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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Thursday 7 June 2018 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Susan Hobson - In the Chair

Councillors Jason Atkin, Albert Catt, Tom Donnelly, Ann Elliott, Chris Furness, Alyson Hill, Vicky Massey Bloodworth, Tony Morley, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose OBE and Andrew Statham.

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), Rob Wilks (Community Development and Wellbeing Officer), Keith Postlethwaite (Parks and Streetscene Manager) and Jackie Cullen (Committee Assistant).

APOLOGIES

Apologies for absence were received from Councillors Sue Bull, Martin Burfoot, Steve Flitter, Dermot Murphy, Joyce Pawley, Colin Swindell and Joanne Wild. Councillors Tom Donnelly, Alyson Hill and Irene Ratcliffe attended as Substitute Members.

26/18 – MINUTES

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

RESOLVED (unanimously)

That the minutes of the meeting of the Community & Environment Committee held on 22 February 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

27/18 – REVIEW OF PUBLIC CONVENIENCES – PROPOSED INCREASE IN CAR PARKING FEES AT RURAL SITES

The Committee considered a report on consultation in respect of the proposed revisions to parking charges at Baslow, Hartington and Over Haddon, where a levy of 20 pence for car parking spaces and £1 for coach parking was proposed for introduction at the pay and display

car parks, as a direct contribution to the cost of maintenance of public conveniences at those locations.

The procedure for making the proposed Parking Order Amendment was set out in the report. Any objections to the Council's proposals were to be made within 21 days of the date the Council complied with the requirements set out.

It was reported that no representations had been received in respect of the proposed amendments and it was therefore recommended that the proposed Amendment Order, detailed in the appendix to the report, be made without modification

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED (unanimously) That the Off-Street Parking Places (Amendment No4) Order 2018, as described within the appendix to the report, be approved and implemented in accordance with section 35 and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 and the Local Authority Traffic Orders (Procedure)(England and Wales) Regulations 1996 from 1 August 2018.

28/18 – DRAFT SUPPLEMENTARY PLANNING DOCUMENT: LANDSCAPE CHARACTER AND DESIGN

Councillor Irene Ratcliffe arrived at 6.11pm during consideration of this item.

The Committee considered a report on a draft Landscape Character and Design Supplementary Planning Document (SPD), an updated version of the previously adopted SPD (2007) in light of the Adoption of the Local Plan in December 2017, to ensure that the Document could be given statutory weight in the determination of planning applications as a "material consideration".

It was proposed that a six week period of public consultation be held from 15th June to 27th July 2018, accompanied by a consultation statement as outlined in the report. A copy of the draft consultation statement was attached as Appendix 2 to the report. As only limited interest was anticipated it was proposed that delegated authority to adopt the SPD be given to the Head of Regeneration and Policy in the event that there were no objections received during the public consultation period.

It was moved by Councillor Albert Catt, seconded by Councillor Mike Ratcliffe and

RESOLVED (unanimously)

1. That the draft Landscape Character and Design Supplementary Planning Document (SPD), attached in Appendix 1 to the report be approved and subject to a six week consultation.
2. That in the event that the public consultation results in no objections to the Landscape Character and Design SPD then delegated authority be given to the Head of Regeneration and Policy to take forward its formal adoption.
3. That in the event of any substantive representations being received during the public consultation on the Landscape

Character and Design SPD, then a further report be presented to this Committee for consideration of the representations received.

29/18 – DERBYSHIRE DALES COMMUNITY INFRASTRUCTURE LEVY

The Committee considered a report that gave details of the outcome of the public consultation exercise (from 23rd February 2018 until 6th April 2018) on the Preliminary Community Infrastructure Levy Charging Schedule, as resolved at a meeting of Council held on 25th January 2018 and according to the timetable set out in Table 1 in the report. Approval was sought for the publication of and public consultation on a Draft Community Infrastructure Levy Charging Schedule.

A copy of the Preliminary Charging Schedule was set out in Appendix 1 to the report. The relevant consultation documents had been made available on the District Council's website and the questions posed in the online consultation survey questionnaire were set out in the report. It was noted that a total of 52 completed responses had been made using the online consultation survey, with an additional 6 responses received by post and/or e-mail.

Of these responses 35 came from residents of Derbyshire Dales; 6 from Parish Councils; 6 from statutory agencies, including Derbyshire County Council and 5 from landowners/agents, with the remainder coming from other sources. A summary of the results was set out in the report, together with Officer comments.

Although the number of responses to this public consultation was relatively small it did not follow that this would be the case for the Draft Charging Schedule, for reasons set out in the report. The instalment policy to be included within the Draft Charging Schedule was tabled in paragraph 3.6 of the report.

Taking account of the comments detailed in the report, a Draft Charging Schedule had been prepared and was set out in Appendix 2 to the report for Members' consideration. It was recommended that this be subject to six weeks public consultation from 6th July 2018 to 17th August 2018; following which it would be subject to an Examination in Public by an independent person appointed by the District Council. The Government considered that a Planning Inspector was best suited to undertake this duty.

In order to expedite the implementation of the Derbyshire Dales Community Infrastructure Levy it was recommended that delegated authority be given to the Head of Regeneration and Policy to submit the Derbyshire Dales Community Infrastructure Levy for independent examination in public, and that following the completion of the Examination in Public, a report be presented to this Committee in September 2018 which set out details of the Inspector's report.

