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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Thursday 21 February 2019 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Joanne Wild - In the Chair

Councillors Jason Atkin, Richard Bright, Sue Bull, Martin Burfoot, Albert Catt, Ann Elliott, Chris Furness, Susan Hobson, Tony Morley, Dermot Murphy, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Andrew Statham and Colin Swindell.

Paul Wilson (Chief Executive), Tim Braund (Head of Regulatory Services), Ashley Watts (Head of Community & Environmental Services), Dave Turvey (Active Communities Officer), Rob Cogings (Head of Housing) and Jackie Cullen (Committee Assistant).

18 members of the public.
2 members of the Press.

APOLOGIES

Apologies for absence were received from Councillor Lewis Rose OBE. Councillor Garry Purdy attended as Substitute Member.

338/18 – MINUTES

It was moved by Councillor Albert Catt, seconded by Councillor Jason Atkin and

RESOLVED That the minutes of the meeting of the Community & Environment Committee held on 10 January 2019 be approved as a correct record.
(unanimously)

The Minutes were signed by the Chairman.

339/18 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, the following speakers made representations:

ITEM 6: GYPSIES AND TRAVELLERS – DISCHARGE OF HOMELESSNESS DUTY

Councillors Irene Ratcliffe and Peter Slack (Ward Members)
Mr Andrew Jordan (Deputy Mayor of Wirksworth)
Councillor Michael Wilderspin (Matlock Bath Parish Council)
Mr Robin Flewitt (Chairman, Matlock Town Team)
Ms Julie Ritchie (Matlock Bath trader)
Ms Glenys Allen (Matlock Bath resident)
Messrs Richard Walsh and Stephen Walton (local residents) and
Mr Chris Bristow (on behalf of Stoney Wood Group)

ITEM 7: REVIEW OF STALL MARKETS

Mr Jeffrey Phillips and Ms Lisa Wallace (local residents)

ITEM 9: HURST FARM ESTATE NON TRADITIONAL HOMES IMPROVEMENT SCHEME

Mr Neil Moulden (Chair of Board - Estate Regeneration Project on Hurst Farm) made a statement on the home improvement scheme;

ITEM 11: PUBLIC CONVENIENCES – OVER HADDON

Zena Hawley (Chair of Over Haddon Parish Council)

340/18 – GYPSIES AND TRAVELLERS – DISCHARGE OF HOMELESSNESS DUTY

A petition was handed in to the Committee Clerk in support of the District Council providing a permanent site for travellers within the Derbyshire Dales boundaries.

The Committee considered an update in respect of a Gypsy and Traveller family who had presented themselves as homeless. The report asked the Committee to determine an appropriate course of action in order to discharge the Council's statutory duties under the Homelessness Reduction Act 2017.

Following a meeting held on 15th November 2018, the Community and Environment Committee resolved to initiate as quickly as practicable a search of land in private ownership, and / or offered for sale on the open market, with the intention of the District Council purchasing a suitable site subject to Council approval. That process was currently underway. In the meantime, matters had progressed quickly and the Council was now in receipt of an application for homelessness.

At the present time, following the resolution of this Committee on 10th December 2018, the Traveller family was located at the Coach Park at Matlock Bath Railway Station. However, for reasons set out in the report, this was not considered to be a suitable location and an alternative temporary tolerated site therefore needed to be agreed pending the identification of a more appropriate, permanent solution.

In accordance with the Committee resolution on 15th November 2018, consultants had been appointed to undertake a search of open market / privately owned land holdings across the district (outside the Peak District National Park) to determine a suitable site. It was reported

that the consultant's formal report was imminent and would be brought to Members' attention at the earliest opportunity.

An extensive search of the Council's land holdings had been undertaken by the Head of Regulatory Services, as set out in the report, and whilst there was no 'ideal' site available, the most appropriate temporary tolerated site was considered to be land owned by the District Council at Middleton Road, Wirksworth (plan attached as Appendix 1 to the report).

The Head of Regulatory Services confirmed that once the final report from the consultants was received there would be a period of evaluation undertaken by Officers, and further site enquiries may be made, prior to being brought back to Members. The new Council elected in May would then need to determine its approach to this matter.

