

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Sustainable Communities Scrutiny Committee**
held on Thursday, 2nd September, 2010 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Murray (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors E Alcock, A Barratt, D Flude, M Hardy, D Hough, J Jones,
S Wilkinson, J Wray and G Barton

Apologies

Councillor P Edwards

35 OFFICERS PRESENT

Rebecca Pointon	Enforcement officer
Phil Mason	Enforcement officer
Martin Grime	Lead Emergency Planning Officer
Tony Potts	Community Safety Manager
Rosemary Kidd	Spacial Planning Manager
Mark Nedderman	Senior Scrutiny Officer

36 ALSO PRESENT

Councillor R Bailey -Safer and Stronger Communities Portfolio Holder.
Emily Lam – Expert Advisor

37 MINUTES OF PREVIOUS MEETING

RESOLVED – That subject to the following amendments, the minutes of the meeting held on 5 August 2010 be approved as a correct record:

Minute 34 PCSO Service level Agreement

All references to 'Wardens' be deleted and replaced with 'PCSO's'

The words 'and therefore not create value for money' in line 6 of bullet point 1 be deleted and replaced by:

'The Portfolio Holder pointed out that in cases of urgent police need, this would not be the case'

The words 'Police Authority's responsibility' in line 1 of bullet point 5 be deleted and replaced by:

'responsibility of the Police' and this bullet point be moved to sit directly after bullet point 1.

That the following words be added to bullet point 7:

'although, neither of the two issues had any bearing on this subject.'

38 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS

None

39 PUBLIC SPEAKING TIME/OPEN SESSION

None

40 A REVIEW OF LOCAL AIR QUALITY MANAGEMENT WITHIN CHESHIRE EAST

Rebecca Pointon and Phil Mason, Enforcement officers in the Safer and Stronger Communities Directorate attended the meeting and introduced a report outlining air quality management work in the Borough.

The Committee was informed that poor air quality reduced life expectancy in the UK by an average of 7-8 months, with health costs estimated at £20billion a year. The national UK air quality strategy aimed to reduce this to 5 months by 2020. Local Authorities would be instrumental in delivering this national target at the local level.

Specifically, Nitrogen Oxide could irritate lungs, and lower resistance to respiratory infections.

Air quality objectives were based on health evidence. However, it was reported that for some pollutants such as fine particles and benzene, there were currently no known safe levels.

When an Air Quality Management Area (AQMA) was identified, the Council had to produce an Air Quality Action Plan (AQAP) which was a basket of measures aimed at improving air quality. Action plans were then linked to the Local transport Plan, which ensured that the plan was acknowledged at a strategic level.

Appendix 2 of the report, listed current activities within the Air quality Action plan.

The Council had been informed yesterday (Wednesday) that it had been successful in securing a bid for £10,000 towards air quality schemes.

The Chairman commented about the business process outlined at appendix 1 and the need to ensure that any matters that are crossed reference in the Sustainable Community Strategy and Corporate Plan should be worded in the same fashion.

The enforcement team worked closely with other Council departments for example Highways, in relation to the location of pedestrian crossings, where these were located near to management areas, as the levels of traffic stopping at

such crossings could have an impact on readings. In response to a members question regarding what influence the enforcement team had on the Council's own fleet, the Committee was informed that measures were in place to strengthen the link, through the Local transport Plan.

RESOLVED – That the report be received and noted.

41 FLOOD AND WATER MANAGEMENT ACT 2010; THE EUROPEAN UNION FLOOD DIRECTIVE 2009 AND ASSOCIATED REGULATIONS/ISSUES

The Committee considered a report of the Lead Emergency Planning Officer, providing an update on the response of Cheshire East Council to the requirements of the Flood and Water Management Act 2010, the European Flood Directive 2009 and associated regulations and recommendations contained in the Pitt review.

Sir Michael' Pitt's review of the flooding in 2007, stated that "the role of local authorities should be enhanced so that they take on the responsibility for leading the co-ordination of flood risk management in their areas"

The Flood and Water management Act 2010 which would come into operation in April 2011, provided for this through the new role of lead local flood authority which was defined as the unitary council for the area. The European regulations were already in force.

The Pitt review recommended that the lead local flood authority should bring together all relevant bodies to help manage local flood risk. The important roles played by district councils, internal drainage boards, highway authorities and water companies were also recognised in the Act and these bodies, together with the Environment Agency, were identified as risk management authorities. The Act enabled effective partnerships to be formed between the lead local flood authority and the other relevant authorities who retained their existing powers (with some enhancement). The act also required relevant authorities to co-operate with each other in exercising functions under the Act and they could delegate to each other. It also empowered a lead local flood authority or the Environment Agency to require information from others needed for their flood and coastal erosion risk management functions.

The lead local flood authority was required to investigate flooding incidents in its area results of any investigation, and notify relevant authorities. It was also required to maintain a register of structures or features which it considered to have a significant effect on flood risk in their area, at a minimum, recording ownership and state of repair. The register must be available for inspection and the Secretary of State would be able to make regulations about the content of the register and records.

