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**North East
Derbyshire**
District Council

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Date: Monday, 7 November 2022

To: **Members of the Organisation Scrutiny Committee**

Please attend a meeting of the Organisation Scrutiny Committee to be held on **Tuesday, 15 November 2022 at 10.00 am in the Council Chamber**, Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg".

Assistant Director of Governance and Monitoring Officer

Members of the Committee

<u>Conservative Group</u>	<u>Labour Group</u>	<u>Independent Group</u>
Councillor Stephen Clough Councillor Michelle Emmens Councillor David Drabble Councillor Diana Ruff Councillor Philip Wright	Councillor Joseph Birkin Councillor Maggie Jones Councillor Pat Kerry	Councillor John Funnell

For further information about this meeting please contact: Tom Scott 01246 217045

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 4 - 6)

To approve as a correct record and the Chair to sign the Minutes of the Organisation Scrutiny Committee held on 6 September 2022.

4 Staff Vacancies

To discuss the agile working policy, staff turnover and vacancy rates at the Council – Sara Gordon, HR and OD Manager.

5 Working from Home

To receive an update on plans for Mill Lane (in respect of agile working) – Damien Johnson, Assistant Director of Property, Estates and Assets.

6 Scrutiny Review (Pages 7 - 21)

To receive a report outlining Planning Enforcement procedures and multi agency working – Richard Purcell, Assistant Director of Planning and Ken Eastwood, Assistant Director of Environmental Health.

7 Forward Plan of Executive Decisions (Pages 22 - 24)

To consider the attached Forward Plan of Executive Decisions dated 15 October to 15 November 2022.

The most up-to-date Forward Plan of Executive Decisions can be accessed via the following link:

<https://democracy.norfolk.gov.uk/mgListPlans.aspx?RPId=1137&RD=0&bcr=1>

8 Work Programme (Pages 25 - 30)

To consider the Committee's Work Programme.

9 Additional Urgent Items

To consider any other matter which the Chair of the meeting is of the opinion should be considered as a matter of urgency.

10 Date of Next Meeting

The next meeting of the Organisation Scrutiny Committee is scheduled to take place on Tuesday 24 January 2023 at 10.00 am.

We speak your language

Polish
Mówimy Twoim językiem

Romanian
Vorbim limba dumneavoastră

Urdu
ہم آپ کی زبان بولتے ہیں

Chinese
我们会说你的语言



North East
Derbyshire
District Council



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ORGANISATION SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 6 SEPTEMBER 2022

Present:

Councillor Stephen Clough (Chair) (in the Chair)

Councillor John Funnell
Councillor Pat Kerry
Councillor Philip Wright

Councillor Maggie Jones
Councillor Diana Ruff

Also Present:

Councillor C Cupit	Deputy Leader of the Council and Portfolio Holder for Environmental Services
K Eastwood	Joint Assistant Director - Environmental Health Service
R Purcell	Assistant Director of Planning
S Gordon	HR & OD Manager
D Stanton	Senior Scrutiny Officer
T Scott	Governance and Scrutiny Officer

OSC/ Apologies for Absence

21/2

2-23 An apology for absence was received from Councillor J Birkin.

OSC/ Declarations of Interest

22/2

2-23 Members were requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No declarations of interest were declared.

OSC/ Minutes of Last Meeting

23/2

2-23 RESOLVED – That the Minutes of the previous meeting of the Organisation Scrutiny Committee held on 19 July 2022 be approved as a correct record and signed by the Chair.

OSC/ Annual Report of Human Resources and Organisational Development

24/2

2-23 The HR & OD Manager presented a report on a range of employee related issues pertaining to the 2021/22 financial year.

Members referred to the mentions in the report of mental health and stress issues, and enquired what was in place to help staff suffering from them. The HR & OD Manager explained that before staff go on work related stress leave, HR will speak to them and offer advice. There was also a Mental Health Group in place for general mental health support.

Members referred to the report mentioning that there were 100 leavers during the reporting period, and were concerned that this seemed like a large proportion of the overall number of staff. The HR & OD Manager explained that some of these people were staff moving to other posts within the Council, and advised that Organisation Scrutiny Committee would be discussing staff turnover (and agile working) in detail at the meeting on 15 November 2022.

RESOLVED – That the report was noted.

OSC/ Scrutiny Review 2022/23

25/2

2-23

The Chair explained to Members that this item would include Scoping of the proposed Review (including scene setting) for Environmental Enforcement.

Councillor Charlotte Cupit (Portfolio Holder for Environmental Services) discussed the Planning and Environment Enforcement service with the Committee, as well as potential areas a review could focus on. Councillor Cupit stated that the service was a priority for residents and had been given significant investment, and the maintained scale of activity in the service showed the hard work officers were undertaking.

Councillor Cupit suggested that although Planning and Environment Enforcement officers worked very well with other officers, the review could focus on those relationships and formalise them. The review would thus focus on multi-departmental working and how they work with outside agencies to establish best practice and identify room for improvement.

The Committee asked the officers present (the Assistant Director for Environmental Health and the Assistant Director of Planning) for specific issues they had been aware of with the service. The Assistant Director of Planning explained that Planning officers had to liaise with hundreds of strategy consultees on Planning matters, so if Planning sites raised many issues, officers would have to contact many of them. The Assistant Director for Environmental Health explained that some major agencies can be harder to work with.

The Committee agreed that the review would focus on multi-departmental working within the Council and how they communicated with outside agencies making it easier for Planning and Environment Enforcement officers to deal with major agencies and improving the communication between officers and partners.

The Senior Scrutiny Officer explained that to further the review, a report would be prepared by the Assistant Director for Environmental Health and the Assistant Director of Planning about the Enforcement process and Multi-Agency working for the Committee to consider at the next scheduled Committee meeting. The Assistant Director of Planning would also be requested to provide the Senior Scrutiny Officer with a list of all of the major agencies the Planning Enforcement service has dealt with.

Members raised concerns that officers invited to Planning Committee meetings from the Derbyshire County Council Highways department often did not attend, and they felt it would sometimes be beneficial to hear their perspective on applications that included highways issues. The Assistant Director of Planning

explained that [DCC] highways had received several invites to discuss how highways operated with the Planning Committee, however so far had been unable to attend.

The Senior Scrutiny Officer advised that although a review which included multi-agency working would be useful from an internal organisational perspective, the Committee's influence on the working of outside agencies would be limited, and often it could be difficult inviting them to give evidence at Committee. The Chair explained that he would discuss how to address this concern with the Senior Scrutiny Officer after the meeting.

OSC/ Forward Plan of Executive Decisions

26/2

2-23 RESOLVED – That the Forward Plan of Executive Decisions be noted.

OSC/ Work Programme

27/2

2-23 RESOLVED – That the work programme be noted.

OSC/ Additional Urgent Items

28/2

2-23 There were no additional urgent items.

OSC/ Date of Next Meeting

29/2

2-23 The next meeting of the Organisation Scrutiny Committee was scheduled to take place on Tuesday 15 November 2022 at 10.00 am.

North East Derbyshire

Organisation Scrutiny Committee

15 November 2022

Multi Agency Environmental Enforcement

Report of the Planning and Environment Portfolio Holder

Classification: Public

Report By: Richard Purcell

Contact Officer: 01246 217436

PURPOSE / SUMMARY

To present to the Committee the current situation regarding how the council carries out multi-agency working on environmental enforcement cases, so the Committee can initiate its review.

RECOMMENDATIONS

1. That the Committee note the content of Appendix 1, consider the current working practices it sets out and decide how to proceed with the review of practices it has undertaken to do.

Approved by the Portfolio Holder – Cllr Charlotte Cupit

IMPLICATIONS

Finance and Risk: Yes No

Details:

None

Tina Frost Morris - On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

None

Sarah Sternberg - Solicitor to the Council

Staffing: Yes No

Details:

There are no direct staffing implications arising from this report.

Lee Hickin - Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No

Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Delivering high quality cost effective services by engaging with residents, partners and Council staff. Protecting and promoting the character of our district.

REPORT DETAILS

1 **Background**

- 1.1 This report is to present to the Committee the current practice around the council's multi-agency working on environmental enforcement cases. It represents the first stage of the Committee's review of this important council service.

1.2 The report contains Appendix 1 that sets out the background to environmental enforcement case that are initially picked up by our Planning or Environmental Health Services, how we screen them and engage with other internal and external agencies.

1.3 It is for the Committee to decide how it wishes to proceed with its review.

2. Reasons for Recommendation

2.1 This is the initial information relating to multi agency working on environmental enforcement. It is now for the Committee to decide how it progresses with its review.

3 Alternative Options and Reasons for Rejection

3.1 No alternative options have been considered.

DOCUMENT INFORMATION

Appendix No	Title
1	Environmental Enforcement - Current Position.
Background Papers	
None	

This table has been put together to assist the Organisational Scrutiny Committee in its review of how Environmental Enforcement is currently carried out within NEDDC. The Planning and Environmental Health Services are the main two areas in the council where environmental enforcement issues are received and investigated. Where necessary other council services and external agencies are brought in to assist. Sometimes these agencies have their own environmental or legal issues with the same sites , thus multi-agency responses to cases are instigated.

This table sets out the context to investigating cases, how we screen them and decide if other agencies might have an interest. It then covers many of the agencies we work with, their interests and how we work with them. It finishes with some areas we recognise could be sharpened to improve these operations. A Glossary of acronyms is included at the end.