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

RESOLVED
(Unanimously)

1. That the comments received during the public consultation period on the Preliminary Charging Schedule be noted
2. That the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule as set out in Appendix 2 of the report be subject to a period of six weeks public consultation.
3. That following completion of the public consultation on the Derbyshire Dales Community Infrastructure Levy Draft Charging

- Schedule that in the event that no substantive representations are received that delegated authority, in conjunction with the Chair and Vice Chair of this Committee, be given to the Head of Regeneration and Policy to submit it for an independent Examination in Public in accordance with the relevant Regulations.
4. In the event of the receipt of any substantive representations to the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule that a further report be presented to this Committee.
 5. That a further report be presented to Community and Environment Committee that sets out details of the Inspectors report on the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule.

30/18 – ASHBOURNE PAVILION PROJECT

The Committee considered a progress report on proposals to remodel the way sports pavilion facilities on Ashbourne Recreation Ground were provided in light of their current condition and the overall financial position of the Council.

The sports facilities at Ashbourne Recreation Ground were used extensively by a number of teams and clubs throughout the summer and winter seasons, in addition to a wide range of community events and recreational use by residents and visitors. A map of the Recreation Ground with pitches and pavilion buildings clearly marked was attached as Appendix 1 to the report.

Condition surveys for the three pavilion buildings were completed in 2015 and all three buildings were classified as 'poor'. They had also been assessed as part of the Derbyshire Dales Built Sports Facilities, Playing Pitch and Open Spaces Strategy in 2018 (not 2017 as stated in paragraph 2.4 of the report). The cost of works required to keep these facilities wind and water tight and maintained for safe operational use were tabled in paragraph 2.3 of the report, and did not include any upgrades to the facilities. In light of this, officers had assessed the future options listed below, and commented on each in the report.

- (A) District Council undertake a rationalisation and upgrading scheme;
- (B) At the end of the facilities' natural lives, demolish the buildings and cease to provide the service;
- (C) Work with the community to explore a different way of providing the service

Given the information provided in the report on Options (A) and (B), further work had been undertaken as summarised in Section 4 of the report, which explored Option (C) further. Members noted that in January 2017, the District Council were approached by a partnership of local clubs expressing their desire to work together to improve the pavilion facilities on the Recreation Ground for the benefit of the community. This partnership was registered as a Charitable Incorporated Organisation, named Ashbourne Recreation Ground Sport and Community Partnership (ARGSCP). ARGSCP had developed plans for a new facility within an extended footprint of the Memorial Pavilion (Appendix 2 to the report) which formed the basis of a planning application which was reviewed and granted full planning permission by Derbyshire Dales Planning Committee on Tuesday 22 May 2018.

Security of tenure from the District Council was essential to enable ARGSCP to meet the requirements of funding bodies (minimum 25 years) as they attempted to raise the amount needed to fund the project. This could be achieved by granting a long lease to ARGSCP, whilst the District Council retained the freehold of the land in common with its surrounding ownerships. This also protected the District Council's position in the event of the project failing as outlined in the Heads of Terms attached as Appendix 3 to the report. The proposed terms for the lease to ARGSCP comprised an undervalue transaction as permitted under the General Disposal Consent 2003, and it was considered by the Council's Valuer that the value of the disposal equated to £10,000.

Alongside the lease, approval was sought of a financial contribution of £70,000 from existing Capital Programme resources towards the cost of overall scheme, to be used by the partnership as match funding in support of funding applications being made towards the project.

In addition to Public Open Space consultation, relevant Ward Members and Town Councils had been consulted on the proposed transfer and Members were advised at the meeting that two Ashbourne Town Councillors were part of the partnership.

In addition to various general expressions of interest in development sites/opportunities across the District and the expressions of interest forming part of the report, no other specific expressions of interest had been received in relation to all the sites/properties included in the report.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Tom Donnelly and

RESOLVED
(unanimously)

1. That a proposed new model to deliver sports pavilion facilities on Ashbourne Recreation Ground is noted.
2. That approval is given to enter into a 50 year lease as outlined in Appendix 1 to the report with Ashbourne Recreation Ground Sport and Community Partnership (Charity No 1178134) to include the ongoing management and maintenance responsibilities for the new building, subject to due diligence checks on the governance arrangements and constitution of the organisation, with them successfully securing the level of external funding required to complete the project, and subject to Public Open Space consultation.
3. That approval is given to use £70,000 from within the existing Capital Programme budget identified as "Condition Survey Works – Parks and Pavilions", and that this sum is provided to Ashbourne Recreation Ground Sport and Community Partnership as match funding towards the proposed redevelopment scheme to be drawn down once the remaining level of funding required to complete the

project is secured and expenditure of that value has been incurred.

4. That update reports will be provided at key milestones as the project progresses.
5. That it be noted the proposed Transfer represents an undervalue transaction as permitted under the General Disposal Consent 2003.

31/18 – EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Lewis Rose OBE seconded by Councillor Albert Catt 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.

32/18 – LOCAL GOVERNMENT OMBUDSMAN REPORT

The Committee considered the findings of a Local Government Ombudsman report which found fault about the fairness and integrity of a tender exercise.

The Ombudsman had concluded that it would not publish the findings of this matter on its website so as not to reveal the identity of the complainant. In the circumstances, and as the report contained information relating to the financial or business affairs of a particular person, it was not considered to be in the public interest for the District Council to publish its own report on the matter for similar reasons.

The learning points and mitigation measures to be put in place were set out in the report.

It was moved by Councillor Albert Catt, seconded by Councillor Irene Ratcliffe and

RESOLVED 1. That the findings of the Ombudsman's report are noted.
(unanimously) 2. That the apology to the complainant and payment of £250 time and trouble payment is noted.
3. That the revised procurement procedures outlined in paragraph 4.3 of the report are approved and reviewed on an annual basis by the Procurement Hub.

MEETING CLOSED 6.56PM

CHAIRMAN