

**MINUTES OF THE MEETING OF THE ENVIRONMENT POLICY DEVELOPMENT
GROUP HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY,
30 JUNE 2010**

MEMBERS

* Cllr R Rowe - Chairman

* Cllr R J Carter - Vice-Chairman

* Cllr P Coulson

∅ Cllr S L Rankin

* Cllr C W Jones

* Cllr R J Vint

* Cllr D W May

* Cllr A Ward

* Denotes attendance

∅ Denotes apology for absence

Also in attendance and participating:

Cllrs B E Carson, M J Howarth, M J Hicks and J T Pennington

Officers in attendance:

All agenda items: Member Support Officer;

Item 5: (Minute EPDG.04/10 below refer) Head of Development Management;

Item 6: (Minute EPDG.05/10 below refer) Principal Environment Health Officer; and

Item 7: (Minute EPDG.06/10 below refer) Member Support Services Manager.

EPDG.01/10 MINUTES

The minutes of the meeting of the Environment Policy Development Group (EPDG) held on 25 February 2010 were confirmed as a correct record and signed by the Chairman.

EPDG.02/10 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting.

Cllr C W Jones declared a prejudicial interest in Item 6: 'Implementation of charges for the Private Water Supplies Regulations 2009' (Minute EPDG.05/10 below refers) by virtue of him living in a house that received water from a private supply. He left the room for the discussion and the vote thereon.

EPDG.03/10 **URGENT BUSINESS**

With the agreement of the Chairman, the Vice-Chairman raised an urgent item. This item was in relation to the establishment of the Dog Control Task and Finish Group and was deemed urgent due to it having held a meeting since the agenda had been published.

The Vice-Chairman informed that the Group, which had been formed to investigate the merits of introducing dog control orders, had begun to review the current legislative arrangements and had concluded that there was a need to bring in dog control orders in order to consolidate that which already existed. The Task and Finish Group therefore sought the endorsement of the Group to instruct the Council Solicitor to draft an order which could subsequently be consulted upon. He also wished to formally thank the solicitor for his contribution to the Task and Finish Group and wished for this to be noted.

It was then:-

RESOLVED

That the Group endorse the request from the Task and Finish Group to instruct the Council Solicitor to draft a dog control order that could be consulted upon.

EPDG.04/10 **WIND TURBINES**

Members considered a report which advised them on the policy position with regard to wind turbines and the issues which they raised for the Local Planning Authority.

Members had previously requested a report that considered the need for supplementary planning guidance and the Head of Development Management stated in the report (which only considered electricity producing wind turbines) that there was a lot of guidance available at a national level, but that if additional guidance was required then it was suggested that the key areas for supplementary information would be:

- Visual Impact;
- Noise;
- Safety;
- Ecology; and
- Residential amenity

He went on to say that if a decision was made to provide additional guidance then this should be extended to include other forms of renewable energy production in order to maximise the benefits. However, he emphasised that such guidance would ultimately be a sizeable document, hence his conclusion that national guidance would suffice.

The Lead Executive Member noted that there was merit in providing a local policy document, for example, including information on how to interpret visual impact stipulations, as the service had a lot of experience in dealing with applications for wind turbines. However, alternative information, whilst desirable, was not essential and the Development Management Service was currently under tremendous pressure and would find it difficult to resource the compilation of a large document and this would require finding significant resources from elsewhere.

During the discussion, the following points were raised:-

- Whilst noting that there was a lot of national guidance available, a Member highlighted that the report had not given due consideration to the integration of renewable energy. The Member felt that the authority should be looking at carbon reduction and energy requirements in future years, with consideration given to how these requirements could be met. She cited a report which had been commissioned by the Totnes Sustainable Group entitled 'Leading the Way' which had concluded that Totnes could meet 80% of its demand for energy from renewable sources. She felt that this local evidence could be expanded upon by working with developers and suppliers of renewable energy regarding what was required for the next few years. This would derive gains both financially in terms of increased competitiveness and towards meeting central Government carbon reduction targets;
- Another Member suggested that there were alternative ways of producing additional guidance and it would not necessarily have to be as detailed as was envisaged. It was therefore suggested that an external organisation could be commissioned to draft the guidance on a very low cost basis (e.g. using a not for profit group or obtaining a grant). The draft guidance document could then be further modified by the authority at a fraction of the officer resource time.

The Member went further to state that the report linked the issue to Corporate Priority (CP) 3: Distinct Environment and CP2: Good Jobs as renewable energy was a potential source of income and could contribute to the economic viability of businesses. He had noted that there was concern that international, European and regional targets were not being attained due to problems with implementation at local authority and planning authority level, and that it was incumbent upon local authorities to take a more proactive approach to meeting the targets, or risk powers being imposed on them in the future;