General Procedures	
Background and Context	<p>Planning takes into account a wide and varied range of ‘material considerations’, these being matters that can be lawfully taken into account in deciding planning applications. As part of the planning process, the Council will seek advice and guidance from a range of internal and external organisations referred to as ‘statutory consultees’ who will help inform the Council whether a development is acceptable or what action is required to make a development acceptable in planning terms.</p> <p>Where someone carries out development without planning permission, any decision to take, or not to take enforcement action, is effectively a planning decision. Therefore any party or organisation consulted or involved in the determination of a planning application, may also be involved in the planning enforcement process. PET (Planning Enforcement Team) regularly consults and seeks advice from these agencies to decide whether or not to take enforcement action.</p> <p>These agencies operate under their own regulations and legislation, and have their own enforcement powers. Where there is a report of a breach of planning control to PET, it may be found that the appropriate enforcement power lies elsewhere.</p>

	<p>All planning application decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in North East Derbyshire comprises the Council's adopted Local Plan 2014 – 2034. The protection of the environment and of residential and local amenity is part of our Development Plan Policies.</p> <p>The Council has to prioritise the breaches that cause most harm. This may mean we prioritise spatial objectives above localised harm to residential amenity for example. Therefore proactive and multi-agency investigations can deliver a more timely resolution to issues in the wider public interest.</p>
<p>How we 'screen' alleged breaches</p>	<p>When a complaint is received, Officers carry out a brief investigation and make a judgement as to whether some or all of the matters fall within the control of Planning or outside it. For example, this might be a noise complaint from a lawful industrial premises. Once Officers are satisfied that a development is lawful (i.e. it has planning permission), and there are no conditions or limitations being breached, then we will forward that complaint on to the relevant department within the Council for their investigation. We forward that on to the team we feel best placed to deal with that issue. This means a person should only have to contact the Council once, and have their concern dealt with by the relevant service.</p>
<p>When we engage other Agencies</p>	<p>Once a breach of planning has been reported or is identified through proactive monitoring it is researched and PET will decide whether to seek help and guidance from other agencies. The agency we engage depends on the circumstances and nature of the breach and it will differ in every case. We might seek advice on:</p> <ul style="list-style-type: none"> • whether the matter is already under investigation and the status of those investigations; • any information about the site and/or the owner or companies involved; • cross copying information and evidence from current or previous investigations; • to arrange a joint site visit or for the findings of site visits to be provided/shared; • a professional view on an issue from the point of an area of expertise – is it acceptable? Can it be mitigated? • establishing exactly what the harm is and looking at the legislation most suited to dealing with it; • agreeing a way forward and a strategy for investigation and ultimately a resolution; <p>How we consult and work with these agencies, depends on the process and procedure that each agency has settled on. It generally takes place by email for speed and evidence trail purposes. Each agency tends to have their own reporting mechanisms for the public.</p> <p>For the purposes of this exercise we have referred only to agencies with their own powers of investigation and enforcement. We have not included agencies we consult for advice that we might use to support enforcement action, for example Historic England and Derbyshire Wildlife Trust.</p>

NEDDC Department	Scope and Function	Areas of Interest	How we Contact	Comments
Planning Enforcement	<ul style="list-style-type: none"> Investigating alleged breaches of planning control defined as: The carrying out of development without the required planning permission; or Failing to comply with any condition or limitation subject to which planning permission has been granted. Control of advertisements Protection of designated heritage assets. Maintenance of land and buildings that have an adverse impact on amenity. Powers of enforcement through formal notices. Failure to comply is a criminal offence liable to prosecution and direct action; 	<ul style="list-style-type: none"> “Development” requiring planning permission (s.55 of the TCPA). Building operations including demolition and rebuilding, structural alterations of or additions to buildings, Engineering operations Material changes of use of land and buildings Provisions set out in s.215 of the TCPA which deals with maintenance of land and buildings. Advertisements Listed buildings and other heritage asset and development in CA. Protection of Trees (TPO and/or CA) 	<p>Email contact via individuals and to a central inbox.</p> <p>Online reporting form.</p> <p>Important cases affecting multiple parts of the Council are reviewed at CEG meetings</p>	<ul style="list-style-type: none"> Tend to seek a multi-agency approach when issues are reported that have an amenity/nuisance aspect. Able to ensure a consistent position on an issue across the Council Multi-agency cases reviewed at CEG meetings and solutions discussed. Solutions can be short/medium and long term and different teams may be able to find unique solutions. The right of appeal to planning enforcement action means solutions are rarely immediate and in the short term. Better expertise/experience in certain fields - e.g. having contacts and contractors in place to carry out work in default.
Environmental Health (EH) including: Housing & Public Health, Environmental Enforcement, Environmental Protection and Commercial Teams.	<ul style="list-style-type: none"> Pest control; Vermin; dogs; animal waste; untidy homes and gardens; Waste; fly-tipping; site clearance; abandoned vehicles; Control of noise; 	<ul style="list-style-type: none"> Overlap with the provisions under s.215 of the TCPA which deals with maintenance of land and buildings. Unreasonable conduct/anti-social behaviour falling under the scope of CPW and CPN Untidy land, including residential gardens and domestic premises. 	<p>Email contact via individuals <u>and</u> to a central inbox.</p> <p>Important cases affecting multiple parts of the Council are reviewed at CEG meetings</p>	<ul style="list-style-type: none"> Tend to adopt a multi-agency approach when issues have been reported to both EH and Planning. Otherwise PET will seek appropriate help and advice; Easy and prompt access to help and advice. Helpful having a central inbox to direct new issues. Doesn't have to be focus specific (i.e. public housing or public protection).

