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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of the Community & Environment Committee meeting held at 6.00 pm on Wednesday 17th November 2021 in the Council Chamber, Town Hall, Matlock DE4 3NN.

PRESENT Councillor Helen Froggatt - In the Chair

Councillors: Matthew Buckler, Sue Bull, Martin Burfoot, Neil Buttle, Susan Hobson, David Hughes, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Steve Wain, and Mark Wakeman.

Paul Wilson (Chief Executive), Rob Cogings (Director of Housing), Ashley Watts (Director of Community and Environmental Services), James McLaughlin (Director of Corporate and Customer Services), Tim Braund (Director of Regulatory Services), Mike Hase (Policy Manager), Marie-Christine Schmidt (Estate Regeneration Manager), Jason Spencer (Electoral and Democratic Services Manager), and Tommy Shaw (Business Support Assistant).

APOLOGIES

Apologies for absence were received from Councillors, Lewis Rose (substitute Susan Hobson), Andrew Statham, Alasdair Sutton, and Chris Furness.

176/21 – MINUTES

It was moved by Councillor Garry Purdy seconded by Councillor Susan Hobson and

RESOLVED That the minutes of the meeting of the Community & Environment Committee held on 22nd September 2021 be approved as a correct record.
(unanimously)

177/21 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation Mr Peter Dobbs, Local Resident spoke on Item 9 on the Ashbourne Air Quality Management Area.

178/21 – INTERESTS

Councillor Dermot Murphy declared a personal interest in item 7 - Peak District National Park Local Plan Review: Topic Papers as he was a member of the Peak District National Park.

179/21 - INDEPENDENT REVIEW OF THE WASTE AND RECYCLING SERVICES CONTRACT WITH SERCO – PROPOSED TERMS OF REFERENCE AND APPOINTMENT OF INDEPENDENT REVIEW OFFICER

The Chief Executive and Director of Community and Environment introduced a report setting out the proposed terms of reference for an independent review of the Waste and Recycling Services contract with Serco,

At a meeting held on 14 October 2021, the Council received a petition from nearly 600 residents asking the Council to “commission an independent enquiry into Serco’s delivery of its 2020 waste contract and impose penalties for non-compliance where they are found to be applicable. We believe this is necessary so that the Council can meet its environmental and climate commitments in the future while representing value for money for tax payers and residents.”

At the same meeting, the Council debated a Motion that also asked the Council to establish an independent review of the contract with Serco for the provision of waste and recycling services. Following a debate the Council unanimously resolved to:

- Initiate an independent review of the Waste and Recycling Collection Contract to establish Serco’s performance against the requirements of the contract using qualitative and quantitative methods.
- Require an evaluation of current contractual and operational issues including current market conditions, environmental impacts and financial impacts arising as a result of service disruptions encountered.
- Require an assessment of the decisions taken, the likelihood of rectification within current contract parameters and identify possible alternative solutions.
- In the interests of expediency, delegate authority to the Community and Environment Committee to agree appropriate Terms of Reference and to commission ‘Recircle Consulting’ to undertake the review given their knowledge of the Derbyshire Dales, the contractual requirements with Serco and their relevant market intelligence.
- Require the completion of the review by 31st December 2021 and for it to be reported to an extraordinary meeting of Community and Environment Committee in January 2022.
- Approve a supplementary revenue estimate of £20,000 for 2021/22 for the appointment of ‘Recircle Consulting’ to undertake the review.

As the Council had delegated authority to the Community and Environment Committee to determine the terms of reference and process for the review to follow, the Committee was asked to consider these matters and provide Member level direction for the review.

The report set out proposed terms of reference for the review which had been provided as a framework for Members to consider, with the Independent Review Officer and Member Working Group having the flexibility to respond to issues and explore relevant lines of enquiry, during the course of the review itself. The proposed terms of reference for the review were:-

- a) To evaluate the provisions of the contract with Serco for the delivery of waste and recycling services that took effect in August 2020; specifically whether the contract

specification, mobilisation and implementation met the requirements approved by Elected Members in December 2019 and whether the contract was adequate in the context of the competitive waste services market at that point in time and presently.