The Act also established a SuDS Approving Body (the "SAB") at county or unitary local authority levels. The SAB would have responsibility for the approval of proposed drainage systems in new developments and redevelopments, subject to exemptions and thresholds. Approval must be given before the developer could commence construction. In order to be approved, the proposed drainage system would have to meet new national standards for sustainable drainage.

Members of the Committee raised specific matters relating to the need to have in place sustainable drainage systems when constructing new developments and to the need to acknowledge the key mitigating aspects of regular gulley emptying on highway flooding.

RESOLVED –

- (a) That the report be received and the current position of Cheshire East in relation to the requirements/expectations outlined in the report be noted;
- (b) That the Lead Emergency Planning Officer be requested to report back to Members of this Committee with the results of the review of the situation relating to grants in connection with action numbers WEGOE.003 (Crewe and Nantwich) and WEGOF.004 (Congleton) in appendix A of the report;
- (c) That it be recommended to Cabinet that in any future contract with a term contractor, that due regard must be paid to all aspects that might contribute to flooding, of whatever nature, and in the event that the contract remains in-house, the gulley gleaning programme be reviewed by the appropriate Overview and Scrutiny committee in light of this report;
- (d) That Lead Emergency Planning Officer be requested to report back to this committee annually on flood risk management.

42 ENVIRONMENTAL ENFORCEMENT

The Committee considered a report of the Community Safety Manager enclosing the Cheshire east enforcement policy. The policy aimed to secure an efficient and effective approach to all Council regulatory inspection and enforcement functions.

The Policy set out 3 levels of enforcement:

Promotion -

To raise awareness about legal standards and promote good practice.

Informal Warnings –

To reinforce promotional activities. In such cases when the law may have been broken, but it was not thought appropriate to take more formal action. An informal warning can be oral or written.

Formal Enforcement –

This includes the use of statutory (legal) notices; written undertakings and enforcement orders; cautions; fixed penalty notices; penalty charge notices and prosecution this course of action would be taken following procedures laid down in legislation, codes of practice and professional guidance notes.

RESOLVED – That the report be received and cabinet be informed that this Committee considers that the Enforcement Policy is adequate in its present form.

43 LOCAL DEVELOPMENT FRAMEWORK

The committee considered a report of the head of Planning and Policy relating to a number of reports that formed part of the Cheshire East Local Development Framework (LDF), these included:

- Statement of Community Involvement (SCI) – which set out the Council's consultation process and procedures that the Council intended to follow.
- Alsager Town Centre Supplementary Planning Document (SPD) – which complimented policies adopted within the Congleton Local Plan to provide additional guidance in connection with the planning of new development within Alsager Town Centre
- Smallwood Village Design Statement SPD - the purpose of which was to manage change in buildings and landscape in the parish of Smallwood.
- Cheshire East Local List of Historic Buildings and its supporting SPD, which had been prepared in response to guidance in (Planning Policy Statement 5 (PPS5) and identified buildings considered to be of local historic or architectural interest. A number of changes had been made to the list following consultation, although it was not anticipated that any further nominations for inclusion would be taken forward. The document would be subject to review every 5 years.

The report had been considered by the Strategic Planning Board and the comments of that committee were set out in section 10 of the report.

RESOLVED –

That it be recommended to Cabinet that the Council adopt the Statement of Community Involvement, Alsager Town Centre SPD, the Smallwood Village Design Statement SPD, the Local List of Historic Buildings and its accompanying SPD subject to the property at 70 Birtles Road Macclesfield, included as a property owned by Cheshire East being deleted from the local list.

44 PROCESS FOR CONSIDERATION AND ADOPTION OF LOCAL DEVELOPMENT FRAMEWORK (LDF) AND AMENDMENTS TO THE CONSTITUTION

The committee considered a report of the Borough Solicitor and Strategic Director of Places setting out the current arrangements for developing and finally approving the LDF documents, and described proposed amendments to streamline the process.

RESOLVED-

- (a) That the current arrangements for approving the LDF be noted;
- (b) That the consultation process within the Council to take this matter forward, as described at Section 9.2 of the Cabinet report, be noted and commenced;
- (c) That it be noted that subject to the outcome of the consultation process, Cabinet be invited to make recommendations to full Council regarding the alternative arrangements described in the table at Appendix 2;
- (d) That it be noted that recommendations to full Council will need to address any authority required for the Borough Solicitor to make any necessary and consequential amendments to the Constitution including additions to the terms of reference of Strategic Planning Board.

45 UPDATE OF THE COMMUNITY SAFETY WARDEN SERVICE TASK AND FINISH GROUP

Councillor Livesley informed the Committee that the Community Warden Task and Finish group had met two weeks ago and was due to meet again on Wednesday 8 September. A full report would be submitted to the next meeting of this Committee.

46 WORK PROGRAMME

The Committee reviewed the work programme and in particular considered the items listed at the foot of the report as 'possible items to monitor or consider at future meetings.

RESOLVED –

- (a) That the work programme be approved;
- (b) That the item relating to motorbikes be deleted;
- (c) That the interim report of the Corporate Officer Working Group looking into voluntary funding be submitted to the next meeting of this committee.

The meeting commenced at 10.30 am and concluded at 1.00 pm

Councillor H Murray (Chairman)

