



F B McArdle
Chief Executive
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

www.southderbyshire.gov.uk

@SDDC on Twitter
@southderbyshiredc on Facebook

Please ask for Democratic Services

Phone (01283) 595722/ 595848
Typetalk 18001
DX 23912 Swadlincote
Democraticservices@southderbyshire.gov.uk

Our Ref
Your Ref

Date: 12th January 2022

Dear Councillor

,
Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote, on **Thursday, 20 January 2022 at 18:00** to transact the business set out on the attached agenda.

Yours faithfully,

Chief Executive

To:-

Labour Group

Councillor Gee (Chair), Councillor Dunn (Vice-Chair) and
Councillors Bambrick, Heath, Mulgrew, Pearson, Pegg, Rhind, Richards, Shepherd,
Singh, Southerd, Stuart, Taylor and Tilley.

Conservative Group

Councillors Ackroyd, Atkin, Bridgen, Brown, Corbin, Ford, Haines, Hewlett, Lemmon,
Muller, Patten, Redfern, Smith and Watson.

Independent Group

Councillors Angliss, Dawson, Fitzpatrick, MacPherson and Roberts.

Non-Grouped

Councillors Churchill and Wheelton.



AGENDA

Open to Public and Press

- | | | |
|-----------|--|--|
| 1 | Apologies | |
| 2 | To confirm the Open Minutes of the Council Meeting held on

4th November 2021 | 5 - 11 |
| 3 | To note any declarations of interest arising from any items on the Agenda | |
| 4 | To receive any announcements from the Chair, Leader and Head of Paid Service. | |
| 5 | To receive any questions by members of the public pursuant to Council Procedure Rule No.10. | |
| 6 | To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11. | |
| 7 | To consider any notices of motion in order of which they have been received.

In accordance with Council Procedure Rule No. 12, Councillor Fitzpatrick will move the following motion

In accordance with Council Procedure Rule No. 12, Councillor Angliss will move the following motion |

12 - 12

13 - 13 |
| 8 | GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY | 14 - 47 |
| 9 | APPOINTMENT OF AN EXTERNAL AUDITOR 2023-24 to 2027-28 | 48 - 52 |
| 10 | To receive and consider the Open Minutes of the following Committees:

Etwall Joint Management Committee 6th January 2021 |

53 - 54 |

Planning Committee 22nd June 2021	55 - 59
Audit Sub-Committee 28th June 2021	60 - 63
Overview & Scrutiny Committee 1st September 2021	64 - 65
Audit Sub-Committee 8th September 2021	66 - 68
Etwall Joint Management Committee 22nd September 2021	69 - 70
Environmental and Development Services Committee 23rd September 2021	71 - 73
Housing and Community Services Committee 30th September 2021	74 - 77
Finance and Management Committee 7th October 2021	78 - 80
Overview & Scrutiny Committee 13th October 2021	81 - 83
Finance and Management Committee 21st October 2021	84 - 86
Environmental and Development Services Committee 11th November 2021	87 - 91
Housing and Community Services Committee 18th November 2021	92 - 96
Finance and Management Committee 25th November 2021	97 - 102
Audit Sub-Committee 8th December 2021	103 - 106

12 To review the compositions of Committees, Sub-Committees and Working Panels

13 To review the compositions of Substitute Panels

14 To review representation on Outside Bodies

15 To review Member Champions

Exclusion of the Public and Press:

16 The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

17 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

18 To receive and consider the Exempt Minutes of the following Committees:

Environmental and Development Services Committee 23rd September 2021

Housing and Community Services Committee 30th September 2021

Finance and Management Committee 7th October 2021

Finance and Management Committee 21st October 2021

Housing and Community Services Committee 18th November 2021

Finance and Management Committee 25th November 2021

MINUTES of the COUNCIL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Council Chamber, Swadlincote
on Thursday, 4th November 2021
at 6.00pm

PRESENT:

Labour Group

Councillor Gee (Chair) and Councillor Dunn (Vice-Chair) and
Councillors Bambrick, Mulgrew, Pearson, Rhind, Richards, Shepherd, Singh,
Southerd, Stuart, Taylor and Tilley.

Conservative Group

Councillors Ackroyd, Atkin, Bridgen, Brown, Ford, Haines, Hewlett, Lemmon,
Muller, Patten, Redfern, Smith and Watson.

Independent Group

Councillors Angliss, Dawson, Fitzpatrick, MacPherson and Roberts.

