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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Thursday 12 July 2018 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Joanne Wild - In the Chair

Councillors Jason Atkin, Sue Bull, Martin Burfoot, Tom Donnelly, Ann Elliott, Chris Furness, Alyson Hill, Vicky Massey Bloodworth, Tony Morley, Dermot Murphy, Joyce Pawley, Mike Ratcliffe, Lewis Rose OBE and Colin Swindell.

Tim Braund (Head of Regulatory Services), Steve Capes (Head of Regeneration and Policy), Ashley Watts (Head of Community & Environmental Services), Giles Dann (Economic Development Manager), Keith Postlethwaite (Parks and Streetscene Manager), Isabel Cogings (Rural Housing Enabler) and Jackie Cullen (Committee Assistant).

Cllr Helen Froggatt attended as Ward Member.

6 members of the public and 1 member of the Press.

APOLOGIES

Apologies for absence were received from Councillors Richard Bright, Albert Catt and Susan Hobson. Councillors Tom Donnelly and Alyson Hill attended as Substitute Members.

60/18 – MINUTES

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Swindell and

RESOLVED (unanimously)

That the minutes of the meeting of the Community & Environment Committee held on 7 June 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

61/18 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Mr Brian Salisbury (Chair of Toilet Sub-Committee, Bradwell Parish Council) spoke in favour of the Recommendation in ITEM 8: PUBLIC CONVENIENCES – UPDATE; Ms Christine McLean (local resident) made a statement regarding ITEM 10: CAR PARK MANAGEMENT – REVIEW OF CHARGES, with particular reference to Wirksworth; Ms Siobhan Spencer (Derbyshire Gypsy Liaison Group) made a statement on ITEM 11: GYPSIES AND TRAVELLERS – UPDATE, with regard to the provision of a permanent Gypsy and Traveller site in the District; and Cllr Helen Froggatt (Derbyshire Dales District Council) made a statement on ITEM 11: GYPSIES AND TRAVELLERS – UPDATE, with reference to the unauthorised encampment in Bakewell.

62/18 – INTERESTS

Cllr Jason Atkin declared a non-prejudicial interest as a member of Derbyshire County Council in ITEM 11: GYPSIES AND TRAVELLERS – UPDATE, as the land referred to in the report was owned by the County Council.

The Chairman agreed to vary the order of the Agenda to accommodate the members of public who had made representations at the meeting. The Agenda would be considered as follows:

Item 6, 11, 10, 8, 9, 7, 12, 13.

63/18 - AFFORDABLE HOUSING DEVELOPMENT PROGRAMME

The Committee considered a report that set out the details of the proposed affordable housing programme up to 2021, including the affordable housing completions for 2017/18, the projected completions for 2018/19 and the delivery programme of affordable housing for 2019-21.

It was reported that 112 units in the Derbyshire Dales were in development, subject to agreements between private developers and associations, together with completed units which had already transferred to housing associations. It was also reported that the completion target for 2017/18 of 63 affordable homes had been exceeded with 76 affordable homes completing as detailed in Table 1 in the report.

The completion target for 2018/19 was 105 affordable homes and current projections were that 110 affordable homes would complete this financial year, as detailed in Table 2 in the report.

A mixture of schemes was taking shape in respect of the programme of housing association and community led schemes for 2019-21, as set out in Table 3 in the report, with the affordable homes coming forward through developer-led sites in Derbyshire Dales set out in Table 4.

It was acknowledged that Derbyshire Dales District Council's funding had enabled housing associations to purchase a greater number of s106 units than their programme allowed and had given housing associations the confidence to invest in Derbyshire Dales rather than other areas.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Vicky Massey Bloodworth and

- RESOLVED** (unanimously)
1. That the outturn for 2017/18 be noted
 2. The affordable housing programme for 2018/19 is approved

64/18 – GYPSIES AND TRAVELLERS – UPDATE

The Committee considered an updating report on the current position regarding the provision of a permanent Gypsy and Traveller site in the District.

At the meeting of Council held on 29th September 2016, Council endorsed the principle of development of the site at Watery Lane, Ashbourne as a permanent Gypsy and Traveller site. A copy of this report was attached as Appendix 1 to the report.

