

COMMUNITY SERVICES AND ENVIRONMENT SCRUTINY AND PERFORMANCE PANEL

Tuesday, 27 August, 2013 at 6.00 pm in a Conference Room at the Council House

Members in Attendance: Councillor V. Woodruff (Chair)
Councillor I. Azam
Councillor B. Douglas-Maul
Councillor G. Illmann-Walker
Councillor L. Rattigan

Portfolio Holders in Attendance: Councillor M. Arif – Environment

Officers in Attendance: Jamie Morris - Executive Director (Neighbourhoods)
Keith Stone - Assistant Director (Neighbourhoods)
Kevin Clements – Countryside and Urban Forestry Manager
Mike Smith – Planning Policy Manager
John Bevan – Regulatory Services Manager
Chris Knowles – Services Financial Manager
Lorraine Boothman – Deputy Regulatory Services Manager
Dawn Harris – Principal Regeneration Officer
Geoff Howe – Staffordshire Land Management Team Leader
(Natural England)
Jaclyn Lake – Staffordshire Land Manager Team
(Natural England)
Paul Webster – Woodland Officer (Forestry Commission)
Craig Goodall - Committee Business and Governance Manager

103/13 Apologies

Apologies for absence were received from Councillor C. Creaney and Councillor K. Hussain.

104/13 Substitutions

There were no substitutions for the duration of the meeting.

105/13 Declarations of Interest and Party Whip

There were no declarations of interest or party whip for the duration of the meeting.

106/13 Minutes

Resolved:

That the minutes of the meeting held on 30 July 2013, copies having previously been circulated, be approved as a true and accurate record.

107/13 Response to Petition – Brownhills Common

The Panel considered progress of the recommendations made at their meeting on 13 May 2013 regarding the petition against the cut down of trees on Brownhills Common (BHC).

The Countryside and Urban Forestry Manager gave a presentation (annexed) reporting on progress made with the Panel's recommendations including the outcome of the additional consultation work that had taken place.

The Chair invited the petitioners present to feedback their views on the activity that had taken place. The following are the principal points from the petitioners:-

- There was disappointment that only 1500 consultations booklets were produced with a limited distribution. It would have been more balanced to include the views of the petitioners in the booklets. The proposals in the booklet were a fait accompli.
- There was disappointment that only 25 responses were received by the additional consultation. This was compared to over 1400 people who had signed the petition submitted to the Council and hundred's more who had subsequently signed it. Why should the views of 25 people supersede the petitioners?
- 'Robust consultation' as called for by the Panel had not taken place.
- A public meeting held in Brownhills to discuss the proposals would have been an excellent way to discuss them.
- There is a large section of overgrown grass on the BHC leading to Chester Road that is causing difficulties for residents passing through. It was agreed that this issue should be investigated.

In response to the petitioners the Countryside and Urban Forestry Manager explained that the booklet was not biased and only sought to explain the proposals to residents. He explained the distribution of the information booklets and that he had also hoped for more responses to the consultation. The Executive Director (Neighbourhoods) added that perhaps the response rate had been reduced now that residents understood the proposals in more detail. He highlighted that the management plan had been amended following the initial petition so only 30% of trees were being cut down.

The Panel debated the report and comments by petitioners. The following are the principal point from the ensuing discussion:

- Members felt that it was important to take into account the views of the local community and felt that the communication of the management plan and its intentions could have been improved.
- The management plan needs to take into account the views of the local community over and above those of partners therefore plantations 11 and 15 should not be cut down as these were the only areas of contention.

- It was explained that the BHC needed to be managed as it was a Site of Special Scientific Interest (SSSI). Tree cutting was being proposed to allow more rare heathland to grow and to increase bio diversity. If the site was not managed the Council would be in breach of its legal obligations to manage the SSSI.
- The problems with the overgrown grass pathways should be resolved.

The Panel recognised that a balance needed to be struck between managing the site, SSSI and the views of the public. They recognised that the amended plan to this 30% of the tree plantations which only left difficulties with plantations 11 and 15 which were proposed to be cut down. In light of the significant support of the petition the Panel asked that it be considered that plantation 11 and 15 not be cut down.

Resolved

That:

1. Cabinet consider modifying the proposed Brownhills Common Management Plan by keeping tree plantations 11 and 15 in accordance with the views of the local community;
and;
2. the Countryside and Urban Forestry Manager investigates the problems with grass cutting on Brownhills Common.

108/13 Brownhills Common Mineral Planning Permission (EB233)

The Panel considered a response from the Council's Planning Policy Team regarding their request to consider revoking the planning permission for the mining of clay and coal on part of BHC.

The Principal Regeneration Officer reported there was an error in paragraph 1.3 of the report. The last sentence in the report read *'the Council had not received any planning applications'* when it should state: *'the Council had not approved any planning applications'*. There is a similar error in the third paragraph of the 'Environmental Impact' section of the report. The Panel noted the changes.