Non-Grouped

Councillor Wheelton

CL/62 **APOLOGIES**

Council was informed that an apology for absence had been received from
Councillors Bridgen and Churchill (Conservative Group)

CL/63 **TO CONFIRM THE OPEN MINUTES OF THE COUNCIL MEETINGS**

The Open Minutes of the Council Meetings held on the 16th September 2021
(CL/43-CL/61)) were approved as a true record.

CL/64 **DECLARATIONS OF INTEREST**

Council was informed that no declarations of interest had been received.

CL/65 **ANNOUNCEMENTS FROM THE CHAIR**

The Chair of the Council informed Members of his attendance at the Ride for
Remembrance event and the funds raised for the Chair's Charities. The Chair
also had attended the Coppice site Ground Breaking Ceremony and the spade
had been gifted to South Derbyshire District Council. It was noted that the Vice-
Chair of the Council had launched the Poppy Appeal at Morrison's in
Swadlincote.

CL/66 **ANNOUNCEMENTS FROM THE LEADER**

The Leader of the Council announced that it was great to be back in Chamber
for Committee and Council meetings and noted how the Council had shown

resilience of business during the last year with the delivery of over 4 million food parcels. The Leader hoped that the extension of the Christmas period in Swadlincote would encourage families into the area. Members were reminded to share information with residents regarding the Green Homes Grant funding, that was available until the end of January 2022, and could help them to reduce fuel bills

CL/67 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Head of Paid Service informed Council that following the murder of David Amess MP, the government had carried out a safety review and that if Members so wished they should contact Democratic Services to have their home address removed from the public domain. Council was updated on the Swadlincote Town Centre refurbishment and the Tourist Information Centre's new home. The Head of Paid Service announced that Remembrance Services would take place on The Delph on Thursday and at the gates to Eureka Park.

.CL/68 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/69 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received

CL/70 **TO CONSIDER ANY NOTICES OF MOTION**

In Accordance with Council Procedure Rule No. 12 Councillor Richards moved the following motion:

This Council is eternally indebted to the loyal and committed workforce for all their endeavours throughout the last 18 months. Our staff continued to deliver the services that was taken for granted prior to the pandemic, as well as the other increased duties that the pandemic forced upon the Council in order to ensure that our residents, and staff were safe throughout. Not only have we, as an authority, maintained our statutory services but we have also distributed over £24million in Covid Business Support Grants, employed Covid Marshalls to ensure our residents safety, engaged into new IT technology as a means of maintaining our service delivery, embraced remote working and continued to deliver a service to our customers and residents under considerable pressures and limited resources.

“Given the commitments, dedication and resilience shown by our workforce this Council agreed that as a means of showing our appreciation and gratitude that only 1 day (or pro rata) of annual leave will be required to be deducted as part of the annual weekly closed down at Christmas 2021 with a similar concession given to those other parts of the workforce who continue to provide vital services throughout the Christmas to New Year period.”

Councillor Brown supported the proposal in recognition for the extra work undertaken by staff and thanked IT staff, the Planning Team, Enforcement officers and all refuse collection staff for their hard work and dedication.

The Chief Executive thanked Members on behalf of all staff.

RESOLVED:

The Council agree that only 1 day (or pro rata) of annual leave would be required to be deducted as part of the annual weekly closed down at Christmas 2021 with a similar concession given to those other parts of the workforce that continue to provide vital services throughout the Christmas to New Year period.

CL/71 **HILTON, MARSTON ON DOVE AND HOON NEIGHBOURHOOD DEVELOPMENT PLAN**

The Strategic Director (Service Delivery) presented the report to Council and sought approval for the Neighbourhood Plan following the successful referendum in September 2021.

Members acknowledged the time and hard work undertaken by Hilton Parish Council.

RESOLVED:

That Council approved that the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan (NDP) be ‘made’ under section 38A(4) of the Planning and Compulsory Purchase Act 2004 in compliance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

CL/72 **AREA FORUM MINUTES**

The Strategic Director (Service Delivery) presented the report to Council noting that virtual meetings had been well attended in late spring and that the proposed trial was due to the rising number of Covid cases and the small venues where meetings were held and that it was expected to have a positive environmental impact as there would be no need to travel.

The Chief Executive address Council and confirmed the rising Covid Figures and the increase in the R number meant that meetings held in small venues would not be promoting meetings held in safe way and the proposed trial would be a way to get through the winter period.