The Head of Regulatory Services acknowledged that the temporary site would require some preparatory work prior to the anticipated relocation date of 8 March 2019, and confirmed that fencing within the site would be considered, to help prevent damage to the surrounding sensitive landscape and to provide security for the traveller family. The issue of additional travellers moving onto the site would be dealt with in conjunction with Derbyshire Gypsy Liaison Group and where appropriate, Court action would be taken to secure eviction where appropriate.

If the Committee agreed a temporary alternative, the District Council could direct the family to leave the current site. However, the District Council could not compel the family to relocate to an alternative site and if, following direction to an alternative temporary site, the family remained in situ or relocated to another unauthorised site; Officers of the Council would utilise their delegated authority to consider whether to undertake possession proceedings.

It was proposed that Recommendation 2 in the Resolution be amended to read:

2. That in response to the Council's duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017, the Committee agrees to the provision of a temporary tolerated site on land at Middleton Road, Wirksworth pending the identification of a more appropriate, permanent solution, **for a maximum period of 6 months.**

It was also proposed that a further Recommendation be added, as follows:

3. That Officers investigate the feasibility and costs of barrier controlled access systems to protect car parks from unauthorised use and that a report be brought back to a future meeting of this Committee.

In accordance with Rule of Procedure 19 (d) Councillors Mike Ratcliffe and Albert Catt requested a recorded vote on this item.

It was moved by Councillor Albert Catt, seconded by Councillor Richard Bright and

RESOLVED

1. That the Committee acknowledges and accepts its duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017.
2. That in response to the Council's duties and responsibilities to

Gypsies and Travellers under the Homelessness Reduction Act 2017, the Committee agrees to the provision of a temporary tolerated site on land at Middleton Road, Wirksworth pending the identification of a more appropriate, permanent solution for a maximum period of 6 months

3. That Officers investigate the feasibility and costs of barrier controlled access system to protect car parks from unauthorised use and that a report be brought back to a future meeting of this Committee.

Voting:

For

Jason Atkin, Richard Bright, Sue Bull, Martin Burfoot, Albert Catt, Ann Elliott, Chris Furness, Susan Hobson, Tony Morley, Dermot Murphy, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Andrew Statham, Colin Swindell and Joanne Wild (16).

Against

Abstentions

(0)
(0)

The Chairman declared the motion CARRIED.

Councillor Mike Ratcliffe requested it be noted that whilst he supported Recommendations 1 and 3 of the Resolution, as a Ward Member he did not feel he could support Recommendation 2.

341/18 – REVIEW OF STALL MARKETS

Councillor Chris Furness left the meeting at 8.05pm prior to discussion of this item.

The Committee considered an updating report on the review of stall markets; consideration of the closure of the Ashbourne (Thursday) market; the granting of a licence to occupy Shrovetide Walk and arrangements to transfer the Ashbourne (Saturday) market to a Community Interest Company.

The current situation in respect of all markets was set out in the report.

Ashbourne (Thursday) market had remained open until December 2018 to allow traders to benefit from Christmas trade and search for an alternative market. The District Council was then approached by a Community Interest Company (AshCom) with a proposal to continue the operation of the Ashbourne (Thursday) market, under a licence to occupy on Shrovetide Walk.

The District Council had maintained operation of the market whilst discussions between officers and representatives from AshCom continued. It was reported that if a licence to occupy were not granted then the market would close permanently in March 2019.

Furthermore, In September 2018, Officers of the District Council and representatives of AshCom entered into formal discussions regarding the transfer of Ashbourne (Saturday) market. Since this time there had been ongoing dialogue between District Council Officers and AshCom to help refine the initial proposals put forward by the group. AshCom had requested the market remained on the Market Place.

Proposals from both AshCom and the District Council were set out in the report.

AshCom had provided further details regarding their operating model and aspirations to Officers. Their proposal was to continue to operate a weekly market on the Market Place with the aim of increasing current occupancy and footfall of customers to both the market and Ashbourne as a tourist destination.

