



Derby City Council

**REGENERATION AND CULTURE OVERVIEW  
AND SCRUTINY BOARD**  
21 October 2014

# ITEM 12

Report of the Strategic Director of Resources

## Work Programme and Topic Reviews

### SUMMARY

- 1.1 This item gives members an opportunity to discuss potential work plans and topic reviews for the forthcoming municipal year, and develop the basis for a work programme. The reviews may cover anything within their remit and could include internal as well as external facing services.
- 1.2 As part of the agreed 'Fracking Review', the Council's legal and planning teams have responded to the board's request to clarify the Council's legal position with regards to companies wishing to undertake exploratory works within the Derby City area. This response can be found at section 4 of this report.
- 1.3 The Board will also receive a briefing on 'fracking' and the Derby and Derbyshire Joint Minerals Plan from the Planning Policy Team Leader and officers from Derbyshire County Council.

### RECOMMENDATION

- 2.1 To agree the current work programme, suggest future items for the work programme and identify any further topic reviews for the forthcoming year. The current (updated) work programme can be found at Appendix 2.
- 2.2 To discuss the progress of any topic reviews and agree any further actions.

### REASONS FOR RECOMMENDATION

- 3.1 To ensure that the board has a clear and evolving work programme and ensure that the board is kept informed on progress with regards to items on the work programme.
- 3.2 To enable work to progress on any identified in-depth topic review as identified by the board.

### SUPPORTING INFORMATION

- 4.1 **Work Programme**  
The Overview and Scrutiny Board should agree a work programme at each meeting to enable board members, the supporting Scrutiny Officer and

departmental officers to plan in advance for meetings throughout the year in a strategic way and take account of any new items for inclusion in the programme.

- 4.2 The work programme is not restrictive, and board members can identify and introduce items for scrutiny throughout the year. Items for scrutiny will be discussed at pre-meetings with the Chair and Vice Chair, and will be added to the Scrutiny Board Agenda at the Chair's discretion.
- 4.3 The Council Constitution limits one topic review report to be submitted to the Council Cabinet every six months from Scrutiny Boards. It is possible for each Board to conduct two reviews in each municipal year. Topic reviews are not mandatory, but if the board wishes to conduct in-depth reviews in the current year, it is suggested that members should aim to agree a topic for review at the earliest opportunity.
- 4.4 If a working group is formed for the purpose of conducting topic reviews, they should only exist for the duration of the review and be dissolved upon completion of the review. Individuals outside of the scrutiny board can be invited to join the working group, as the group has no formal scrutiny powers. The purpose of the working group is to investigate, gather evidence and make recommendations to the scrutiny board in an advisory capacity.

#### **Fracking response - Legal**

- 4.5 On July 28th 2014 Government indicated its support for Shale gas exploration/extraction (more accurately termed Hydrocarbon extraction). Having extended the area for exploration to the major parts of England and Scotland, the Government on that date also invited applications for new onshore licences (under the 14th Licensing round).
- 4.6 Licenses may allow exploration and testing etc., although the current licences are only intended to enable initial exploration.
- 4.7 Planning permission will be required for each phase of the hydrocarbon extraction process (including exploration) from the mineral planning authority although some seismic work may have deemed consent (under Part 2 of Schedule 2 of Town and Country Planning ((General Permitted Development) Order 1995 (as amended))).
- 4.8 The current government guidance covering the planning process/regime and Hydrocarbon extraction dates from March 2014, but was updated in July to take account of concerns on impacts in the National Parks, World Heritage Sites and other areas of outstanding countryside.
- 4.9 Whilst the application for planning permission is to the mineral planning authority, the Secretary of State retains a call in power and has indicated that "to ensure the government's intentions in respect of development concerning unconventional hydrocarbons in these areas are given appropriate effect" that for the next 12 months the department will give particular attention to recovering these appeals, that approach will then be reviewed.

- 4.10 The guidance encourages mineral planning authorities to make appropriate provision for hydrocarbons within their local mineral plans. Derby and Derbyshire County Council are currently preparing joint Minerals and Waste Plans. A consultation period has taken place on both plans.
- 4.11 Attempts to introduce 'blanket bans' to refuse planning permission either through the mineral plan or otherwise is not a realistic option, and would be likely to expose an authority to costs on challenge if pursued.
- 4.12 The guidance makes clear that planning applications should be assessed on a case by case basis, having regard to all material issues.
- 4.13 Specific guidance has been provided on dealing with applications for National Parks, the Broads and Areas of Outstanding Natural Beauty where great weight needs to be given to conserve the landscape and natural beauty and also to World Heritage Sites where such development would lead to substantial harm or the loss of a World Heritage Site in which case consent should be refused unless wholly exceptional circumstances apply.
- 4.14 In considering applications there is a need to have due regard to the Government's energy policy, mitigation, related policies in the National Planning Policy Framework and the ability to impose conditions to should they be required to make the development acceptable.
- 4.15 Further information on shale gas exploration can be found at: [http://www.derbyshire.gov.uk/environment/planning/planning\\_policy/minerals\\_waste\\_development\\_framework/shale\\_gas/default.asp](http://www.derbyshire.gov.uk/environment/planning/planning_policy/minerals_waste_development_framework/shale_gas/default.asp). There are links on this page to a number of useful documents, including current Government guidance.
- 4.16 Further information on the Minerals and Waste Planning Policy can be found at : [http://www.derbyshire.gov.uk/environment/planning/planning\\_policy/minerals\\_waste\\_development\\_framework/default.asp](http://www.derbyshire.gov.uk/environment/planning/planning_policy/minerals_waste_development_framework/default.asp).
- 4.17 The Government response to the consultation on proposal for underground access for the extraction of gas, oil or geothermal energy can be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/358521/Government\\_Response\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358521/Government_Response_FINAL.pdf)