At the Cabinet Member Meeting for Council Services on 31st October 2016, Derbyshire County Council formally agreed to the allocation of 0.3ha of land at Watery Lane Ashbourne as a Gypsy and Traveller site in the Derbyshire Dales Local Plan. However, following the change in political control and leadership, the new administration indicated that it wished to review the County Council's possible use of this land and its previous agreement to use the site for a Gypsy and Traveller site in light of its desire to promote a much needed A515 by-pass for Ashbourne, as detailed in the report. Subsequently, any considerations relating to County Council acquisition or disposal of property were to be suspended until such time that the County Council had concluded its deliberations on the A515 by-pass. In the meantime, the District Council was failing to deliver against its requirement to provide 6 Gypsy and Traveller pitches by 2019 and continued to experience unauthorised encampments in Bakewell, Matlock Bath and Doveridge.

It was noted that the planning permission for land at Watery Lane expired on 24th June 2018. A new planning application would therefore be required in order to implement the Local Plan allocation.

As Members were aware, a specific family group of Travellers had moved around the District on a series of unauthorised encampments for a significant number of years. This family group, consisting of a core group of 4 caravans, claimed a local connection with the area. The lack of a permanent site in the Derbyshire Dales was resulting in prolonged stays on unauthorised encampments, the most recent encampment being the Agricultural Business Centre, Bakewell where the traveller family had been in situ since 26th March 2018 and were still in situ at the time of writing. This had attracted other unrelated families joining them, and recently there had been as many as 14 caravans present on the site which had a significant adverse impact upon the operation of the car parking provision for the Agricultural Livestock Market. As such, the presence of travellers at the ABC could not be tolerated any longer.

In addition, Bakewell Agricultural and Horticultural Society had written to the District Council advising that in their opinion, the presence of travellers on land at the ABC was a violation of the terms of the lease which existed between BAHS and the District Council. The District Council had therefore, taken the initiative to secure an Order from the Court which prevented persons other than the known Traveller family, from residing at the ABC for a period of 12 months.

There was a pressing urgency to identify and deliver a traveller site, particularly in the context of the 2015 Gypsy and Traveller Accommodation Assessment which required the provision of 6 pitches by 2019 and a further 3 pitches by 2034 within the Derbyshire Dales (outside the Peak District National Park). As such, it was proposed that in partnership with Derbyshire Gypsy Liaison Group a further, comprehensive site identification and evaluation exercise be undertaken, as detailed in the report, in order to identify all potential opportunities and evaluate

them against the criteria established in Policy HC6 of the Adopted Derbyshire Dales Local Plan. Upon completion of this exercise, a further report would be presented to Committee outlining the options to be considered.

The Head of Regulatory Services agreed to provide Members with a portfolio of available sites owned by the District Council in a future report, and to approach the County Council regarding the viability of using the Watery Lane site as a temporary solution.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

1. That the updated position in regard to the provision of a Gypsy and Traveller site on land at Watery Lane, Ashbourne is noted.
2. That Officers undertake a comprehensive site identification and evaluation exercise to identify the potential for an alternative Gypsy and Traveller site within the Derbyshire Dales (outside the Peak District National Park).
3. That a further report be presented to Committee at the earliest opportunity reporting on the outcome of the above.

65/18 – CAR PARK MANAGEMENT – REVIEW OF CHARGES

Councillor Vicky Massey Bloodworth left the meeting at 7.02pm during discussion of this item.

The Committee considered a report that reviewed the level of charges on the Council's pay and display car parks.

Revenue generated from Pay and Display parking was used to support a wide range of range of local services expected of a popular tourist destination, as set out in the report. The last variation in parking charges was in January 2014 and it was suggested that parking charges now be revised to broadly reflect those previous increases in RPI, together with the forecast increase in RPI for 2019. Both the current and proposed pay and display parking charges were shown in Appendix 1 to the report, with Appendix 2 to the report giving a broad summary of tariffs charged by authorities within the District Council's peer review family group, together with neighbouring authorities and other popular visitor destinations.

It was noted that the suggested increase in the charge for coach parking remained well below the increase in RPI.

The above proposals to revise the Council's fees and charges for parking would not affect the Council's delivery of the Annual Residents Free Parking Concession Scheme.

The Council may vary the charges to be paid in connection with the use of off-street parking places under the provisions of section 35C of the Road Traffic regulation Act 1984. The statutory procedure for variation of charges at off-street parking places was set out in Part V of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations") and whilst the statutory procedure for the variation of charges alone did not require the Council to consult with the Police, Highway Authority and others, all relevant parties would be notified as part of the process. It was therefore intended that an initial 21 day notice, advising

of the Council's intention to implement a variation in charges and inviting comment, be published and any comments received may then be brought back to Members for consideration, before a formal notice of variation was prepared and published in accordance with the 1996 Regulations.