- b) To evaluate the Council's management of that contract, including:
 - i. Whether the response to the recent service disruption and decisions taken by Officers/Members was necessary, effective and proportionate
 - ii. Areas of good practice
 - iii. Areas of improvement
 - iv. Operational / market constraints and future mitigating measures to address any identified contract failings

- c) To evaluate Serco's performance in the delivery of the contract
 - i. Review of contract documents and requirements
 - ii. Contract mobilisation and August 2020 implementation.
 - iii. Quantitative analysis of data in relation to KPIs and other key performance measures
 - iv. Review of financial impact associated with diversion of waste streams
 - v. Qualitative review of other contract performance/compliance
 - vi. Review feedback from the Waste & Recycling team in their dealing with residents and Elected Members, and Serco's response to those requests.

- d) To establish and summarise the root causes of recent service disruption and identify the actions required to be considered in order to mitigate future wide scale service disruption to residents.

It was noted that during the debate on 14 October the Council indicated that an independent person should undertake the review and write the report which was due to be considered by the Community and Environment Committee in January 2022. A number of potential candidates had been identified and evaluated and Allen Graham, founder and Managing Director of Circling Squares Ltd, had been identified as having the necessary knowledge and experience to act as an independent person

The report recommended that a representative from each of the Council's five political groups be appointed to work with the Independent Reviewer. The purpose of this group was to give Councillors the opportunity to feed in the experiences of councillors in dealing with casework arising from the disruption to waste and recycling services and act as a resource for the Independent Review Officer (IRO) to consult for clarification on any matter within the terms of reference. It was believed that this approach would maintain the independence of the IRO and minimise the impact on Officer workloads as they continued to work with Serco to manage the delivery of the service on a day-to-day basis.

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

- RESOLVED**
(unanimously)
- 1. That approval be given to the Terms of Reference for the independent review of the Waste and Recycling Services contract outlined at paragraph 2.2 of the report.

 - 2. That each political group be invited to nominate a Member to contribute information to the review on behalf of their group.

3. That Allen Graham (Circling Squares Ltd) be appointed as the Independent Review Officer with a remit in accordance with the approved Terms of Reference.
4. That the Independent Review Officer be required to present their report and recommendations to the Community and Environment Committee at an extraordinary meeting to be arranged in January 2022.
5. That Council be requested to approve a further supplementary revenue budget for 2021/22 of £5,000 to cover the increased consultancy and miscellaneous costs for this review.

180/21 – PEAK DISTRICT NATIONAL PARK LOCAL PLAN REVIEW: TOPIC PAPERS

The Policy Manager introduced a report setting out details of the topic papers published for comment by the Peak District National Park Authority as part of their Local Plan review process. The report set out suggested responses to the questions posed in each the topic papers.

The report advised the Committee that, as part of the review of their Local Plan, the Peak District National Park Authority was gathering evidence in advance of holding a formal consultation on their preferred issues and options towards the end of 2022 and consulting on the Draft Local Plan at the end of 2023. As part of the early stage of this review process the National Park Authority had produced ten Topic Papers and held stakeholder workshops linked to each paper. Responses to the Topic Papers and discussions at the workshops would inform the review and subsequent consultation on the revised Local Plan.

The purpose of each Topic Paper was to assess the performance of existing policy, examine the latest research, guidance and evidence that will impact on new policy and highlight gaps in knowledge and generate areas of further research.

The Topic Papers, which were available on the Peak District National Park Authority website cover the following areas:

1. Spatial Strategy
2. Climate Change and Sustainable Buildings
3. Health and Well-being
4. Heritage and Built Conservation
5. Housing
6. Landscape, biodiversity and nature recovery.
7. Recreation and Tourism
8. Shops, Services and Community Facilities
9. Supporting Economic Development
10. Sustainable Transport and Infrastructure
11. Utilities

Each topic paper contains a number of consultation questions. Suggested responses to the questions were set out in Appendix one of the report.