Councillor Fitzpatrick addressed Council on behalf of the Melbourne residents who did not support the proposal and suggested that the trial period should be enhanced to include the option for meetings to allow in person and virtual attendance and requested that an update on attendance figures be brought to Council following the first trial meeting.

The Chief Executive agreed that attendance figures would be shared with Council, but the recommendation was for virtual meetings only and that face-to-face meetings would be considered sometime in the future when it was safe to do so.

The Leader of the Council confirmed that the preference for face-to-face meetings should only take place when it was safe to do so and Members requested that the amendment proposed by Councillor Fitzpatrick be withdrawn and agreed that feedback from the trial would be reviewed by Council.

Councillor Fitzpatrick declined to withdraw the amended recommendation as it was brought before Council on behalf of Melbourne residents.

Councillor MacPherson informed Council that he fully supported Councillor Fitzpatrick proposal.

RESOLVED:

Council approved that Area Forums be held as virtual non-constituted Community Meetings, on a trial basis, until the financial year end in April 2022.

CL/73 **TEMPORARY APPOINTMENT OF DISTRICT COUNCILLORS TO PARISH COUNCILS**

The Head of Legal and Democratic Services presented the report to Council regarding arrangements for two Parish Councils.

Councillor Smith and Councillor Brown commended the work undertaken by Councillor Lemmon in a very difficult situation

RESOLVED:

1.1 Council approved that the Chief Executive be authorised to appoint District Councillors to Foston and Scropton Parish Council in accordance with the procedure set out in Appendix 1 to the report.

1.2 Council agree that the Chief Executive report any such appointments to the next meeting of Council.

CL/74 **MEMBERS ALLOWANCES SCHEME**

The Monitoring Officer presented the report to Council which followed a resolution approved at Annual Council in May 2021 regarding the insertion at 4.e of the Members Allowance Scheme.

Councillor Fitzpatrick raised concerns regarding the recommendation and requested fairness for all Councillors.

Councillor Wheelton addressed Council and declared that as the only Independent Councillor she would not be voting on this item.

RESOLVED:

Council approved the amended Members Allowances Scheme, as per Annexe A of the report, to form part of the Council's Constitution.

CL/75 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – ANNUAL REVIEW LETTER 2021 AND LGSCO UPDATE

The Chief Executive presented the report to Council noting that the four issues that had been raised were dealt with and recommend the report for approval

RESOLVED:

Council accepted the Local Government and Social Care Ombudsman's Annual Review Letter 2021.

CL/76 TO RECEIVE AND CONSIDER THE OPEN MINUTES OF THE FOLLOWING COMMITTEE MEETINGS:

<u>Committee</u>	<u>Date</u>	<u>Minutes No's</u>
Planning	02.03.21	PL/136 – PL/144
Planning	30.03.21	PL/147 – PL/157
Planning	27.04.21	PL/158 – PL/170
Planning	11.05.21	PL/171 – PL/177
Environmental & Development Services	27.05.21	EDS/112 - EDS/123
Housing & Community Services	03.06.21	HCS/01 – HCS/11
Finance & Management	10.06.21	FM/01 – FM/12
Finance & Management	22.07.21	FM/17 – FM/29
Finance & Management	03.08.21	FM/34 – FM/40
Housing & Community Services	19.08.21	HCS/15 – HCS/25
Finance & Management	26.08.21	FM/43 – FM/54

RESOLVED:

That the above Committee Meetings Open Minutes were received and approved as a true record.

CL/77 TO REVIEW THE COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES, AND WORKING PANELS

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2021-22.

RESOLVED:

Environmental and Development Services Committee

Councillor Heath to be replaced by Councillor Dunn as Vice-Chair

CL/78 **TO REVIEW THE COMPOSITIONS OF THE SUBSTITUTE PANELS**

Members reviewed the composition of Substitute Panels for 2021-22

RESOLVED:

Council was informed no amendments were to be made.

CL/79 **TO REVIEW REPRESENTATION ON OUTSIDE BODIES**

Members reviewed the Outside Bodies representation list.

RESOLVED:

Council was informed no amendments were to be made.

CL/80 **TO REVIEW MEMBER CHAMPIONS**

Members reviewed the Representation of Member Champions.

RESOLVED:

Council was informed that the list of Member Champions would be reviewed and reported at the next Council Meeting

CL/81 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.

CL/82 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

Council was informed that no questions had been received.