As part of the proposal to operate the market, AshCom had made a request for a one off payment of £10,000 to assist with the set-up and operation of the market. The money would be used to support key functions for operating and improving a market, as tabled in paragraph 2.4.4 of the report. This transfer of funds would be subject to a Funding Agreement and a Lease to Occupy Council Land, as set out in the report, as well as stipulations held in Section 4.1 of the Funding Agreement, as summarised in the report.

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

RESOLVED

(unanimously)

1. That the work undertaken and completed as per the 16 November 2017 report is noted.
2. That the grant of a Licence to Occupy Shrovetide Walk issued to Ashbourne Communities CIC (AshCom), to continue the Ashbourne (Thursday) market is noted.
3. That Ashbourne (Saturday) market operates as a self-erect market and stall erectors receive redundancy from 23 February 2019.
4. That Ashbourne (Saturday) market is transferred to AshCom and the market remains on the Market Place.
5. That Council is recommended to make the sum of £10,000 (£5,000 2018/19 + £5,000 2019/20) available from general reserve as a grant to Ashbourne Communities CIC to assist with the operation of the Ashbourne (Saturday) market for a minimum of 1 year.
6. That £5,000 of the grant is released to the CIC as the first grant instalment.

342/18 – MATLOCK COMMUNITY VISION – LAND AT BAKEWELL ROAD, MATLOCK

The Committee considered a report that advised on progress with regard to the Bakewell Road redevelopment project and considered a potential bid to the Future High Streets Fund.

Further to a feasibility study commissioned by Matlock Community Vision (funded by the District Council) in respect of the market hall and former bus station on Bakewell Road, Matlock, it was found that, for all options, there was insufficient financial viability to cover both the costs of redevelopment (capital costs) and the running costs of a new use (revenue costs). However if running costs alone were considered, a small cinema supported by food/beverage use might be viable.

The Resolution of this Committee at their 15 November 2018 meeting was set out in the report. Since that time, a number of lines of activity had been progressed by the District Council to fulfil the resolution, as detailed in Section 2 of the report. In consultation with Matlock Community Vision group it was felt that the most appropriate next step would be to submit an application to the Government's Future High Streets Fund in order to seek funding for the up-

front capital costs required to redevelop the market hall and former bus station, as set out in Section 3 of the report. Eligibility criteria for the submission of bids were strict, and it was reported that the Government would favour projects that were co-funded by public and private investment.

As well as Matlock, other Dales towns had expressed interest in the Fund; however only Matlock and Wirksworth had made a proposal that their town centre should be the Derbyshire Dales bid.

The proposals from Matlock and Wirksworth were attached at Appendices 1 and 2 to the report, and the detailed Fund prospectus was attached as Appendix 3 to the report.

On initial consideration, the body of evidence currently available led Officers to recommend Matlock as the potential candidate, for the reasons set out in the report.

It was moved by Councillor Martin Burfoot, seconded by Councillor Mike Ratcliffe and

- RESOLVED**
(unanimously)
1. That the update on recent activity in relation to the Bakewell Road site is noted.
 2. That the Bakewell Road site be put forward as the focus of the District Council's bid to the Future High Streets Fund, developed in partnership with Matlock Community Vision, and that authority be delegated to the Head of Regeneration and Policy to sign off the proposal on behalf of the District Council.
 3. That a report is presented to this Committee in July 2019, with an update on the development of proposals for this site.

343/18 – MOTION TO CONTINUE

It was moved by Councillor Jason Atkin, seconded by Councillor Mike Ratcliffe and

- RESOLVED**
(unanimously)
- That, in accordance with Rule of Procedure 13, the meeting continue beyond 2 ½ hours to enable the business on the agenda to be concluded.

344/18 - HURST FARM ESTATE NON-TRADITIONAL HOMES IMPROVEMENT SCHEME

The Committee considered a report on a proposal for the improvement of the remaining non-traditional homes on the Hurst Farm Estate. Whilst the vast majority of the original homes built in the late 1950s had been substantially improved, there remained limited capital funding to fully renovate the 43 properties in need of modernisation. Estimates placed the cost of full reinstatement at over £2m. Officers had developed an alternative, lower cost proposal that would deliver improvements to the thermal comfort and the external appearance of the properties.