It was moved by Councillor Dermot Murphy, seconded by Councillor Susan Hobson and

RESOLVED That the suggested responses to the Topic Paper questions in Appendix One are approved and forwarded to the Peak District National Park Authority for their consideration as part of the review of the Peak District National Park Local Plan.
(unanimously)

181/21 – PUBLIC HEALTH ACT 1936 – SCHEME OF DELEGATION

The Director of Regulatory Services introduced a report setting out proposals to amend the Council’s scheme of delegation in relation to section 83 of the Public Health Act 1936 (As Amended).

It was noted while the current scheme contained delegations for officers to act under sections 84 and 85 of the Act, which deal with filthy and verminous articles and verminous persons, it did not delegate powers under section 83 of the Act, which dealt with filthy and verminous premises. In addition the powers of entry contained in the Constitution under the 1936 Act referred only to matters of drainage and to Building Regulations, and not to the Act as a whole.

It was moved by Councillor Garry Purdy, seconded by Councillor Sue Bull and

RESOLVED That the scheme of delegation detailed at paragraph 2.1 in the report be approved.as follows:
(unanimously)

Subject	Act	Functions Delegated	Officer
Public Health – Filthy and Verminous Premises	Public Health Act 1936 (as amended) – section 83	Authority to appoint a proper officer	Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services
		To exercise the powers under section 83 of the Act (as amended)	Director of Regulatory Services/Environmental Health Manager/ all Environmental Health Officers and Environmental Health Technicians
		Power to enter premises	Director of Regulatory Services/Environmental Health Manager/ all Environmental Health Officers and Environmental Health Technicians

182/21 – AIR QUALITY MANAGEMENT AREA, ASHBOURNE – UPDATING REPORT

The Director of Regulatory Services introduced a report updating Members on the actions taken following the declaration of an Air Quality Management Area in Ashbourne at the meeting of this committee on 7 April 2021.

At the meeting of the Community and Environment Committee held on 7 April 2021 it was resolved to declare an Air Quality Management Area (AQMA) in Ashbourne in respect Buxton Road from the junction with Windmill Lane and North Avenue, to the junction with St John's Street and St John's Street from number 22 St John's Street to the junction with Cokayne Avenue and Park Road.

Following the meeting on 7 April 2021, Officers contacted Derbyshire County Council's Transport team and began the process of progressing an action plan. It was agreed that they would follow the model used for the creation of other AQMA Action Plans in Derbyshire by producing a long list of possible options which would be evaluated to identify those that might be suitable for Ashbourne. It had also been agreed that representatives from Ashbourne Town Council and Ashbourne Town Team would be involved in developing the Action Plan process.

It was noted that although the timespan between meetings of the stakeholder group had been longer than anticipated, the County Council had needed time to clarify proposals, plan for both the long list of measures and the proposed shortlist, and progress these through their governance procedures. Members expressed concern over the time taken to progress this and suggested that representations should be made to the County Council to emphasise the urgency in progressing this.

It was moved by Councillor Sue Bull, seconded by Councillor Martin Burfoot and

RESOLVED

(unanimously)

1. That the actions taken in progressing the action plan be noted.
2. That Councillor Garry Purdy be asked to write to Councillor Barry Lewis, leader of the Derbyshire County Council, Councillor Kewal Singh Athwal, Derbyshire County Council Cabinet Member for highways assets and transport, and Chris Henning, Executive Director of Derbyshire County Council, in order to express the urgency of the addressing the air quality situation in Ashbourne.

183/21 – PROCEDURE ON THE ENFORCEMENT OF ENERGY PERFORMANCE OF BUILDINGS (ENGLAND AND WALES) REGULATIONS 2012 AND THE ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015 (AS AMENDED).

The Director of Regulatory Services introduced a report which proposed the adoption of a procedure which set out the District Council's approach to the operation of the Energy Performance of Buildings (England and Wales) Regulations 2012 and the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended).