CL/83 TO RECEIVE AND CONSIDER THE EXEMPT MINUTES OF THE FOLLOWING COMMITTEE MEETINGS:

<u>Committee</u>	<u>Date</u>	<u>Minutes No's</u>
Planning	02.03.21	PL/145 – PL/146
Housing & Community Services	03.06.21	HCS/12 – HCS/14
Finance & Management	10.06.21	FM/13 – FM/16
Finance & Management	22.07.21	FM/30 – FM/33
Finance & Management	03.08.21	FM/41 – FM/42
Housing & Community Services	19.08.21	HCS/26 – HCS/29
Finance & Management	26.08.21	FM/55 – FM/61

RESOLVED:

That the above Committee Meetings exempt minutes were received and approved as a true record.

The meeting terminated at hours 19:30hrs

COUNCILLOR M GEE

CHAIR OF THE DISTRICT COUNCIL

In accordance with Council Procedure Rule No. 12, Councillor Fitzpatrick will move the following motion:

At the Annual Council of May 2021, Councillor Richards brought forward a motion to allow Special Responsibility Allowances to be awarded to a second opposition groups at SDDC. A late amendment to his own proposal saw a clause being added that only groups registered as political parties at the Electoral Commission would be liable for such SRA's.

When this motion came before full council in November 2021 for ratification, the South Derbyshire Independent Group stated clearly that the proposal had introduced a clear inequality to the Council, that being that Independent Councillors who wished to form an opposition group at SDDC were to be treated differently to those Councillors who may belong to a political party recognised by the Electoral Commission. To our group this was a clear case of "all Councillors are equal, but some are more equal than others." Despite our arguments that ratification was passed and became part of the SDDC Rules.

Having never asked for this rule change and stating before full council that if SRA's were offered to our members under the rule change that they would rescind or donate such payments to charity, our Group cannot stand by and allow a clear inequality to exist at the heart of this council.

Whatever the best intentions of Councillor Richards motion were, in our opinion those intentions have been betrayed by the introduction of inequality into our Council and it is for that reason only that our Group are bringing this vote of no confidence in his leadership of this council.

In accordance with Council Procedure Rule No. 12, Councillor Angliss will move the following motion:

At the Annual Council of May 2021, Councillor Southerd seconded a motion brought forward by Councillor Richards to allow Special Responsibility Allowances to be awarded to a second opposition group at SDDC. A late amendment to this proposal saw a clause being added that only groups registered as political parties at the Electoral Commission would be liable for such SRA's.

When this motion came before full council in November 2021 for ratification, the South Derbyshire Independent Group stated clearly that the proposal had introduced a clear inequality to the Council, that being that Independent Councillors who wished to form an opposition group at SDDC were to be treated differently to those Councillors who may belong to a political party recognised by the Electoral Commission. To our group this was a clear case of "all Councillors are equal, but some are more equal than others." Despite our arguments, that ratification was passed and became part of the SDDC Rules.

Having never asked for this rule change and stating before full council that if SRA's were offered to our members under the rule change, our members would rescind or donate such payments to charity, our Group cannot stand by and allow a clear inequality to exist at the heart of this council.

Whatever the best intentions of Councillor Southerd were in supporting and seconding Councillor Richards' proposal, in our opinion those intentions have been betrayed by the introduction of inequality into our Council and it is for that reason - and that reason alone - that our Group are bringing this vote of no confidence in his deputy leadership of this council.

REPORT TO:	FULL COUNCIL	AGENDA ITEM: 8
DATE OF MEETING:	20th JANUARY 2022	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@southderbyshire.gov.uk	DOC:
SUBJECT:	GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That Members approve the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy") and Local Area Profile Plan.

2. Purpose of Report

- 2.1 To provide Members with the outcome of a consultation with interested parties.
- 2.2 To advise Members that the draft Policy and Plan were approved by Environmental and Development Services Committee on 11th November 2021.
- 2.3 To provide Members with the necessary information to be able to consider the recommendation contained in paragraph 1.1 of this report.

3. Detail

- 3.1 Section 349 of the Gambling Act 2005 ("the Act") requires the Licensing Authority to prepare and publish a statement of the principles every 3 years. The Licensing Authority's current Policy was published in January 2019.
- 3.2 As part of the Social Responsibility Code, from April 2016, operators were required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each premises. To assist in the production of the local risk assessments, the Licensing Authority produced a local area profile plan to assist operators in producing their local risk assessments.

