

Time started – 6.00pm
Time finished – 9.09pm

NEIGHBOURHOODS COMMISSION 8 MARCH 2011

Present: Councillor Troup (Chair)
Councillors Barker, Batey, Harwood, Jackson, Rawson and Redfern

In attendance: Councillor Turner.

85/10 Apologies for Absence

There were no apologies for absence received.

86/10 Late Items introduced by the Chair

The Chair informed the Commission that there was a late item on the Council's budget.

87/10 Declarations of Interest

There were no declarations of interest.

88/10 Impact of the Comprehensive Spending Review on Neighbourhoods Directorate Services

At the request of the chair and with the consent of the Committee the following item was considered higher up the agenda than was advertised.

The Commission considered a report of the Strategic Director of Neighbourhoods on the impact of the Comprehensive Spending Review on the Neighbourhoods Directorate services. He stated that wherever possible front line services had been protected. Second, third and fourth tier posts had been merged and waste through inefficiency had been reduced. The Chair asked for the percentage changes in budgets to be supplied to the Commission.

Councillor Jackson asked if the Guildhall Theatre was going to be mothballed this year. The Strategic Director of Neighbourhoods stated that there were no plans to close the Guildhall Theatre in this financial year but it may be considered as part of next year's budget scrutiny round.

Resolved to note the report

89/10 Minutes of a Previous Meeting

The minutes of the meetings held on 27 January 2011 and 7 February 2011 were confirmed as correct record and signed by the Chair subject to the following amendments to the minutes of the meeting held on 27 January 2011:

1. that Minute 66/10 on page two, paragraph two be amended to read sewers and not water supply;
2. that Minute 66/10 on page two, paragraph three be amended to read sewers and not water supply;
3. that Minute 66/10 on page two, paragraph four, line one be amended to read with and not which;
4. that Minute 67/10 page four, paragraph five, line two be amended to read could restrict and not will restrict; and
5. that sentence three of Minute 68/10 page five, paragraph five, be removed.

90/10 Call-in

The Overview and Scrutiny Co-ordinator informed the Commission that a call-in had been received and the meeting to consider it had been scheduled to be held last night. At Council on 2 March 2011 an amendment had been moved and endorsed which secured the future of the Shaftesbury Sports Centre. Since the Council meeting the call-in signatories had withdrawn their request and the meeting had been cancelled.

Resolved to note the update

91/10 Councillor Call for Action

There were no Councillor Calls for Action to report to the Commission.

92/10 Responses of the Council Cabinet to any reports of the former Commissions

a) Derby and Derbyshire Year of Culture

Members were informed that the Cabinet had noted the report of the Commission.

b) Derby Local Transport Plan Three

Members were informed that the Cabinet had noted the report of the Commission. The Chair stated that it was unsatisfactory to simply note the report of the Commission. Members had made comments and he wanted to know whether the Cabinet had accepted them. He asked for more expansive responses.

c) Bus Lanes Review – Outcome of Scrutiny Interim Report

Councillor Rawson asked for an update on the bus lane review.

d) Toilet Provision in Derby

Councillor Redfern stated that Charnwood Borough Council had entered into an agreement with local businesses to provide toilet facilities to the public as they too had reduced their public toilet provision in the district. She asked if the Council planned to do the same. The Director of Streetpride stated that he would investigate the proposal as it seemed a sound idea.

Resolved to request a report back to the Commission on the formation of an agreement with local businesses to provide toilet facilities to the public

e) Draft Revenue Budget 2011/12 – 2013/14

Councillor Redfern raised concern with the reduction to the enforcement. The Chair stated that this would be covered later on in the meeting.

Councillor Rawson asked if the supermarkets had been approached to take over the recycling centres. The Director of Streetpride stated that the supermarkets would not be taking on the recycling centres the Council provided. He added that the key point was that more than 90 percent of households were going to have their recycling collected from outside their door. Officers were then going to focus their attention on the remaining 10 percent once the collection rounds changed in July.

The Commission raised concern with the reductions in the grounds maintenance service and the effect this would have on the locality. The Grounds Maintenance Manager stated that there would still be considerable funds available for grass cutting, dealing with fly tipping and vandalism. The impact would mostly be in the parks. For example, facilities which suffered vandalism may instead be made safe rather than instantly being replaced.

Councillor Barker asked if the agricultural college had been approached to either run the glass houses or to provide plants for the city. The Grounds Maintenance Manager stated that they needed someone with a proven track record of supplying a local authority.

93/10 Drains in the vicinity of Nightingale Road

The Commission considered a report of the Head of Environmental Health and Licensing updating the Commission on the action taken to investigate a problem with the drains at Nightingale Road since the last meeting. He informed Members that a monitoring area had been created at six locations in the area where complaints were received and an odour mapping exercise was being organised to obtain further information. Officers have met with representatives from S&A Foods on site to examine their waste water and odour control procedures. Local ward members, representatives from Severn Trent Water and officers from Environment and Regulatory Services, Highways and Transport and Streetpride have met to discuss and review the actions which were being taken. The next meeting was due to take place in 4-6 weeks. Key information about the importance of the correct disposal of fats,

oil and grease was being circulated to residents and businesses. Severn Trent Water was continuing with their cleansing programme currently in place and any maintenance issues that arose. He added that the majority of observations had been negative.

Councillor Harwood asked if tests had been done to find out if the smells were still present if S&A Foods was not operating. The Head of Environmental Health and Licensing stated that this was not possible because the company operates 24 hours a day, seven days a week. Councillor Redfern asked if fast food outlets had limitations on what they could discharge into the sewers as well. The Head of Environmental Health and Licensing stated that smaller businesses were not subject to the same consents as larger businesses. If fast food outlets and households all discharged waste products and fat into the sewers then over a period of time there would be a cumulative affect.

The Chair asked if collections of waste fat and oils were made from businesses. The Director of Environment and Regulatory Services informed Members that a small scale operation existed that collected oil to process it into bio-oil. The waste fat was not particularly useful as a waste product.

Councillor Turner stated that a plan needed to be formed to source of the problem then solve it. He argued that cleaning the drains would not identify the root cause and unless it was found then this would be a reoccurring problem. He said that the blame for this cause should not be shifted on to the residents but proper disposal of the waste was important. He informed the Commission that he had asked Severn Trent to provide the technical report that was produced prior to the creation of the waste agreement between S&A Foods and Severn Trent but he had not received it. Councillor Harwood stated that the only way to eliminate S&A Foods from investigation would be to test the sewers when their facility was not working. The Director of Environmental Health and Regulatory Services stated that officers could ask if S&A had any planned maintenance or a close down period. Monitoring could then be carried out at when the plant was shut.

The Director of Environmental Health and Regulatory Services stated that the resident would not be blamed however for a number of weeks monitoring has been carried out and there has been nothing to suggest that a smell has been emanating from that area. The complaint was about spiced food smells and it could not be coincidence that there was a large food manufacturer operating in close proximity. But they had been operating for 20 years and these complaints only began within the last two years.

The Chair asked how spicy food smells were connected to the fat in the drains. The Director of Environmental Health and Regulatory Services stated that the fat would retain the odour however ventilation systems in the factory could help remove the odour from the shop floor.

Resolved:

- A. To request an update report at the next Neighbourhoods Commission meeting in June**
- B. To recommend that officers include advice on the correct disposal of fats in the next Streetpride circular**

94/10 Highways and Transport Works – Proposed Programme

The Commission considered a report of the Strategic Director of Neighbourhoods on the proposed works programme for highways and transport.

Councillor Redfern expressed concern about the closure of an entrance between Manor Road and St Albans Road and the impact this could have on bus routes. It was reported that residents had been consulted on the closure of this road. The proposal had been to close this road to through traffic apart from buses so their journeys would be unaffected.