## OTHER OPTIONS CONSIDERED

5.1 None.

**This report has been approved by the following officers:**

<b>Legal officer</b>	N/A
<b>Financial officer</b>	N/A
<b>Human Resources officer</b>	N/A
<b>Estates/Property officer</b>	N/A
<b>Service Director(s)</b>	N/A
<b>Other(s)</b>	Phil O'Brien, Head of Democratic Services Mahroof Hussain, Overview and Scrutiny Manager

<b>For more information contact:</b>	Clare Harrison 01332 643648 <a href="mailto:clare.harrison@derby.gov.uk">clare.harrison@derby.gov.uk</a>
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications

## IMPLICATIONS

### **Financial and Value for Money**

- 1.1 None arising directly from this report. Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.

### **Legal**

- 2.2 Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.
- 2.3 The legal position of the authority on the topic review subject can be found under section 4 of this report.

### **Personnel**

- 3.1 None arising directly from this report. Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.

### **IT**

- 4.1 None arising directly from this report. Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.

### **Equalities Impact**

- 5.1 Effective scrutiny benefits all Derby people.
- 5.2 Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.

### **Health and Safety**

- 6.1 None arising directly from this report. Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.

### **Environmental Sustainability**

- 7.1 None arising directly from this report. Implications may arise from future items identified for inclusion on the work programme. There are potential environmental sustainability implications arising from the identified 'Fracking' review and these could arise as and when evidence is considered by the board and from the final

recommendations resulting from this review.

### **Property and Asset Management**

- 8.1 None arising directly from this report. Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.

### **Risk Management**

- 9.1 None arising directly from this report. Implications may arise from future items identified for inclusion on the work programme as and when they are considered by the board and from the final recommendations resulting from topic reviews.

### **Corporate objectives and priorities for change**

- 10.1 Our aim is to work together so that Derby and its people will enjoy a thriving sustainable economy, good health and well-being and an active cultural life. The work of this board contributes to the Council's ambitions to give people in Derby an inspiring working life by improving skills and creating jobs, and to make the city an inspiring place to live by improving the inner city. The work of the board also contributes to the Council's priority outcome of promoting good health and well-being and preventing ill health.

## Regeneration &amp; Culture – Draft Work Programme 2014/15

Meeting	Items	Service Director / Lead officer
<b>Tues 21 Oct</b>  <b>Report deadline – Weds 01 Oct 5pm</b> (for reports to get to Clare)	Coaching for Success	Chris Pook
	Brand Identify for Leisure and Culture	Claire Davenport
	Vibrant City Strategy	Pranali Parikh
	City Living Strategy	Pranali Parikh
	Our City Our River – Update Report	Christine Durrant
	Work Programme and Fracking Topic Review Discussion and Update	Mahroof / Cllr Stanton / Andy Waterhouse / Michelle Spence / Board
<b>Tues 16 Dec</b>  <b>Report deadline – Weds 26 Nov 5pm</b> (for reports to get to Clare)	Trading Standards - Regional partnership working opportunities (have these been explored?) - More holistic approach to enforcement within the authority? LGA – pursue powers for Trading Standards Officers to assist the Council in tackling enforcement and achieve prosecutions.	John Tomlinson
	Property Rationalisation Update (Dec/Feb)	Christine Durrant / Steve Sprason
	To Let Boards – enforcement update	Ian Woodhead / Neil Jackson
	Festive Lighting – Future Plan	Christine Durrant
	Draft Lighting Strategy	Pranali Parikh
	Outdoor Sports Strategy	Claire Davenport / Andrew Beddow

	Culture Offer / Assembly Rooms - update	Peter Ireson / Claire Davenport
	Annual Review of Museums Trust	Claire Davenport / Hannah Fox
<b>Tues 24 Feb</b> <b>Report deadline –</b> <b>Weds 04 Feb</b> <b>5pm</b> (for reports to get to Clare)	LSTF & Connected Update/Progress Report (Feb or Apr)	Christine Durrant / Adam Sendall
	Community Infrastructure Levy	Christine Durrant
	Our City Our River Update / Engagement Strategy	Christine Durrant
	A New Cemetery for Derby	Julian DeMowbray
<b>Tues 21 April</b> <b>Report deadline –</b> <b>Weds 01 April</b> <b>5pm</b> (for reports to get to Clare)	Pool Development Update	Claire Davenport
	Libraries Strategy – Strategic Needs Assessment	Claire Davenport / David Potton
	LSTF & Connected Update/Progress Report (Feb or Apr)	Christine Durrant / Adam Sendall

**Other possible items:**

- Livewell Programme
- Regeneration Strategy Mid-Term Review