There were 3 potential options available to improve the 43 non-traditional properties, as set out in the report and summarised below:-

1. Full modernisation at a cost of £51,000 per property;
2. Purchase and repair by Housing Associations;
3. Providing an additional external skin that, whilst not modernising the property, would improve the physical appearance and dramatically improve the thermal comfort.

Option 3 had the most potential, with works costing between £5,000 and £7,000 and subject to approval by the Community & Environment Committee, taking this option forward would require Council approval for the project to be included in the District Council's Capital Programme.

Officers now sought Member approval to develop an offer to owner occupiers and landlords that would provide 100% grant funding, using a combination of external energy efficiency funding and the two underspends identified in the report. Through this approach it was estimated that around 20 properties could be improved. The intention was to apply some eligibility criteria, and in the first instance adopt the 'Eco 3' criteria, as detailed in Appendix 1 to the report. A search for other external sources of funding would continue in an effort to secure more than the initial 20 properties improved, should demand prove to be high.

It was moved by Councillor Jason Atkin, seconded by Councillor Martin Burfoot and

RESOLVED That Council be requested to approve the inclusion of £100,000
(unanimously) within the Capital Programme for 2019/20 for the improvements to homes set out as option 3 in section 2 of the report.

345/18 – FOOD LAW ENFORCEMENT SERVICE BUSINESS PLAN 2018/19

The Committee considered a report on the District Council's business plan for food law enforcement activities for 2018/19 for formal approval and adoption.

Derbyshire Dales District Council's Environmental Health team was responsible for ensuring the safety of food in approximately 1400 food premises, requiring an annual business plan that set out how it would provide its food safety enforcement service, in accordance with guidance issued by the Food Standards Authority. The full Food Law Enforcement Service Business Plan was attached as Appendix 1 to the report.

It was moved by Councillor Jason Atkin, seconded by Councillor Albert Catt and

RESOLVED That the Food Law Enforcement Service Business Plan 2018/19
(unanimously) attached as Appendix 1 to the report is approved.

346/18 – PUBLIC CONVENIENCES – OVER HADDON

The Committee considered a request from Over Haddon Parish Council for the District Council to take over responsibility for cleaning of the public conveniences.

Council agreed to a number of recommendations as part of its review of public conveniences at meetings held on 8 March and 30 April 2018 and in terms of the facilities at Over Haddon, Council agreed to mitigate the risk of closure by adding a 20p levy for car parking spaces and £1 for coach parking at the pay and display car park adjacent to the toilet facilities, introduced in August 2019. Details regarding the site were set out in the report.

The reported cost of running the facilities based on 2017/18 figures was tabled in paragraph 1.3 of the report, showing a total of £6,030.00. An initial offer of a Community Asset transfer was declined; however the Parish Council took over cleaning of the public conveniences to mitigate closure when the District Council first reviewed its public conveniences in 2011.

Recent email correspondence from the parish Council was reproduced in the report.

The Head of Community & Environmental Services had provided an estimate of £12,045.60 per annum to bring back cleaning of the facility in-house. However, should closure of the facility be considered, the Estates and Facilities Manager would recommend exploring other potential uses for the building as the surrounding car park would make a freehold sale difficult. The value of the asset inclusive of the substation lease was considered to be in the region of £15,000.

It was moved by Councillor Colin Swindell, seconded by Councillor Richard Bright and

RESOLVED
(unanimously)

1. That a final offer be made to Over Haddon Parish Council to encourage a Community Asset Transfer based on the following formula:
£3,000 one-off contribution
£3,782 to contribute to the cost of back log repairs
2. That should the Parish Council decline the offer and remain of the view that it is no longer willing to continue with the cleaning of the toilets, a 3 week period of public consultation is undertaken to assess the potential impact of closure of the facility.
3. That in the event of recommendation 2 being necessary, the Head of Community and Environmental Services is given delegated authority to make a decision on closure in consultation with the Chairman of the Committee.

