

**Deputy Leader (Planning and Neighbourhood)**

No	Decision	Reason	Key	Confidential	Date taken
730/16	To agree and publish the decision statement, sending the Denstone Neighbourhood Plan (UNP) to Referendum on 2nd February 2017.	<p>The Neighbourhood Plan subject of this report was examined by Ann Skippers in October/November 2016. The examiner considered the Plan representations and the submission documents when examining whether the DNP met the basic conditions. Namely that the plan:</p> <ul style="list-style-type: none"> <li>*Has appropriate regard to national policy.</li> <li>*Contributes to the achievement of sustainable development.</li> <li>*Is in general conformity with strategic policies in the development plan for the local area.</li> <li>*Is compatible with human rights requirements; and</li> <li>*Is compatible with European Union obligations.</li> </ul> <p>Under the terms of Neighbourhood Planning legislation the examiner is required to make one of three determinations:</p> <ul style="list-style-type: none"> <li>*The Plan should forward to referendum because it meets all the 'Basic Conditions';</li> <li>*The Plan should proceed to Referendum of modified;</li> <li>*The Plan should not proceed to Referendum as it does not meet all the legal requirements.</li> </ul> <p>Mrs Skippers considered the plan met the Basic Conditions subject to a number of modifications. It is the responsibility of the Local Authority to consider each of the recommended modifications made by the examiner and decide whether they meet the basic conditions, and make the changes to the plan as necessary. The decision statement goes through each modification in turn and includes the Council's response. The Council has accepted the modifications, as we consider they meet the basic conditions. ESBG officers have worked closely with the Parish Council throughout the process and they are satisfied that their Plan is stronger as a result of the modifications. Therefore, in accordance with the Regulations, the Denstone Neighbourhood Plan is recommended to proceed to Referendum on 2nd February 2017.</p>	No	No	15/12/2016
733/17	To publish the Council's 5 year land supply statement and appendices.	To support delivery of the Local Plan 2012 - 2031 and assist with planning application decision making.	No	No	04/01/2017
737/17	To officially "make" or adopt the Denstone Neighbourhood Plan, after the successful Referendum on 2nd February 2017	<p>The Denstone Neighbourhood Plan was subject to Referendum on Thursday 2nd February 2017. In the referendum the question asked was: Do you want East Staffordshire Borough Council to use the Neighbourhood Plan for Denstone to help it decide planning applications in the neighbourhood area?</p> <p>The result of the Referendum in the Parish was as follows: 251 votes (28.2% turnout) 224 Yes 27 No 0 rejected</p> <p>The Referendum result was a 'yes' vote of more than 50% therefore in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012) the local planning authority must publish a decision statement setting out the decision (please see the separate 'decision statement' in appendix 1) and the reasons for making that decision. The LPA must also send a copy of the decision statement to the qualifying body and any person who asked to be notified of the decision.</p> <p>Regulation 20 of the neighbourhood planning regulations states that the LPA must publish the neighbourhood plan on their website and details of where a copy can be inspected. To update the Plan in light of the successful Referendum the front page and Foreword have been updated</p>	No	No	23/02/2017

**Deputy Leader (Regulatory Services)**

No	Decision	Reason	Key	Confidential	Date taken
731/16	To make a Public Space Protection Order for Controlling Alcohol in Public Places	<p>The Council's current Designated Public Space Orders restricting the consumption of alcohol will cease to have effect from October 2017 under the provisions of the Anti Social Behaviour Act 2014 ("the Act"). The Public Space Protection Orders will incorporate the existing Designated Public Space Orders restricting the consumption of alcohol as well as extending the area within the ward of Anglesey which was identified during the consultation period. Under Section 59 of the Act, the Council can make a Public Space Protection Order if it is satisfied on reasonable grounds that two conditions are met.</p> <p>The two conditions are as follows:</p> <ul style="list-style-type: none"> <li>(a) activities carried on in a public space within the authorities area have had a detrimental effect on the quality of life on those in the locality, or</li> <li>(b) it is likely that activities will be carried on in a public space within the area and that they will have such an effect.</li> </ul> <p>The second condition is that the effect, or likely effect, of the activities:</p> <ul style="list-style-type: none"> <li>(a) is, or is likely to be, of a persistent or continuing nature;</li> <li>(b) is, or likely to be, such as to make the activities unreasonable; and</li> <li>(c) justifies the restrictions imposed by the notice.</li> </ul> <p>The prohibitions and requirements to be imposed by the Public Space Protection Order are reasonable to include in the Order -</p> <ul style="list-style-type: none"> <li>(a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurrence, or</li> <li>(b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.</li> </ul>	No	No	21/12/2016
734/17	To approve fixing the penalty charge for the Unauthorised Deposit of Waste (Fixed Penalty Notices) at £400 reduced to £250 if paid within 10 days.	From 9 May 2016, a waste collection authority in England are allowed to issue a fixed penalty notice for fly tipping, a contravention of the Environmental Protection Act 1990. This provides local authorities with a more efficient and proportionate response to small scale fly tipping of waste. The new provisions provide for a fine of less than £150 and not more than £400 as specified by the waste collection authority, and £200 if no amount is specified by the authority.	No	No	12/01/2017