	<ul style="list-style-type: none"> Dust, air quality, odour vibration; Light pollution; Land contamination; Securing land and buildings Powers of enforcement through formal notices and direct action; Food safety regulation overlap with waste issues and permitted development; Health and Safety at Work regulation of workplaces. 	<ul style="list-style-type: none"> Condition and safety of buildings; Alleged problems with vermin or harbouring of vermin Living conditions of residents e.g. hoarders Noise/fouling complaints concerning animals Where offsite impacts are a problem – abandoned vehicles, fly-tipping Where the use is lawful or likely to be acceptable in planning terms but there is detriment to amenity; Complaints and breaches that concerns noise, dust odour. Impacts on amenity that may not be so severe to trigger a statutory nuisance, but maybe detrimental to amenity. Advice and guidance on mitigation, evidence gathering, Sharing of information, joint site investigations. 		<ul style="list-style-type: none"> Able to make better use of Council resources for investigations; Able to ensure a consistent position on an issue across the Council Multi-agency cases reviewed at CEG meetings and solutions discussed. Solutions can be short/medium and long term and different teams may be able to find unique solutions. The right of appeal to planning enforcement action means solutions are rarely immediate and in the short term. Better expertise/experience in certain fields - e.g. having contacts and contractors in place to carry out work in default.
Licencing (an Environmental Health function)	<ul style="list-style-type: none"> Premises licences; Events licensing; Animal activity licences (boarding, breeding, horse riding, pet shops, display, zoos; Prosecution for offences. 	<ul style="list-style-type: none"> When investigating alleged material changes of use. Uses that are allegedly lawful and immune (because of the passage of time); 	<p>Email contact via individuals <u>and</u> to a central inbox.</p> <p>Important cases affecting multiple parts of the Council are reviewed at CEG meetings</p>	<ul style="list-style-type: none"> Licences sometimes issued with no planning permission in place. There is no mechanism to check licences issued. Email to a central inbox, if it is not clear who is dealing with a query;

<p>Housing Strategy/Empty Homes officer/CSP</p>	<ul style="list-style-type: none"> • Housing Needs; • Affordable Housing; • Empty premises; • Crime and antisocial behaviour. 	<ul style="list-style-type: none"> • Advice on alternative uses of land • Housing Needs in area • Cross over of work on empty premises where there condition is affecting the amenity of an area. • Unreasonable behaviour falling within the scope of CPW and CPN 	<p>Email contact via individuals</p> <p>Important cases affecting multiple parts of the council are reviewed at CEG meetings.</p>	<ul style="list-style-type: none"> • Not directly planning issues, but potential for landowners to engage and find solutions to bring land/premises into use and/or improvements and enhancements to their condition. • Powers to issue CPN against unreasonable conduct.
<p>Revenues and Benefits/Business Rates</p>	<ul style="list-style-type: none"> • Council Tax payments; • Business rate payments; • Powers to recover Council Tax and Business rates arrears. 	<ul style="list-style-type: none"> • The alleged occupation of caravans and buildings as dwellings. • The lawfulness of the occupation of caravans and buildings as dwellings. • Establish the length of time a business has been registered at a premises. 	<p>Written request for the release of information using a pro-forma via Corporate Resources (Performance). Explanation required for the release of information and the purposes to which it will be used.</p>	<ul style="list-style-type: none"> • Cumbersome method to obtain Council Tax information, as it requires a written request and justification. • Other teams in the Council appear to operate a simplified information sharing process. • Council Tax payment information provides evidence of the occupant, when that occupation commenced and if it has continued. • PET information helps with the recovery of Council Tax and business rates.
<p>Rykneld Homes</p>	<ul style="list-style-type: none"> • Land owned and maintained by Rykneld; • Properties tenanted by Rykneld; • Civil powers of enforcement as the land owner or landlord. 	<ul style="list-style-type: none"> • Unauthorised development at Rykneld properties • Maintenance of land and buildings owned by Rykneld • Actions and behaviour of tenants 	<p>Email contact to individuals</p>	<ul style="list-style-type: none"> • PET is not aware of a central email inbox. • Difficulty sometimes in contacting (leave, absence, left the Council etc.) • However, certain officers are proactive and we do achieve good results through those officers. • Enforcement action unlikely to be taken against Rykneld if there are civil remedies as landowner.