In accordance with Rule of Procedure 19 (d) Councillor Mike Ratcliffe and Councillor Jason Atkin requested a recorded vote on this item.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Jason Atkin and

- RESOLVED**
1. That the suggested levels of parking charges referred to in the body of this report and detailed in appendix 1 to the report be adopted.
 2. That a notice of intent to vary charges, in accordance with section 35C of the Road Traffic Regulation Act 1984 and Part V of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, is published.

Voting:

For Councillors Jason Atkin, Tom Donnelly, Ann Elliott, Chris Furness, Alyson Hill, Tony Morley, Dermot Murphy, Lewis Rose OBE and Joanne Wild (9).

Against Councillors Martin Burfoot, Joyce Pawley, Mike Ratcliffe, and Colin Swindell (4).

Abstentions Councillor Sue Bull (1).

66/18 – PUBLIC CONVENIENCES - UPDATE

The Committee considered an updating report on the position regarding the public conveniences at Bonsall and Bradwell in light of the previously reported unresolved issues regarding proper title, and an update on attempts being made to secure Community Asset Transfers to mitigate the risk of closure. An update on the situation at Matlock Hall Leys Park was also reported.

The current position with regard to Land Registry issues at the Bonsall site was set out in the report. It was noted that the Parish Council had agreed to take on responsibility for running and maintaining the conveniences and in return would receive one-off financial support. Discussions were ongoing between the District Council, Parish Council and registered owner to correct the title and transfer ownership to the Parish Council.

With regard to the Bradwell conveniences, efforts were in hand to support the parish council in registering the land with the Land Registry, as detailed in the report. The Parish Council had agreed to take on responsibility for running and maintaining the conveniences and in return would receive one-off financial support. A discussion had also been facilitated between Severn Trent Water Plc and the Parish Council to document the current arrangement for the underground tank and control room which formed part of STW's infrastructure on Parish Council land. As the District Council owned the open space and disabled ramp to the front of the public conveniences, the Parish council had agreed to enter into a tenancy at will of this area of land until the land was formally transferred to them.

The above agreements would take effect by the end of July 2018 which was on target to achieve the predicted savings considered by Council on 30 April 2018.

With regard to Matlock Hall Leys Park, it was reported that a meeting had been held with representatives of Matlock Town Council to discuss the toilet facilities in Hall Leys Park, including the closed facility near to the children's play area. Discussions would reconvene following the outcome of the Commercial Board's discussions on 18 July when it was due to meet to scope commercial opportunities to potentially reintroduce a facility at Knowlstone Place.

It was moved by Councillor Jason Atkin, seconded by Councillor Colin Swindell and

RESOLVED

(Unanimously)

1. That agreement on heads of terms to enable a Community Asset Transfer of the public conveniences at Bradwell to Bradwell Parish Council is noted including both parties entering into a tenancy at will to transfer all liability to the Parish Council by 31 July 2018;
2. That progress with regard to transferring the public conveniences at Bonsall to the parish council is noted;
3. That delegated authority to agree Community Asset Transfers to the Head of Corporate Services be extended to expire at the end of August 2018 to enable completion of transactions without the need for a further report to the Committee.

67/18 – DERBYSHIRE DALES ECONOMY

The Committee considered a report on further progress on the Derbyshire Dales Economic Plan, originally adopted in September 2014, to take forward Members' economic development priority.

There was a pressing need to provide new light industrial work space within the Derbyshire Dales, as detailed in the report. The Derbyshire Dales Economic Plan 2014-2019 aimed to enhance economic growth and job creation, with a particular focus on the creation of higher value jobs (to replace lower-skilled, lower-paid roles). In light of this, the Economic Plan recognised the requirement to bring forward sites to provide quality employment accommodation. The list of priority sites identified, all of which were in private ownership and subject to mixed use proposals to overcome viability issues, was set out in the report.

Corporate coordination was provided by the Place Shaping Hub, which focused on unlocking priority employment sites in order to grow small-to-medium sized firms.

The activity undertaken under the Economic Plan had focused on the priority themes listed in the report and set out below. Each was updated in the report, with progress in the past year highlighted and next steps proposed. It was noted that, broadly speaking, progress on theme 1 (employment sites) had been challenging, but good progress had been made on the other four themes.

