings and artefacts. The trust would govern the museum service within parameters set by the council, thereby focusing its actions on its overriding purpose. The charity rules would also limit the ability of the trust to secure borrowed funds against its net asset. As commissioner of the trust, the council would be able to buy back the service.

The board questioned the risks and possible implications incurred, should the trust be unable to secure Arts Council funding to support the revenue budget. The board further questioned the trust's ability to secure external funding in the future. The director confirmed that the establishment of the trust depended on the successful receipt of funding from the Arts Council.

The joint working arrangements with Nottingham museums were also queried by the board. The director explained that the collaboration had enabled the council to present a more attractive bid to the Arts Council, which represented a shared vision for the region.

The director confirmed that the trust would be required to meet performance indicators, as set out in their business plan.

**Resolved to:**

1. note progress on the development of the Derby Museums and Arts Trust; and
2. endorse the establishment of the Derby Museums and Arts Trust.

## 16/12 The Recent PM<sub>10</sub> Air Quality Consultation

The board received a report from the Director of Environment and Regulatory Services on behalf of the Strategic Director of Neighbourhoods. The board considered the responses to the consultation.

The board questioned whether the existing NO<sub>2</sub> AQMA covered the Victory Road site and whether a gasification plant would emit PM<sub>10</sub> particulates. The director explained that there were many different sources of PM<sub>10</sub> but emissions were a key source.

The board sought assurances that should a gasification plant (or a similar industrial plant) be constructed on the Victory Road site; the surrounding air quality would be both properly monitored and managed. The officer confirmed that any industrial activity on the site would be subject to a permit and monitored by the operators. The Environment Agency (who would issue the permit) would require notification of the monitoring results. The council would be entitled to request a copy of the results from the Environment Agency and should a problem arise, request intervention. The emission limits would be set by the Environment Agency and enforceable through the permit conditions.

The director estimated that the operation and maintenance of a PM<sub>10</sub> monitor cost between eight and ten thousand pounds a year.

**Resolved to:**

1. note the results of the PM<sub>10</sub> Air Quality Management Area consultation; and
2. recommend to Council Cabinet to support the revocation of the PM<sub>10</sub> Air Quality Management Area on the basis that any future operations on the site will be subject to self monitoring and regular reporting to the Environment Agency. The Planning, Housing and Leisure Board also understands that these results will be made publicly available and that the Council will be able to intervene should any issues arise.

## 17/12 Private Sector Housing – Standards and Issues Related to Rented Properties

The board received a report from the Director of Environment and Regulatory Services on behalf of the Strategic Director of Neighbourhoods.

The board recognised the budget, staffing and financial implications affecting the service and particularly noted the 600 referrals. The director confirmed that the service had witnessed a huge growth in private sector renting due to the economic climate and welfare reforms.

The board questioned whether HMOs were being monitored regularly and whether two storey HMOs attracted particular attention. The director clarified that spot checks were undertaken as well as checks on the issue of a licence. The majority of checks, however, were re-active rather than pro-active. The director explained that there was no licensing requirement in relation to two-storey properties. Consequently, monitoring was made difficult. The responsibility to apply for a licence remained with the landlord. The director confirmed that to date, there had been no prosecutions for non-notification. It was reported that the usual trigger for investigation was the receipt of a complaint from a member of the public. Data protection regulations legislation prevented the sharing of information which would link housing benefit to licensed properties.

It was reported that recent growth within the sector was further stretching resources. The director suggested that targeting unscrupulous landlords was the most effective solution in tackling the problem. The service invested additional resource in targeting particular geographical areas where problems were known to occur.

The board enquired about the display of letting boards which appeared to breach Town and Country Planning (Control of Advertisements) Regulations. It was reported that the Head of Development Management was investigating the issue.

**Resolved to:**

- 1. support the Housing Standards Team in the development of the targeted approach to bad landlords; and**
- 2. undertake research through the identified topic review (on private rented sector housing issues) to determine whether discretionary licensing powers can be applied in certain parts of the city.**

## 18/12 Adoption of 'Our City, Our River' Masterplan

The board received a report from the Head of Spatial Planning and Climate Change on behalf of the Strategic Director of Neighbourhoods. The officer outlined the funding arrangements for the project.

The board asked whether the recent high levels of rainfall had provided any further insight to the affects experienced by the City. The officer explained that although the rainfall was heavy, it did not cause the river Derwent to flood. The board sought further information regarding the severity of rainfall anticipated by the strategy. The officer explained the factors which contributed to the problem anticipated by the masterplan, for example, the location of the rainfall and the prolonged duration.

The officer clarified the supply of funding; particularly whether the mitigating measures, together with the ongoing maintenance costs, would be sourced solely

from the capital and revenue budgets. The officer further explained the interaction that would be required between the council, the Environment Agency and local developers.

**Resolved to note and support Council Cabinet's decisions in relation to the 'Our City, Our River' Masterplan.**

**19/12      Council Cabinet Planning, Housing and Leisure Decisions June – July 2012**

The Overview and Scrutiny Officer reported that the neighbourhood planning initiative would be considered as part of the board's work programme, at a future meeting. The officer further reported that in relation to the construction of the Multi-use Sports Arena, a contractor had been approved. The officer confirmed that the council had been awarded almost five million pounds to encourage the use of sustainable modes of transport in the city.

**Resolved to note the relevant Council Cabinet decisions.**

**20/12      Outline Work Programme and Topic Reviews 2012-2013**

The board reviewed and confirmed the outline work programme. The board particularly noted the inclusion of library opening hours as a matter for scrutiny. The board was keen to review the consequences of the Council Cabinet decision and expressed an interest in determining how the reduction in hours of operation had affected the service.

The board discussed the revised timescales in relation to the development of the Multi-use Sports Arena and the viability of the governance topic review. The board noted that Council Cabinet had approved the development. The actual construction of the arena, however, had not begun. Members were satisfied that a governance review would be more appropriate at a time when the operation of the arena was imminent.

The board debated the potential scope and effectiveness of a topic review regarding private rented sector housing standards.

**Resolved to continue to**

- 1. approve the outline work programme 2012-13;**
- 2. delay work on the Multi-use Sports Arena Governance Topic Review until work has begun on the arena's development; and**
- 3. undertake a topic review in relation to housing conditions and anti-social behaviour in rented accommodation within the private sector.**

MINUTES END