External Agencies	Scope and Function	Why we contact?	How we Contact	Comments
The Environment Agency (EA)	<ul style="list-style-type: none"> EA is an executive non-departmental public body, sponsored by DEFRA; Responsible for risk of flooding from main rivers; Waste management licencing, waste exemptions; Control of pollution to the water environment; Regulating major industry and waste; Treatment of contaminated land; Strong powers of enforcement through notices and prosecution. 	<ul style="list-style-type: none"> Ground contamination (excavations, engineering operations). Unauthorised waste transfer, scrap yards (where not CM) Water abstraction Foul water drainage (cess pits, septic tank) Agreed referral for enforcement issues affecting major rivers Unauthorised industrial uses; 	<p>Through a national switchboard number and national email address.</p> <p>Once allocated then PET deals with individual Officers</p>	<ul style="list-style-type: none"> Major stakeholder in environmental and waste related enforcement Mainly contacted for waste related developments, Have strong powers of enforcement, However, mainly interested in issues that relate to wider enviro waste crime and illegal waste sites. Communication is often difficult and poor. Allocation to EA Officers can take several months, It is not always clear what issues the EA will prioritise or get involved in. However, once an Officer is allocated then working relationships are good.
Forestry Commission	<ul style="list-style-type: none"> Felling licences; Powers to prosecute for illegal felling, or to issue tree replacement notices. 	<ul style="list-style-type: none"> Where significant areas of woodland have been felled (e.g. site clearance is preparation of a new use); Where forestry and felling forms part of a use of the Land (e.g. log/fire wood producers) 	<p>By email to local Woodland Officer at Area Offices. There are two Area Offices in NED.</p>	<ul style="list-style-type: none"> Information of issued licences available on .gov.uk website. However not always complete or up to date Website used to find the name and contact of the Local Woodland Officer. Response is generally prompt and helpful

<p>Derbyshire County Council Minerals and Waste Planning Authority (CPA)</p>	<ul style="list-style-type: none"> • Exercises planning control on 'County Matters'(CM) minerals and waste development and Reg.3; • Minerals quarries, open cast mines, oil and gas extraction etc. • Waste Incinerator, Landfill, waste transfer stations, scrap yards; • Reg.3 schools, Libraries; • The functions of DDC relates to development that are 'wholly or mainly' CM development; • Powers of enforcement through formal notices. 	<ul style="list-style-type: none"> • Where there appears to be quarrying or any apparent quarrying activities (mainly on agricultural land); • Deposit of waste materials where the purpose is for waste disposal – this is a complex and nuanced point • Waste transfer, breaking, dismantling and/or recovery - this is also a complex and nuanced point • Development at Schools falling under DCCs jurisdiction. 	<p>Email contact to individual officers, rather than a central inbox. Central inbox is available</p>	<ul style="list-style-type: none"> • Establishing the appropriate Planning Authority is not straightforward; • It is an abuse of process for the District to deal with CM planning issues; • Often breaches are not strictly CM and include district planning matters. • Evolving and complex process up to the point of taking enforcement action; • Requires a strong collaboration on enforcement investigations and this is provided on High Priority cases; • NEDDC often ends up taking action because of the strict interpretation of 'wholly or mainly'; • Helps that PET have built up a rapport and relationship with DCC officers; • Helps that PET has CM enforcement experience;
<p>Derbyshire County Council Lead Local Flood Authority</p>	<ul style="list-style-type: none"> • Exercise control on local flood risks (i.e. risks of flooding from surface water, ground water and ordinary (smaller) watercourses); • Flood and Water Management Act 2010. 	<ul style="list-style-type: none"> • Statutory consultee on planning applications. • Flooding and drainage issues primarily from new housing development sites. Assist in the investigation of problems and the design of solutions. • Impacts and effects can be localised (e.g. an adjoining neighbour) or wider catchment (e.g. several housing developments contributing to downstream flooding). 	<p>Email contact via individuals</p>	<ul style="list-style-type: none"> • No central email inbox. • Requires finding individual officer details from comments to planning applications; • Not clear if officers have left or if the matter is being dealt with.

DCC Highways	<ul style="list-style-type: none"> • Exercise control on developments affecting highways and public rights of way; • Civil powers as land owner; • Can immediately remove advertisements displayed on Highways Land; • Enforcement powers for maintenance/obstruction etc. of rights of way. 	<ul style="list-style-type: none"> • Development affecting highways or on land owned by Highways; • Checking whether works within the highway are acceptable e.g. new vehicular accesses; • Section 38 agreements including the completion of housing development estate roads; 	Email via central inbox	<ul style="list-style-type: none"> • Very difficult to contact; • Emails to the central inbox are generally not answered promptly; leads to uncertainty whether an issue is being progressed. • Where contact has been made, updates are not proactive; • PET has had some success with Highway taking on development on their land. • Reluctance/lack of resource to deal with advertisements
Derbyshire Building Control Partnership (DBCP)	<ul style="list-style-type: none"> • Buildings regulations; • Prosecution under the Building Act 1984. 	<ul style="list-style-type: none"> • Information about the size, design and detail of buildings. • Buildings often permitted development, but may be an issue for building control. 	Email contact via central inbox preferred	<ul style="list-style-type: none"> • BR issues is a common complaint about new buildings without planning permission; • Unauthorised extensions and buildings sometimes have building regs approval. Suggests a disconnect between the two functions. • Inspectors are often private companies and contact is sometimes difficult. • However, contact directly with DBCP is mostly excellent.
Water Companies (Yorkshire Water, Severn Trent)	<ul style="list-style-type: none"> • S104 agreements; • Existing sewerage infrastructure. 	<ul style="list-style-type: none"> • To establish if developer is engaged in the adoption process for drainage. • Checks on the proper maintenance of drainage infrastructure. 	Email contact via central inbox preferred	<ul style="list-style-type: none"> • Very slow/no response received. • Difficult to establish progress on site on acceptability of drainage on development sites. • Issues often complicated and hinders completion of estate roads.
Neighbouring LAs	<ul style="list-style-type: none"> • Persons/sites of joint interest; • Chief Regulators Group and subject area EH groups; • East Midlands Council's meetings and training provision. 	<ul style="list-style-type: none"> • Landowners/developers causing similar breaches of planning across planning boundaries. • Shared experiences and best practice learning. 	Identify key individual in organisation Requires information sharing protocol to be established	<ul style="list-style-type: none"> • To establish what action neighbouring authorities take in dealing with similar breaches with the same landowner and/or common issues.