The Planning Policy Manager outlined the historical planning permissions granted, changes in environmental planning legislation during the 1990s and the issues to consider if the Council wished to revoke the planning permission including the potential for the mineral owners to seek compensation if planning permission was revoked.

He recommended that no action be taken on revoking the planning permission at the current time pending further work on the preparation of the Site Allocations Document (SAD). It was noted that the planning permission was regarded as dormant because no modern mineral working conditions had been approved by the Council. A planning application for new working conditions was submitted in the 1990s but this did not include an environmental impact assessment which is a requirement of current legislation. The status of this application is currently being reviewed. If no modern mineral working

conditions were approved allowing work to take place the original permission will expire in 2042. Of particular significance was a requirement for the environmental impact assessment to take into account the proximity of the permitted site to a SSSI.

A long term strategy for land use and development in Brownhills, including any potential mineral extraction would be addressed through development of the SAD which is expected to be completed by 2015. Following questions the Planning Policy Manager explained that the SAD would be expected to take into account the mineral policies in the Black Country Core Strategy which identified an area of search for fireclay in the Yorks Bridge area as a site for development by other land owners and developers. During the early stages of the preparation of the SAD a site at Yorks Bridge near to BHC had been put forward by a developer for various alternative land uses including mineral extraction. The location of the proposed area of search around the Yorks Bridge site were shown in figure 1 of the report. Any proposal would be assessed against planning policy including environmental impacts and the next stage of plan making would have to be approved by Cabinet and would be published for public consultation.

It was noted that the ownership of land and minerals in the area was complicated and Officers were proposing to request searches from the Land Registry to provide greater clarity.

Members were advised that they may wish to consider a further report when it would be clearer whether or not there might be any proposals for the area. However, it was noted that this report would not be available for some time.

Resolved

That the report be noted.

109/13 Scrap Metal Dealers Act

The Panel considered how the Council was intending to implement the Scrap Metal Dealers Act when it came to force on 1st October 2013.

Member's learned that an implementation plan had been developed and was in progress. It was hoped that revised Home Office guidance would be available shortly as the original guidance was issued and then quickly withdrawn. The guidance necessary as it was anticipated to advise on several important areas including who needed a licence to collect scrap metal. It was intended to set fee levels on a comparable basis regionally and to work together with neighbouring authorities to develop a consistent local approach. The Regulatory Team were organising visits to all registered scrap metal yards in the borough to make them aware of the new requirements.

Following a question from a Member it was explained that the Environment Agency licensing regime was still in place and that an additional Local Authority licence would also be required. It was important to note that a Local Authority licence would be required for each authority area in which scrap metal would be collected by traders. It was suggested that Members be provided with information leaflets they could use to pass on to known scrap metal collectors in their wards.

Resolved

That:

1. Members be provided with information leaflets which they can distribute to know scrap metal collection in their wards;
- and;
2. the report be noted.

110/13 Quarter 1 Financial Monitoring

The Panel considered the predicted revenue and capital position for 2013/14 based on performance for quarter 1 (1st April to 30th June 2013) the services within the remit of the Panel.

The Services Finance Manger reported that the current forecast revenue overspend was £312,000 after approved reserves and carry forwards. He added that the capital forecast was for an under spend of £6.013m which had all been requested to carry forward to 2014/15.

Members noted that the Clean and Green Service area was £1.98m over its profiled budget for quarter 1 and were assured that the services were still expected to improve this position by year end. Further information on the current situation was requested by the Panel.

Resolved:

That:

1. Members be informed why the Clean and Green Service is 1.98m overspent on the profiled budget for quarter one 2013/14;
- and;
2. the report be noted.

111/13 Household Waste Recycling Centres and Transfer Contract

The Panel considered a report on the household waste recycling centres, waste transfer station and haulage contract.

The Executive Director (Neighbourhoods) explained that tenders for the contract had been received and were being evaluated. The outcome of the evaluation would be reported to Cabinet on 11th September. Following questions he reported that consultancy assistance with the tender was required to provide expert knowledge on market conditions.

Resolved

That the report be noted.

112/13 Work Programme 2013/14 and Forward Plan

The Panel considered their work programme and the latest copy of Cabinet’s Forward Plan of key decisions.

Following a request by a Member it was agreed to consider the issue of local businesses using household waste and recycling centres and if the current restrictions on usage have an impact on fly tipping.

The Chair reported that a petition to improve car parking in Lucknow Road had been received by Council and that would be considered at the Panel’s next meeting.

The Chair also reported that the 19th November meeting would be rescheduled to 20th November 2013.

Resolved

That:

1. The following items be considered at the 10th October 2013 meeting of the Panel:
 - a) Recycling and contamination including business use of household waste and recycling centres;
 - b) Petition on car parking in Lucknow Road;

and;
2. the 19th November 2013 meeting be rescheduled to 20th November 2013

113/13 Date of next meeting

It was noted that the date of next meeting was 10th October 2013 at 6.00 p.m.

The meeting closed at 8.05 p.m.

Chairman:

Date: