



Coventry City Council

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## **Council Meeting**

26 June 2007

**Booklet 3**

Recommendations

## **CABINET**

**19th June, 2007**

Cabinet Members Present:-  
Councillor Ahmed  
Councillor Foster  
Councillor Mrs Johnson  
Councillor Matchet  
Councillor Noonan  
Councillor O'Neill (Chair)  
Councillor Ridley  
Councillor Sawdon

Non-Voting Opposition Representatives present:-  
Councillor Duggins  
Councillor Mutton

Employees Present:-  
J. Bolton (Acting Chief Executive)  
R. Brankowski (Legal and Democratic Services Directorate)  
D. Burke (City Services Directorate)  
A. Coles (City Development Directorate)  
C. Green (Director of Children, Learning and Young People)  
C. Faulkner (Legal and Democratic Services Directorate)  
C. Hinde (Director of Legal and Democratic Services)  
R. Hughes (Head of Corporate Policy)  
B. Messinger (Director Customer and Workforce Services)  
S. Pickering (Director of City Services)  
S. Roach (Chief Executive's Directorate)  
C. West (Acting Director of Finance and ICT)  
I. Woods (Finance and ICT Directorate)  
L. Wroe (City Development Directorate)

Apologies:-  
Councillor Blundell  
Councillor Taylor  
Councillor Nellist  
S. Manzie (Chief Executive)

## **RECOMMENDATIONS**

### **Public business**

#### **15. Amendment of the Constitution – Delegation of Powers**

The Cabinet considered a joint report of the Director of City Services and the Director of Legal and Democratic Services seeking (a) amendments to Part 3.8 of Coventry City Council's constitution in relation to powers delegated to the Head of Public Protection to reflect changes in legislation and the new duties placed upon the authority by this legislation; and (b) approval to conduct under-age test purchasing of age-restricted

products, in addition to those currently authorised (alcohol, cigarettes, fireworks, knives and aerosols).

The report indicated that Part 3.8 of the Constitution (Functions Delegated to Employees) will need to be amended to reflect changes in UK legislation affecting the work of the Trading Standards Section. Appendix 1 to the report submitted listed the legislation that is, or will need to be, enforced by the Trading Standards and Environmental Health Sections.

The report itself contained summaries of the relevant legislation (including the duty under Part 5 of the Housing Act 2004 to provide a Homes Information Pack (HIP)) and when it came into force.

It also indicated that Trading Standards regularly conduct under-age test purchasing exercises. However, the range of products that can currently be test purchased is restricted by the Constitution. Approval was therefore sought to extend the range of products that can be test purchased to cover all age-restricted products that are generally recognised as the responsibility of Trading Standards. A full list of age-restricted products was detailed in Appendix 2 to the report submitted. Trading Standards would then make an operational decision as to whether a test purchase by someone under-age is appropriate, proportionate and necessary.

The Council has no duty to enforce the age-restricted legislation relating to volatile substances, solvents, crossbows, air guns, air gun pellets, lottery tickets and instant win cards.

**RESOLVED that the City Council be recommended to approve the amendments to Part 3.8 (Functions Delegated to Employees) of the City Council's Constitution (a) as detailed in the report and Appendix 1 submitted and (b) to allow for the authorisation of employees to conduct test purchases of all the age-restricted products listed in Appendix 2.**

**20. Changes to Permitted Development - Consultation Paper 1 : Permitted Development Rights for Householder Microgeneration**

The Cabinet considered a report of the Director of City Development on the above document, published on the 4th April, 2007, the period of public consultation for which is twelve weeks, with responses required by the 27th June, 2007.

The consultation paper set out the Government's proposals for changes to the planning system in relation to the installation of microgeneration equipment for domestic properties. The revised system would deliver a more permissive regime than exists at present and remove the need for a planning application for many householders. Changes will be delivered through amendments to the Town and Country Planning (General Permitted Development) Order 1995.

The report set out the background and findings of the Householder Development Consents Review (HDCR) launched in January 2005 to look at ways of reducing bureaucracy for neighbours, the wider community and the environment.

The HDCR found that several categories of development require a planning application even though they have little or no impact and it recommended that the system be reformed using an impact approach which would be based upon height of a proposal and its proximity to the plot boundary.

The report outlined the principles that Ministers made clear should underpin the above and it analysed a range of pertinent issues.

The Government intends to provide guidance for householders on permitted development rights for microgeneration. It will seek to give householders a simple introduction as to what is permitted and more general advice about how they should go about exercising their rights.

The report indicated that the consultation document (a) debates the technical issues relating to microgeneration which are summarised in Appendix 1 to the report submitted and (b) also proposes that the developments set out in a table in the report submitted be permitted development (that is, they will not require an express planning permission). These developments relate to were solar on buildings, solar stand alone, ground source heat pumps, air source heat pumps, water source heat pumps, wind turbines on buildings, wind turbines (stand alone), bio mass, combined heat and power, and hydro.

This consultation highlights the potentially-conflicting issues that wind turbines in particular can raise. The City Council would wish to promote and support the use of renewables in line with its objective to tackle climate change and Government targets to reduce carbon dioxide emissions. However, there are also statutory duties in respect of complaints of a statutory nuisance. These conflicts led to the withdrawal of the first planning application for a micro wind turbine submitted earlier this year.

In addition, local information as to the suitability of micro wind turbines should be produced by local authorities. A sustainability Supplementary Planning Document is already draft and consideration will be given to the inclusion in that of guidance to householders to assist them in their choice of renewable technologies.

The report examined the question of the need for a balance to be struck between the benefits and disbenefits, noting that the proposal for a specific noise level would achieve consistency. However, the environmental effect is that impact will vary depending on local circumstances, in common with other familiar plant and equipment, such as domestic gas boilers,

The Government has asked for responses to the consultation paper by the 27th June, 2007, and it seems likely that implementation would be linked with the other proposals coming forward for change in the Planning White Paper (due to be considered by the Cabinet at the meeting on the 3rd July, 2007).

**After due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet decided:-**

- (1) Subject to the decision at (2) below, to approve the detailed response contained in the appendix to the report submitted and, in accordance with the City Council's constitution, to request Scrutiny Board 3 to consider the detailed response and to suggest any further comments they might be minded to make in accordance with the procedure outlined at (2) below.**
- (2) To delegate authority to the Director of City Development, in consultation with the appropriate Cabinet Member and the nominee of the Leader of the Main Opposition Group on the Council, (a) to consider any further observations received from Scrutiny Board 3 after this meeting of the Cabinet and (b) to include any such observation, if considered appropriate, in the local authority's proposed response.**
- (3) To request the City Council, at their meeting on the 26th June, 2007, to consider the report submitted, together with any additional comments included in the response as a result of (2) above.**

**RESOLVED that the City Council be recommended:-**

- (a) To consider the report submitted, together with any additional comments included in the response as a result of (2) above.**
- (b) To submit an appropriate response to the Department for Communities and Local Government by the due date of the 27th June, 2007.**