			Liaison groups work well with key partner LA's	
Police	<ul style="list-style-type: none"> Criminal investigations and general policing matters. 	<ul style="list-style-type: none"> Staff and officer safety when attending site; Antisocial behaviour issues resulting from the condition and maintenance of land and buildings; Cross partnership working on CPWs/CPNs Vehicle tax, MOT etc. Updates/information on persons registered on the EPR. 	Email contact to individual officers	<ul style="list-style-type: none"> Generally a good working relationship with Officers No difficulty getting support with difficult sites or known difficult customers; Agreed strategies and protocols including exit strategies. Does require knowing the name of the local officers. Information can be found through NEDDC CSP Some limitations with their information sharing.
RSPCA	<ul style="list-style-type: none"> Animal welfare, charity. Powers to prosecute people for animal welfare offences, seize animals etc. 	<ul style="list-style-type: none"> Partnerships with animal welfare related matters; Support on joint operations of mutual interest; Dangerous or unique animal support. 	Local inspector contacts as needed	<ul style="list-style-type: none"> Good working relationships with local teams; Requires some awareness of individuals to make most effective contact Central telephone number accessible and responsive when needed
Health and Safety Executive	<ul style="list-style-type: none"> Health and Safety lead UK regulator and sets priorities for local authorities for Health and Safety at Work intervention activity. Regulator of local authority activity. 	<ul style="list-style-type: none"> Complex case advice and guidance; Support on complex matters; Partnerships on overlapping responsibilities; Manage lead authority schemes for Health and Safety. 	HSE Local Authority Unit;	<ul style="list-style-type: none"> Dedicated liaison unit, and it works really well, ensuring effective referral, support and guidance where required.

<p>Food Standards Agency</p>	<ul style="list-style-type: none"> • UK Competent Authority and lead food and animal feed safety and hygiene regulator. • Regulator of local authority activity. • Sets local authority priorities and framework for interventions, inspections and enforcement. 	<ul style="list-style-type: none"> • Complex case advice and guidance; • Support on complex matters; • Partnerships on overlapping responsibilities 	<p>FSA Local Authority Unity</p>	<ul style="list-style-type: none"> • Dedicated liaison unit, and it works really well, ensuring effective referral, support and guidance where required.
<p>UK Health Security Agency</p>	<ul style="list-style-type: none"> • Public Health lead for infectious diseases in the UK. 	<ul style="list-style-type: none"> • Infectious disease epidemiology and contact tracing • Support for enforcement and sampling activity • LA is responsible for enforcement of food related matters in businesses, with UKHSA support. 	<p>LA liaison contacts maintained</p>	<ul style="list-style-type: none"> • Dedicated contact team, and it works really well, ensuring effective referral, support and guidance where required.
<p>Derbyshire County Council</p>	<ul style="list-style-type: none"> • Trading Standards – food standards. • Public Health. • Social Services. 	<ul style="list-style-type: none"> • Range of duties across these themes. 	<p>Central number/email address unless there are specific officers on liaison groups</p>	<ul style="list-style-type: none"> • Named contacts with relevant teams of frequent contact (Trading Standards, Public Health). Regular liaison meetings work well. • Other matters are a central contact centre referral which works to log and enable tracking of referrals. • Challenges are the large and complex management structures meaning it is difficult to know who is in charge of particular areas of responsibility.

DEFRA	<ul style="list-style-type: none"> Overarching environmental compliance responsibilities – regulator of local authorities in terms of Air Quality Management, Contaminated Land and LA-PPC responsibilities. 	<ul style="list-style-type: none"> Regulator of LA's Advice and guidance on complex cases Funding environmental investigatory work and air quality improvements 	Various departmental contacts for projects and Local Authority Units on specific topics	<ul style="list-style-type: none"> Central email address for Local Authority Unity or dedicated teams. Works well on projects Regular updates from DEFRA by email.
Department for Levelling Up, Communities and Local Government	<ul style="list-style-type: none"> Housing regulation policy lead. 	<ul style="list-style-type: none"> Expert guidance and support for private rented housing regulation 	Departmental contacts for topic areas	
General issues and focus for improvement	<ul style="list-style-type: none"> Volume of email traffic is not sustainable for PET. This may also be the case for all other Agencies. It is therefore a risk that things get missed. Monitoring and management of email traffic and responses is critical. If a response is not received from a central inbox, the matter is referred onto an individual officer, increasing email traffic. Some external Agencies are very difficult to contact. There are no clear priorities explaining the matters these Agencies will get involved in. This leads to uncertainty and delays investigating and resolving. Difficulty coordinating diaries with external Agencies. Self-help information about environmental enforcement is very useful, but requires resources to digitise and maintain information that it can be relied on. Encouraging other sections and first points of contact to use the online reporting form to ensure as much information as possible is provided pre-enquiry. Some processes in place for information sharing can be cumbersome and time consuming. Review Planning Enforcement Plan to consider whether priorities and timescales for dealing with complaints are realistic and deliverable. District and Parish member training on Environmental Enforcement, case studies, examples. 			