- The Lead Executive Member for Value for Money advised that from the discussion, it appeared that the Group was looking for something much broader than just additional guidance. In response, a Member stated that the authority should have an energy policy integrated within the Supplementary Planning Document (SPD) that considered for example, the contribution to targets and levels of community involvement. This should then link in with new development and construction policy. He went further to say that although there was a sub regional target for carbon reduction, it had not been determined how this was to be achieved. Therefore, there was an urgent need for the district to finalise what contribution it could make towards the sub regional target followed by the development of an overall framework policy which would set out how the target was to be delivered locally;
- Another Member expressed that it would be sensible to restrict any supplementary advice to those make planning applications, as currently the authority mostly reacted to applications rather than having an input into economic regeneration, which tended to be a central Government role;

In response, it was stated that research had already been undertaken with regard to what forms of renewable energy would work at a macro and micro level in the area, and that the authority could set out in any additional guidance, what was expected and desired from any applications in line with an energy policy. If an SPD could be outsourced for a low outlay, then it would be a missed opportunity not to do so;

- A Member noted that it would be highly cost effective and a great benefit to residents who would derive lower energy bills over the long term. He noted that the main obstacle for developers was the initial capital costs and that new low interest grants could help to overcome this hurdle. He went further to say that anyone not investing now in renewable energy could come to regret it in five to ten years time.

It was then:-

(by four votes in favour to three against):

RESOLVED

That further supplementary guidance, particularly relating to wind turbines, was not necessary at this stage, in that each application was site specific and was decided on its own merits.

EPDG.05/10 **IMPLEMENTATION OF CHARGES FOR THE PRIVATE WATER SUPPLIES REGULATIONS 2009**

Members considered a report presented by the Principal Environmental Health Officer that sought approval for new charges to discharge duties arising from new Private Water Supplies Regulations 2009 introduced from 1 January 2010. The regulations applied standards to private water supplies similar to those covering mains water. Anyone who supplied drinking water from a private well, spring or borehole which was intended for human consumption and anyone who took a supply of water from the water undertaker and supplied it to others via a private distribution network, would fall within the provisions introduced by these regulations.

The regulations detailed the maximum charges and fees which the Council could recover and these were subsequently discussed.

It was then:-

RECOMMENDED

That Council be **RECOMMENDED** to approve the charges to recover costs from appropriate persons in respect of carrying out the duties under the Private Water Supplies Regulations 2009. In addition, that the Council review the charges in the future at the same time as other environmental health fees and charges.

EPDG.06/10 **REVIEW OF THE OVERVIEW AND SCRUTINY REVIEW**

Members discussed the outcomes of the review. The key points raised were as follows:

- In light of the shadowing role being dispensed with, it was suggested that each non-executive Member be designated a cross cutting/portfolio theme and tasked, along with four or five other Members with the same theme, to investigate policies or issues arising that merited either;
 - a review/development; or
 - a light touch task and finish group; or
 - raising as an agenda item;

It was felt that this would ensure that each portfolio area was being thoroughly scrutinised and examined in more depth and involved the non-executive Members in owning and populating the Policy Development Group (PDG) and Scrutiny agendas;

- A Member noted that the core of the review process had been about change and in particular had noted that the role of a PDG was not to merely note and approve officer driven reports but rather to develop and review policy. As a result, the role would require them to undertake reviews, consult with witnesses and gather evidence to provide recommendations. Meetings would therefore be different, conducted as more informal working groups resulting in Member driven reports being presented to the Executive. The Member thoroughly supported this way of working and felt it was essential;
- Another Member stated that they had previously struggled to understand their role, but the review had highlighted that Members were categorised into two distinct groups (i.e. Executive and Non-Executive) and that non-executive Members were all scrutineers, regardless of political group. He felt this observation was vital to unlocking improvement and was how the Council was being invited to work in the future. However, he noted that Members would require support in adjusting to a new style of working;
- A Member expressed concern about undertaking more work and wondered if this would discourage new younger applicants from potentially standing for election, who most likely would be in full-time employment. In response, a Member felt these fears were unwarranted and made reference to the suggestion in respect of recruiting graduate support on work experience to assist Members;
- The Lead Executive Member for Financial Affairs wished to emphasise that the current way of working was too much like old style committees and recognised that new working practices which allowed for more involvement and input from non-executive Members were needed. However, it was acknowledged this would be an incremental process with any desired changes being in place for 2011/12. The Lead Executive Member for Value for Money expressed his enthusiasm for the proposed new ways of working and felt that it should be embraced. He suggested it would be helpful for Members to visit another council where the suggested ways of working had been implemented in order to learn more;
- A Member strongly supported the idea of training and also the idea of producing an overview and scrutiny toolkit booklet. He also questioned the role of the Programming Panel and whether this should be replaced or its remit changed, in order to underpin the independence of non-Executive Members in setting their own work programmes. He further added that he would fully support the recommendation to have a more political mix of chairs and vice chairs;

- A Member strongly supported the idea of setting Member led annual work programmes at the outset of the new municipal year. The Member also welcomed the suggestion of piloting a work programme setting event and also the recommendation for Group Members to work more strategically.

In conclusion, some Members recognised that they had a responsibility to take the Overview and Scrutiny function forward and to shape it and make it fit for purpose for the future and that they should not shirk away from this responsibility. They recognised they needed to be more proactive in undertaking research and using the pro-forma to submit potential future agenda items.

(Meeting commenced at 2.00 pm and concluded at 3.30 pm).

Chairman