Consultation

- 3.3 The Act requires the Licensing Authority to consult with interested parties on any revision of the Policy and local area profile plan. The consultation took place between 9th August 2021 and 1st October 2021. Copies of the Policy and local area

profile plan were sent to all Responsible Authorities, existing licensees and other major stakeholders. The Policy was also placed on the Council's website. A full list of the people consulted can be found at Appendix B of the draft Policy.

- 3.4 Two responses were received in relation to the Policy from Gamble Aware and HMRC. The response received from Gamble Aware was a generic response requesting that reference is made to their interactive maps showing the prevalence of gambling in a certain area. As the maps are already referred to in the local area profile plan, no changes were made. The response from the HMRC was to update their address so the Policy has been updated to reflect this change. The draft Policy and Local Area Profile Plan are attached as **Appendix 1 and 2**.

4. Financial Implications

- 4.1 There are no financial implications to the Council.
- 4.2 Recommendation 1.1 will have no financial implications on existing licence holders.

5. Corporate Implications

Employment Implications

- 5.1 None

Legal Implications

- 5.2 None

Corporate Plan Implications

- 5.3 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults from the potential harms of gambling seriously, which contributes to the value of taking pride in our place and striving for excellence in all we do.

Risk Impact

- 5.4 None

6. Community Impact

Consultation

- 6.1 Consultation has taken place with all relevant bodies.

Equality and Diversity Impact

- 6.2 None

Social Value Impact

- 6.3 The proposals will protect all residents in South Derbyshire from the potential harms of inadequate licensing controls with regards to gambling premises.

6.4 None

7. **Background Papers**

Gambling Act 2005



SOUTH DERBYSHIRE DISTRICT COUNCIL

Gambling Act 2005

STATEMENT OF LICENSING POLICY

**Version 6:
2022-2025**

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PART A

1. The Licensing Objectives

In exercising their functions under the Gambling Act 2005 (“the Act”), Licensing Authorities must have regard to the licensing objectives as set out in the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as per Section 153, in making decisions it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority’s statement.

2. Introduction

South Derbyshire is situated in the County of Derbyshire which includes 8 other local authorities. South Derbyshire is a mixed urban and rural district covering approximately 338 square kilometres with a population of 107,261 (2019 estimate). The town of Swadlincote is the main focus for employment, shopping and services in South Derbyshire. Hilton and Melbourne are the District’s next largest centres of population. The District includes a number of villages and settlements, such as the historically significant Repton and Shardlow and larger villages like Hatton and Willington. A large part of the District has been included within the designated area of the National Forest. This major environmental initiative is creating a new and attractive landscape for work, recreation and wildlife.

These areas are shown in the map at Appendix A.

Licensing authorities are required by the Act to publish a statement of principles which they propose to apply when exercising their functions. This Statement of Licensing Policy (“Statement”) must be published at least every three years. The Statement must also be reviewed from “time-to-time” and any amended parts re-consulted upon. The Statement must be then re-published.

The Licensing Authority consulted widely upon this Statement before finalising. The Act requires that the following parties be consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s

- area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Act.

A list of those persons consulted is provided at Appendix B.

It should be noted that this Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each case will be considered on its own merits and according to the statutory requirements of the Act.

This Statement details how the Licensing Authority will apply the principles detailed within the Act, how applications will be determined, the local area profile to assist applicants and existing licence holders in the completion of their own local risk assessments, and the documentation required for each different type of licence, permit or notification.

3. Declaration

In producing the final Statement, the Licensing Authority declares that it has had regard to the licensing objectives in the Act, the guidance issued by the Gambling Commission and any responses from those consulted on the Statement.

4. Local Area Profile

As part of the Social Responsibility Code, from April 2016, licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures in place to mitigate those risks.

The Licensing Authority produces a local area profile plan to assist applicants and licensees with their own local risk assessments. The plan has been updated following a review of the local risks that exist that could undermine the licensing objectives. This plan is available as a separate document on the Council's website.

5. Responsible Authorities

Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences.

Responsible authorities under the Act are:

- Licensing Authority;
- Gambling Commission;
- Chief Officer of Police;
- Fire and Rescue Authority;
- Local Planning Authority;
- Environmental Pollution Department;

- Anybody designated in writing by the Licensing Authority as competent to advise about the protection of children from harm;
- HM Revenue and Customs.