Glossary of acronyms:

- CA – Conservation Area (areas designated to manage and protect the special architectural and historic interest as set out in Planning (Listed Buildings and Conservation Areas) Act 1990)
- CEG – Corporate Enforcement Group (The Council’s Enforcement services meet every 6 week to discuss high priority and high profile cases)
- CM - County Matters (Planning matters dealt with by the County Council)
- CPA – County Planning Authority (Derbyshire County Council – responsible for Minerals and Waste Planning)
- CPN – Community Protection Notice (Anti-Social Behaviour, Crime and Policing Act 2014)
- CPW – Community Protection Warning (Anti-Social Behaviour, Crime and Policing Act 2014), must precede a CPN.
- CSP - Community Safety Partnership (NEDDC strategies to protect their local communities from crime and to help people feel safe.)
- DEFRA - Department for Environment, Food & Rural Affairs
- EPR - Employee Protection Register (the Council maintained register of known violent and difficult members of the Public).
- PET – Planning Enforcement Team (North East Derbyshire)
- TCPA – Town and Country Planning Act (1990)
- TPO – Tree Preservation Order (Town and Country Planning (Tree Preservation) (England) Regulations 2012)



North East Derbyshire
District Council

Forward Plan of Executive Decisions for the period 15 October 2022 – 15 November 2022

This Forward Plan sets out all of the decisions that are expected to be taken over the next four months by either: (i) The Cabinet, or (ii) an officer on an Executive function of the Council.

Some of the decisions listed in this plan are 'Key Decisions'. A Key Decision is one that is likely to:

- (a) Result in the Council spending or receiving income of over £100,000 revenue or £250,000 capital, or
- (b) Have a significant impact on two or more wards in the Council's area.

At least 28 calendar days' notice must be given before they are due to be taken by the Cabinet or an officer under delegated powers.

The Cabinet can make urgent decisions which do not appear in the Forward Plan. A notice will be published at the District Council Offices and on the Council's website explaining the reasons for the urgent decisions. Please note that the decision dates are indicative and are subject to change.

The Forward Plan also lists those 'Exempt' Decisions which are going to be taken over the next four months. Exempt Decisions are those decisions which have to be taken in private. This is because they involve confidential or exempt information which cannot be shared with the public.

The contact details for the officers or senior employees responsible for producing the reports and reports for these decisions are included in the plan. Please contact them if you would like more information. If you have any queries about why something is a Key Decision or is going to be taken in private then please contact the Governance Team on 01246 217391 or email: alan.maher@ne-derbyshire.gov.uk.

Published under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Sarah Sternberg
Assistant Director of Governance & Monitoring Officer

Published on: 14 October 2022

Cabinet members and their responsibilities

Member	Portfolio of responsibilities
Councillor A Dale	Leader and Portfolio Holder for Overall Strategic Leadership
Councillor C Cupit	Deputy Leader and Portfolio Holder for Environmental Services
Councillor M Foster	Portfolio Holder for Council Services
Councillor J Kenyon	Portfolio Holder for Economy, Transformation & Climate Change
Councillor P Parkin	Portfolio Holder for Finance
Councillor A Powell	Portfolio Holder for Leisure, Communities and Communications
Councillor C Renwick	Portfolio Holder for Housing & Community Safety

DECISION TO BE TAKEN	DECISION-MAKER	DATE OF DECISION	KEY DECISION	EXEMPT DECISION (INCLUDING GROUNDS FOR EXEMPTION)	RESPONSIBLE PORTFOLIO HOLDER	RESPONSIBLE OFFICER
Council Plan Targets Performance Update 2022-23: Quarter 2	Cabinet	24 Nov 2022	Non-Key		Councillor Alex Dale	Managing Director
Scrutiny Review of Tourism - Business and Non Business: Response	Cabinet	24 Nov 2022	Key		Councillor Jeremy Kenyon	Director of Growth and Assets
Scrutiny Committees Work Programmes	Cabinet	24 Nov 2022	Key			Assistant Director of Governance & Monitoring Officer
Sharley Park: Agreement to Proceed	Cabinet	24 Nov 2022	Key	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Councillor Jeremy Kenyon	Director of Growth and Assets
Town Deal Assurance Report	Cabinet	24 Nov 2022	Key		Councillor Jeremy Kenyon	Director of Growth and Assets