347/18 – DERBYSHIRE DALES DISTRICT COUNCIL – LOCAL PLANNING AUTHORITY MONITORING REPORT 2017/19

The Committee considered a report prepared in accordance with Section 35 of the Planning and Compulsory Purchase Act 2004 to provide a Local Planning Authority Monitoring Report (AMR) setting out the extent to which the District Council was meeting the milestones for Local Plan documents as set out in the Local Development Scheme (LDS) and the extent to which the District Council was monitoring the effectiveness of Local Plan policies, in particular those pertaining to housing and economic development.

The Authority Monitoring Report covered the period 1st April 2017 to 31st March 2018 and was attached as Appendix 1 to the report. The key findings were summarised in section 2 of the body of the report. The alternative Gypsy & Traveller site within the Derbyshire Dales was shown in the report as Tinti's Yard, off Station car park, Matlock Bath (paragraph 2.14); however this would be updated after the meeting to show Middleton Road, Wirksworth in accordance with the Resolution in Item 6 on the Agenda.

It was moved by Councillor Albert Catt, seconded by Councillor Jason Atkin and

RESOLVED
(unanimously)

That the contents of the Authority Monitoring Report be approved for publication.

348/18 – RESIDENTS' ONLINE PANEL SURVEY RESULTS

The Committee considered a report on the Derbyshire Dales residents' survey undertaken in October/November 2018, using the Council's Online Panel. The report presented the results of the survey and the implications for the District Council's service and financial planning.

It was reported that the Online Panel Survey was sent to 705 residents in October 2018; 336 people (49%) responded by the closing date in November. The 2018 survey comprised questions previously prescribed by the Government in the former Place Survey plus additional questions about the local area and customer services. The survey included both 'satisfaction' and 'quality of life' questions, with a particular focus on residents' perceptions of their local area and their satisfaction with services provided by the District Council, as shown in the report. An analysis of the findings and actions to be taken were set out in Section 4 of the report.

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

RESOLVED Areas of satisfaction and dissatisfaction highlighted by the Online
(unanimously) Panel Survey are noted.

349/18 – LOCAL GOVERNMENT OMBUDSMAN REPORT

The Committee considered a report that set out the findings of a Local Government Ombudsman report which found fault about the manner in which the Council failed to respond properly to the complainants' concerns regarding a planning application.

An outline of the complaint was set out in the report, together with the Ombudsman's findings, with his conclusion that the Council was at fault for the way it handled the complainants' correspondence.

The actions and learning points proposed by the Head of Regulatory Services for endorsement by the Committee were listed in the report.

It was moved by Councillor Albert Catt, seconded by Councillor Jason Atkin and

RESOLVED 1. That the findings of the Ombudsman's report are noted.
(unanimously) 2. That the recommended actions set in paragraph 4 are endorsed.

350/18 – EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Colin Swindell, seconded by Councillor Sue Bull and

RESOLVED That members of the public be excluded from the meeting for the
(unanimously) remaining item of business to avoid disclosure of exempt information.

351/18 – LOCAL GOVERNMENT OMBUDSMAN REPORT

The Committee considered the findings of the Local Government Ombudsman who found fault with the manner in which the Council dealt with the installation of a shower as part of a disabled facilities grant.

Details of the complaint were reported, together with recent remedial steps undertaken by the Council and the Ombudsman's findings and recommended action. The Head of Regulatory Services had agreed to address some of the valid learning points.

It was moved by Councillor Albert Catt, seconded by Councillor Jason Atkin and

RESOLVED

(unanimously)

1. That the Ombudsman's findings are noted.
2. That the remedial action agreed with the Ombudsman including the payment of £250 to the applicant as set out in paragraph 4 is noted.
3. That the Head of Regulatory Services is requested to make the necessary revisions to the Disabled Facilities Grant processes to ensure that applicants have a degree of choice in specifying the type of shower they would prefer and for those preferences to be recorded and acted upon wherever practicable.

MEETING CLOSED 9.20PM

CHAIRMAN

Meeting closed.