In August 2020 the Committee approved a delegation to officers to undertake their duties to help improve energy efficiency standards in private rented domestic properties. Since then work continued and, to make the process as transparent as possible to landlords and tenants, a procedure was developed setting out the requirements of the legislation and the actions that will be taken by the Council to ensure compliance.

It was moved by Councillor Neil Buttle, seconded by Councillor Steve Wain and

RESOLVED That the procedure attached as Appendix 1 to the report be approved
(unanimously) and adopted.

184/21 – HURST FARM REGENERATION PROJECT

The Estate Regeneration Manager introduced a report setting out details of progress made on delivering the Hurst Farm Regeneration Vision since it was launched in November 2019. The report also asked the Committee to approve and adopt the Hurst Farm Woodland Management Plan, which had been created as part of the development work on the heritage trail. Funding for this development was received in 2019 as a two year £79,000 Development grant from National Lottery Heritage Fund to develop a £1m Capital and Revenue Round 2 funding application for the creation of a Heritage Trail to be submitted at the end of February 2022.

The report provided an update on the Hurst Farm Vision, which formed the basis of the Hurst Farm Regeneration Project, and outlined progress made on the following key anchor projects:

1. Hurst Farm Vision;
2. Social Club Improvements;
3. Community Pantry – Social Farm Shop;
4. Spider Park Improvements;
5. Community Business Development Manager Post;
6. Heritage Trail Project;
7. Approval of Woodland Management Plan.

It was confirmed that following the completion of improvement works the Social Club building and car park were currently undergoing an asset transfer from the Council to the Social Club Community Interest Company. It was estimated that this would be completed in December 2021.

It was moved by Councillor David Hughes, seconded by Councillor Martin Burfoot and

RESOLVED 1. That progress on the Regeneration project be noted.
(unanimously) 2. That the Hurst Farm Woodland Management Plan be approved and adopted.

3. That Council be recommended to approve the sum of £251,000 for inclusion in the capital programme for 2021/22 to fund improvements at Hurst Farm Social Club (to be financed by grant)

185/21 – BIODIVERSITY REPORT – UPDATE

The Director of Community and Environmental Services introduced a report updating Members on the progress of the biodiversity of road verges and public open spaces project and outlining the next phase of the project for 2021/22.

On 14th October the Committee approved proposals to increase the biodiversity of road verges and public open spaces. At that meeting the Committee recognised the need to do something to redress the dramatic loss of wildflower meadows in the last hundred years and the continued loss of plant species from our verges due to changes in management. This loss of wildflowers had resulted in significant decrease in insect populations.

A Diversity Working Group made up of both Elected Members and Officers had been established to oversee the project.

It was noted that during year two of the biodiversity project there would be a focused on research into the potential for composting collected clippings, broadening our understanding of equipment and techniques as well as building on growing alliances.

It was moved by Councillor Neil Buttle, seconded by Councillor Martin Burfoot and

RESOLVED

1. That progress on the project throughout year one of the pilot be noted and approval be given to the next steps.
2. That the sharing of experience between the parish councils and community groups be facilitated.
3. That this council works with Derbyshire Wildlife Trust to promote and enable residents to increase the biodiversity in their gardens
4. That this council continues to work with DCC and contacts other local authorities to exchange information and ideas.
5. That this council works with landowners of public open space to encourage them to manage their land sympathetically for wildflowers.

Voting:

For	13
Against	0
Abstention	1

The Chairman declared the motion **CARRIED**

Councillor David Hughes left the meeting at 7:50pm during consideration of this item.

186/21 – CLEAN & GREEN SERVICE REVIEW UPDATE

The Director of Community and Environmental Services introduced a report updating Members on the progress of the strategic review of the Clean & Green service.

It was moved by Councillor Garry Purdy and seconded by Councillor Mark Wakeman and

RESOLVED That the progress made on the review be noted.
(unanimously)

Meeting Closed 8:00PM

Chairman