In exercising its powers to designate a body which is competent to advise about the protection of children from harm, the Licensing Authority has applied the following principles:

- the need for the body to be responsible for the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The Licensing Authority designates the Derby and Derbyshire Safeguarding Children Partnership for this purpose.

6. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as persons who, in the opinion of the Licensing Authority:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) have business interests that might be affected by the authorised activities, or
- c) represent persons who satisfy paragraph (a) or (b).

In determining whether a person is an interested party, the overriding principle is that each case will be decided upon its own merits and the Licensing Authority will not apply a rigid rule to its decision making. The factors that the Licensing Authority will take into account when determining what 'sufficiently close to the premises' means might include:

- The size of the premises;
- The nature of the premises;
- The nature of the activities at the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant.

The factors that the Licensing Authority will take into account in determining whether a person with business interests might be affected by the premises might include:

- The size of the premises;
- The 'catchment' area of the premises;
- Whether the person making the representation has business interests in that catchment area that might be affected.

The Licensing Authority considers that interested parties could include bodies such as

trade associations, trade unions, residents' and tenants' associations. The Licensing Authority will interpret the types of organisations that may be considered to have business interests broadly to include for example partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these persons, however, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

Any representation made in relation to a licence application must be relevant. The Licensing Authority will determine whether a representation is relevant or not. Representations are likely to be deemed relevant if they relate to one or more of the licensing objectives, this Statement or the Gambling Commission's Guidance or Codes of Practice.

The following examples are unlikely to be deemed to be a relevant representation:

- there are already too many gambling premises in the locality (although it may be relevant if it points, as a result, to rising problems in crime, disorder, underage gambling or problem gambling);
- the proposed premises are likely to be a fire risk;
- the location of the premises is likely to lead to traffic congestion;
- the premises will cause crowds of people to congregate in one location leading to noise thereby causing a nuisance.

The Licensing Authority will not deem representations to be relevant if they are frivolous or vexatious. In deciding whether a representation is frivolous or vexatious, the Licensing Authority will consider:

- who is making the representation and whether there is a history of making irrelevant representations;
- whether it raises issues specifically to do with the premises that are subject of the application.

The above lists are by no means exhaustive and each representation will be decided on its own merits.

The Licensing Authority will notify the person making the representation of the decision that a representation is not relevant as soon as practicably possible in order to provide that person with the opportunity to make a relevant representation before the end of the 28 days representation period. This will depend when the initial representation was received as there may not be the chance to provide an opportunity to make a relevant representation if the representation was received towards the end of the representation period.

The Licensing Authority is required to provide the applicant with copies of any relevant representations that have been made. This will include the name and address of the person making representations. The Licensing Authority will only consider withholding some or all of the person's personal details if the circumstances justify the action i.e. a genuine and well-founded fear of intimidation. The personal details of any person making a representation will then be redacted in the report that is prepared for the Licensing and Appeals Sub-Committee held to determine the application.

7. Exchange of Information

The Licensing Authority will exchange information with the Gambling Commission under Section 29 and Section 30 of the Act providing that it:

- forms part of the register maintained under the Act;
- is in the Licensing Authority's possession in connection with a provision of the Act.

The Licensing Authority will exchange information with other persons or bodies under Section 350 of the Act for use in the exercise of functions under the Act.

The Licensing Authority will have regard to the Council's Data Protection Act 2018 Guidance in the exchange of information. Information can be assessed by data subjects by contacting the Council's Data Protection Officer.

The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State.

With regards to representations received, the representation including the name and address will be forwarded to the applicant for consideration prior to a hearing to determine the application. The disclosure of the name and address is for the applicant to be satisfied that the person/body making the representation falls within the definition of an interested person. The report produced for the hearing will have the personal details of the person making a representation redacted as the report is a public document.

8. Compliance and Enforcement

The main enforcement and compliance role for the Licensing Authority in terms of the Act will be to ensure compliance with licences and permits issued by the Licensing Authority and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and small lottery registrations.

In ensuring compliance with the Act and undertaking enforcement action, the Licensing Authority will be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed and costs identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public

- scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

The Licensing Authority will carry out regular inspections of premises to enable the Authority to have the knowledge and reassurance that all gambling premises in the locality are fulfilling their duty and protecting the public, in particular those that are young and/or vulnerable. Regular inspections will also assist in the identification of unlicensed operators and illegal gambling activity.

The Licensing Authority will have regard to the Regulators' Code when carrying out regulatory inspection. The Licensing Authority will promote efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on the business.