**ORGANISATION WORK PROGRAMME 2022/23
TUESDAY AT 10:00 AM**

CHAIR: Cllr S Clough VICE CHAIR: Cllr M Emmens

MEETING DATE	AGENDA ITEM	SCRUTINY ACTIVITY	WHAT IT WILL COVER	UPDATE/COMMENTS
19 July 2022	Remit of the Committee		<ul style="list-style-type: none"> • Briefing on Scrutiny: <ul style="list-style-type: none"> - Setting the scene - The terms of reference of the Committee - How the Committee operates, ways of working - Discussion 	Damon Stanton – Senior Scrutiny Officer/ Committee Members
	Selection of Scrutiny Review Topic	Review	<ul style="list-style-type: none"> • To consider suggestions for review and select a topic for the Scrutiny Review • Consider what we want to look at • Consider stakeholders who we want to see 	Committee members
	Review Report	Review	<ul style="list-style-type: none"> • To agree the Scrutiny Review Report 	Committee

Agenda Item 8

			– ICT & Transformation	Senior Scrutiny Officer
	Draft Work Programme	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the draft work programme for the year and any suggested items for inclusion 	Committee Members/ Damon Stanton – Senior Scrutiny Officer
	List of key decisions	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Forward Plan of Executive Decisions 	Damon Stanton – Senior Scrutiny Officer
06 September 2022 (at 3pm)	Annual Report of Human Resources and Organisational Development	Monitor and challenge	<ul style="list-style-type: none"> ➤ Organisational Development ➤ Apprentices ➤ Question and Answer Session 	Human Resources Manager <i>Accepted</i>
	Scrutiny Review 2022/23	Review	<ul style="list-style-type: none"> ➤ Scoping of Review including scene setting – Planning Enforcement 	Richard Purcell – Assistant Director of Planning Ken Eastwood – Assistant Director of Environmental Health Cllr Charlotte Cupit – Deputy Leader & Portfolio Holder for

				Environmental Services
	List of key decisions	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Forward Plan of Executive Decisions 	Damon Stanton – Senior Scrutiny Officer
	Scrutiny Work Programme	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Committees’ work programme 	Damon Stanton – Senior Scrutiny Officer
15 November 2022	Working from home	Monitor and challenge	<ul style="list-style-type: none"> To receive an update on plans for Mill Lane (in respect of agile working) 	Damien Johnson – Assistant Director of Property, Estates & Assets Accepted
	Staff vacancies	Monitor and challenge	<ul style="list-style-type: none"> To discuss the agile working policy, staff turnover, and vacancy rates at the Council 	Sara Gordon – HR & OD Manager Accepted
	Scrutiny Review	Review	<ul style="list-style-type: none"> To receive a report outlining Planning Enforcement procedures and multi-agency working 	Richard Purcell – Assistant Director of Planning Ken Eastwood – Assistant Director of Environmental Health
	List of key decisions	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Forward Plan of Executive Decisions 	Damon Stanton – Senior Scrutiny Officer

	Scrutiny Work Programme	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Committees' work programme 	Damon Stanton – Senior Scrutiny Officer
24 January 2023	Scrutiny Review	Review	<ul style="list-style-type: none"> Approval of Project Plan Approval of timetable for the review Documentation: 	
		Review	<ul style="list-style-type: none"> Interviews TBC 	
	Transformation Programme update	Monitor and challenge	<ul style="list-style-type: none"> To consider an update on the Transformation Programme 	Steve Lee – HOS
	List of key decisions	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Forward Plan of Executive Decisions 	Damon Stanton – Senior Scrutiny Officer
	Scrutiny Work Programme	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Committees' work programme 	Damon Stanton – Senior Scrutiny Officer
14 March 2023	Scrutiny Review	Review	<ul style="list-style-type: none"> Triangulation of evidence – Scrutiny Review 	Committee Members
	Rykneld Homes	Consultee and monitor	<ul style="list-style-type: none"> To receive an update on Rykneld Homes 	Lorraine Shaw – Managing Director Rykneld Homes Ltd

	Previous Review	Review	<ul style="list-style-type: none"> To consider progress against the action plan – working from home during the pandemic. 	Sara Gordon – HR & OD Manager
	List of Key Decisions	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Forward Plan of Executive Decisions 	Damon Stanton – Senior Scrutiny Officer
	Scrutiny Work Programme	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider the Committee’s Work Programme 	Damon Stanton – Senior Scrutiny Officer
16 May 2023	Draft Scrutiny Review report	Review	<ul style="list-style-type: none"> To agree the draft report for Scrutiny Review 	
	Previous Review	Review	<ul style="list-style-type: none"> To consider the lead office response – previous scrutiny review on ICT & Transformation 	Jayne Dethick – Director of Finance & Resources & S151 Officer Steve Lee – Assistant Director of Transformation & Communication
	Monitoring of O&S recommendations	Monitor	<ul style="list-style-type: none"> To monitor the implementation of previous committee and review recommendations 	Damon Stanton – Senior Scrutiny Officer
	List of key decisions	Consultee,	<ul style="list-style-type: none"> To consider the Forward Plan of 	Damon Stanton – Senior

		monitor and challenge	Executive Decisions	Scrutiny Officer
	Scrutiny Work Programme	Consultee, monitor and challenge	<ul style="list-style-type: none"> To consider whether the Committees' work programme has been completed at year end 	Damon Stanton – Senior Scrutiny Officer