Councillor Rawson asked for an explanation of the allocation of Section 106 monies. It was reported that Section 106 money was to mitigate the impact of a development. Sometimes the impact of a particular development would extend outside of the ward in which the development was being built. Some agreements were negotiated long ago and could not be changed however in future the Localism Bill will place more emphasis on developers to consult with local communities about the impact of any major development. Councillor Berry expressed concern that ward members were not being involved in Section 106 negotiations at an early enough stage.

Resolved:

- A. To note the report**
- B. To request an update report on the allocation of Section 106 money to the next Neighbourhoods Commission meeting in June**
- C. To provide the Chair with a breakdown of the costs of refurbishment of the pelican crossings at the A514 (Osmaston Rd/Mowbray St), A6005 (Nottingham Rd/Gregory's), A514 (Osmaston Rd/Shafesbury St) and Stenson Rd/Village St.**

95/10 Retrospective Planning Permissions and Enforcement Action

The Commission considered a report of the Strategic Director of Neighbourhoods on retrospective planning permissions and enforcement action. The Enforcement and Compliance Officer, Neil Jackson, informed the

Commission that there were a number of powers available to his team to stop unauthorised developments. However, the majority of the time the team negotiated with householders and developers to come to a satisfactory solution. In 18 years the team had only received three complaints. The Chair asked why residents needed planning permission if they could build something anyway. The Enforcement and Compliance Officer stated that they would not be able to sell their house if they did not have planning permission. He informed Members that every time a house was sold a search was carried out and this would uncover that the property did not have the necessary planning permissions.

Councillor Berry thanked the Enforcement Team for their hard work and the assistance they had provided him. He asked them to be vigilant of trees that were protected by Tree Preservation Orders (TPO) that developers knocked down while they built a development. He stated that if this were to happen then like for like trees should be planted. The Enforcement and Compliance Officer stated that if a TPO protected tree were knocked down then wherever possible he did try to secure a replacement tree in the same place as the original.

Councillor Harwood asked what could be done to stop residents parking on grass verges in front of their houses. The Enforcement and Compliance Officer stated that as they were parking on land designated as highway then this would be an issue for Parking Enforcement.

Councillor Redfern stated that this process was very frustrating for residents and councillors alike. She said that it was very difficult to reconcile herself to a process that allowed someone to break the law and then apply to keep the completed development. The Enforcement and Compliance Officer stated that developers could apply retrospectively to keep extensions to their properties. The planning process is very laborious but the main restriction on the powers of the enforcement team was the numbers of staff. However, as enforcement was not a statutory function it was not a major priority.

The Commission asked if there was anything it could do to assist the Enforcement Team. Councillor Berry stated that there was no point in having laws or conditions on planning permissions if there was no one to enforce them. He suggested that the Commission carry out a topic review to monitor the team's workload and the impact of reducing the team to one member of staff. The Chair stated that the Cabinet were also going to monitor any developments with this service. Councillor Barker asked if Building Control officers could assist the Enforcement Team. He added that he would like to see the rationale for halving the Enforcement Team's capability. The Head of Development Control, Paul Clarke, stated that Building Control had to generate its own revenue to sustain the service and would be unable to do so if it was covering enforcement work. The Overview and Scrutiny Co-ordinator, Rob Davison, stated that the reduction in the Enforcement Team had been examined by the Scrutiny Management Commission during the second stage of the budget scrutiny. Cabinet had noted their concerns and agreed to monitor the situation throughout 2011.

Resolved:

A. To note the presentation

B. To request that a report to the October Neighbourhoods Commission on how the Enforcement Team is managing with the reduction in staffing.

96/10 **Matters referred to the Commission by Council Cabinet**

There were no items referred to the Commission by Council Cabinet.

97/10 **Retrospective Scrutiny**

There were no items of retrospective scrutiny raised by the Commission.

98/10 **Council Cabinet Forward Plan**

The Scrutiny Co-ordination Officer reported the items on the Forward Plan relevant to the Commission's remit.

MINUTES END