A meeting of the Environment Scrutiny Panel was held at the Town Hall, Nuneaton, on Wednesday, 24th August, 2011

Present

Councillor J. Glass - Chair


Apologies for absence were received from Councillors D. Carr, N.G. Grant, W.J. Hancox and R.A. Taylor.

RESOLVED that the minutes of the meeting held on the 21st July, 2011 be confirmed and signed by the Chair.

Declarations of Interest/Party Whip

Councillor R.G. Copland declared a personal interest in respect of item 10 by reason of him being employed by Coventry City Council.

Councillor D.P. Brown and C.M. Watkins declared personal interests in respect of any agenda item by reason of them being members of the Leisure Trust Board.

Councillor K.D. Wilson declared a personal interest in respect of item 11 by reason of him being a Personal Licence Holder under the Licensing Act 2003.

Procedure for Dealing with Certificates of Lawful Use (CLEUDS) and Certificates of Proposed Lawful Use (CLOPODS)

The joint report of the Assistant Director - Governance and Recreation and Head of Development Control reviewing the procedure for dealing with Applications for Certificates of Lawful Use (CLEUDS) and Certificates of Proposed Lawful Development (CLOPODS) pursuant to Ss. 191 and 192 Town and Country Planning Act 1990 was considered.
Members raised various points as follows:

- Councillors felt that the Gleneagles Development and similar applications were the most contentious issues Councillors had to deal with.

- Councillors asked that when Certificates are published on the weekly planning lists they should be under a separate heading.

- Public submissions in respect of this type of application should be considered - Hinckley and Bosworth have consultation.

- Suggestion made that laminated sign should be erected in locality informing public of this type of application.

- Concern that consultation could raise public expectations.

**RESOLVED** that:

(a) it be recommended to the Planning Applications Committee that the current procedure for dealing with Applications for Certificates of Lawful Use and Certificates of Proposed Lawful Development be amended to enable such applications to be called in by Members for consideration by the Planning Applications Committee;

(b) it be recommended to Council that the Constitution be amended accordingly;

(c) Applications for Certificates when published on the weekly planning lists be listed under a separate heading; and

(d) On receipt of an Application for a Certificate, laminated signs be erected in the locality giving details of the application.

**Consultation Document - Planning and Development**

The Principal Democratic Services Officer presented to the Panel the Issue Paper Summary on “How Change of Use is Handled in the Planning System”, pointing out particularly the Question for OSP concern on page 19 of the agenda.

Comments were made as follows:

- It was considered that this was reform for the future

- People in the local community should have the right to have their say.
There was a need for consistency, especially between various authorities.

RESOLVED that the Head of Development Control writes a letter to the Department for Communities and Local Government raising the following points:

(a) people in the local community should have the right to have their say - localism;

(b) the need for there to be consistency, clarity and communication;

(c) there would be public concern about the de-regulation to allow commercial use changing to housing.


The report of the Assistant Director - Governance and Recreation updating the Panel on the changes to legislation proposed following the Home Office Consultation on the use of surveillance and informing the Panel of the Council’s use of surveillance in 2010/11 was considered.

The following points were made:

- Only one Directed Surveillance Authorisation had been granted during the period June 2010- June 2011 - this action was however cancelled before any surveillance was undertaken.

- Surveillance, provided the right permissions are given, is important.

- Sometimes it is not used enough - e.g. fly tipping, which is a real problem and a blight on whole areas.

- The proposed legislation is going too far in that the threshold of six months imprisonment is too high.

RESOLVED that

(a) the current position with the emerging legislation be noted;

(b) the Council’s use of surveillance for the period June, 2010 - June, 2011 be noted;

(c) representations be made to the Surveillance Commission and all local Members of Parliament on the Panel’s concern at the high threshold of 6 months imprisonment.
(d) a further report updating the position be brought to the Environment Scrutiny Panel in due course.

165 **Un-adopted Road Update**

The Principal Democratic Services Officer (Overview and Scrutiny) updated the Panel on actions taken on the recommendations made by the Panel in September, 2010.

**Speaker:** Mr. A.R. Cartwright

The following points were made:

- Concern at the problems and delays experienced in trying to get roads, etc. on developments adopted by the County Council and the subsequent works required of developers by the County before adoptions of the roads.

- Concern that often snagging lists were not reasonable.

- Concern that no tolerances in the work undertaken are allowed by Warwickshire County Council.

- If roads are not adopted, then the County Council will not grit during the winter.

- Concern that the problem was associated with this borough’s area only.

- Disgust that no response has been received from the County Council - it was considered that there must be a protocol for replying to letters - and concern that they have ignored everything the Council asked for.

- Concern that no response has been received to a letter written by the Head of Development Control to the Department of Transport on this matter.

**RESOLVED** that

(a) letters be sent to Warwickshire County Council, the three local Members of Parliament, the Leader of Warwickshire County Council and the relevant County Council Portfolio Holder expressing the Council’s concern at the problems being experienced with Warwickshire County Council in the adoption of roads and the need for the legislation to be changed to improve the system.
(b) the relevant County Council portfolio holder be requested to attend a meeting of the Environment Scrutiny Panel.

**Warwickshire County Council Highway Maintenance Programmed Carriageway and Footway Works**

The copy letter received from Jeff Welsby, Operations Manager, County Highways South, Warwickshire County Council regarding Road, Pavement and Weeding Programmes 2011/12 was considered.

Members were still very concerned that works were still not being carried out, especially the replacement of road markings after resurfacing works, which were taking far longer than the three weeks stated in Mr. Welsby’s letter to complete. Mention was also made of the signs in Coventry Road, Bulkington which were still temporary after a considerable length of time.

**RESOLVED** that these concerns be forwarded to Warwickshire County Council

**Work Programme**

The updated Work Programme for the Environment Scrutiny Panel was considered.

**RESOLVED** that the Work Programme be amended as follows:

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<th>Suggested Meeting Dates</th>
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Chair