1. Employment sites
2. Business engagement
3. Derbyshire Dales Business Advice
4. Enterprise Peak District partnership projects

5. Visitor Economy

A plan for expenditure of the Economic Development Reserve was agreed by Council on 22 June 2017. The Reserve had £220,431 remaining at 31 March 2018. However, of this, £80,763 was committed and a further £109,650 would be committed subject to potential extension of the Commercial Development Advisory services contract and a successful D2N2 Growth Hub 2 bid for Derbyshire Dales Business Advice. A summary of committed and proposed expenditure from the Economic Development Reserve up to 31 March 2019 with further expenditure proposed to 31 March 2022 (subject to the above) was tabled in paragraph 4.2 of the report, together with a list of proposed uses for the remaining circa £30,000.

The Committee was advised that the proposed expenditure was programmed to reduce the Economic Development Reserve to zero, should the recommendations in this report be approved.

It was moved by Councillor Tony Morley, seconded by Councillor Mike Ratcliffe and

RESOLVED

(unanimously)

1. Progress to date in delivering the Derbyshire Dales Economic Plan 2014-2019 is approved;
2. Council be recommended to approve the revised expenditure programme of £220,431, as set out in paragraph 4.2 of the report and the accompanying table, and its financing from the Economic Development Reserve.

68/18 – WASTE AND RECYCLING CONTRACT PROCUREMENT

The Committee considered an update on the appointment of a Waste Management Consultant, external legal support and an internal Waste Procurement Group. It outlined the process for the procurement of the Waste Management Contract and provided details of key milestones to be achieved, together with details of the ongoing governance arrangements for the project.

The Committee was reminded that the current waste contract provided by Serco Limited was awarded in 2012 and would expire in August 2020, costing approximately £1.9m per year. However, this was tendered at a time when the market was much more buoyant than it was currently. Recent indications suggested there had been an increase not only in the cost of service provision but also in the level of liability contractors sought to share. Therefore, options for future models of delivery may be limited by the cost of the contract.

In April this year, a Waste Procurement Group was formed, as set out in the report, to conduct a review of the current service, consider the options available for the new contract and steer the project through to implementation in August 2020. However, in order to get the most of out the contract and the procurement process, expert legal advice was required; the specification for which was being drawn up by the Council's Solicitor, and would be tendered in due course. In addition to external procurement and legal support, technical and market expertise had also been sourced to support the project, as approved by Council on 12 April this year.

It was reported that following advertisement, submission of tenders and a period of evaluation, Eunomia Research & Consulting Limited had been awarded the contract, and their initial remit was set out in the report.

Consultation with key stakeholders and Members was essential in developing a suitable specification for tender. Key dates for consultation were set out in the report and it was noted that in order to ensure a contract was awarded in time for the expiry of the current contract, a decision on preferred service options must be reached by the end of November this year.

The procurement milestones were set out in the report, leading to a contract start date of 5 August 2020. An amendment was noted in paragraph 2.10: the bullet point pertaining to Tender Development should read 'November **2018** – May 2019.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Colin Swindell and

- RESOLVED**
(unanimously)
1. That committee approves the process outlined in the report and the dates highlighted in section 2.10 of the report, including Member involvement during September and October 2018;
 2. That the risk register (Appendix 1 to the report) is approved and that arrangements for managing risk throughout the project are noted.

69/18 – EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Jason Atkin seconded by Councillor Tom Donnelly and

- RESOLVED**
(unanimously)
- That members of the public be excluded from the meeting for the remaining item of business to avoid disclosure of exempt information, in the form of personal data relating to named individuals.

70/18 – REQUEST TO WAIVE OCCUPANCY CONDITION UNDER SECTION 157 OF THE HOUSING ACT 1985 – PROPERTY AT 4 SMITHY KNOLL ROAD, CALVER

This is summary of an exempt minute that contains personal data relating to named individuals which is covered by the General Data Protection Regulations. Release of the information is not in the public interest.

The Committee considered a request to waive a restrictive occupancy clause at 4 Smithy Knoll Road, Calver to enable its occupation by a person not meeting the qualifying criteria.

It was moved by Councillor Colin Swindell seconded by Councillor Jason Atkin and

- RESOLVED**
(unanimously)
- That the request to waive the restrictive occupancy clause in relation to 4 Smithy Knoll Road, Calver to enable it to be occupied by a tenant not meeting the qualifying criteria, be approved.

MEETING CLOSED 8.26PM