The Licensing Authority requires that the operators' local risk assessment is available during any inspection of the premises. As part of an inspection, the Licensing Authority would expect the operator to provide details of the number of self-exclusions and underage attempts to gamble.

The Licensing Authority will take appropriate action against any unlicensed operator or illegal gambling taking place within any premises within the District. The Licensing Authority would expect any operator to share data in relation to the source of any illegal gaming machines found on premises' and any data regarding potential illegal betting on any unlicensed premises i.e. betting intermediaries within an alcohol licensed premises.

The Licensing Authority shall comply with the Codes of Practices developed by the Crown Prosecution Service in the management of criminal cases.

Bearing in mind the principle of transparency, the Licensing Authority's Corporate Enforcement Policy is available on the Council's website.

9. Licensing Authority's Functions

The Licensing Authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at

- unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission;
- Maintain registers of the permits, licences and registrations that are issued under these functions.

It should be noted that the Licensing Authority will not be involved in licensing remote gambling which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES

1. General Principles

In determining an application for a premises licence, the Licensing Authority will only take into consideration relevant matters and will not take into consideration any irrelevant matters. The Licensing Authority will not consider if a premises is likely to obtain planning permission or building regulations approval for their proposal.

The Licensing Authority accepts the principle that moral objections to gambling are not a valid reason to reject applications for premises licences and also that an unmet demand is not a criterion for a licensing authority.

The Licensing Authority will request as much information as it requires to satisfy itself that all requirements set out in the Act are met. If an applicant can demonstrate how any licensing objectives concerns can be overcome, the Licensing Authority will take that into account when reaching a decision. Where concerns remain, the Licensing Authority may choose to attach appropriate conditions to the premises licence.

Each application will be decided on its own merits.

The Licensing Authority will take particular care in considering applications:

- For multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes; and
- Where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

In considering the above types of applications, the Licensing Authority will be aware of the following:

- The third licensing objective seeks to protect children from being harmed by

gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, the premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Licensing Authority will ask the following questions in making their decision when considering whether two or more proposed premises are truly separate:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

The Licensing Authority will also consider the relevant access provisions for each type of premises licence.

2. Conditions

Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

In respect of premises which still have to be constructed or altered, an operator can apply for a premises licence rather than a provisional statement. In these circumstances, the Licensing Authority will first decide whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling and secondly, in deciding whether or not to grant the application, the Licensing Authority will consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Any conditions attached to a premises licence will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified risks) and the type of licence applied for;
- Fairly and reasonably relate to the scale and type of premises;

- Reasonable in all other aspects.

Decision on conditions will be made on a case-by-case basis. However, there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc.

3. Operators' Local Risk Assessments

Any applicant applying for the grant or variation of a premises licence must include a local risk assessment in addition to their application. In undertaking the local risk assessment, the applicant must take into account relevant matters identified in this Statement. The local risk assessment must assess the local risks to the licensing objectives posed by the provision of the applicant's proposed gambling facilities at the premises. The applicant must have policies, procedures and control measures to mitigate the risks identified in the assessment. These policies and procedures must be submitted with the application.

The Licensing Authority would expect the local risk assessment to cover the following areas:

- The premises' building;
- Location of the premises;
- Protecting children;
- Demographics of the area in relation to vulnerable groups;
- Protecting vulnerable people;
- Whether the premises is in an area subject to high levels of crime and disorder;
- Vicinity of schools, playgrounds, leisure and community centres and other areas where children will gather;
- Vicinity of gambling or addiction support or treatment centres, residential care homes, medical facilities or Council housing offices where vulnerable groups will gather;
- Gaming trends that may reflect benefit payments or pay days;
- Information held by the licensee regarding self-exclusion and incidences of underage gambling.

This list is not exhaustive.

The Licensing Authority expects that the local risk assessment is kept on the individual premises and is available for inspection. The Authority expects that all members of staff are aware of the local risk assessment and are encouraged to assist in the production and review of the local risk assessment. Staff should also be aware of and implement any control measures identified in the local risk assessment.

The Licensing Authority will require the operator to provide their local risk assessment where there are concerns in relation to the premises in order for the Licensing Authority to assess the measures in place to address the specific concerns.

The Licensing Authority would expect the local risk assessment to be reviewed following any significant changes in local circumstances, significant changes at the premises and

any substantiated complaint in relation to the premises. The local risk assessment must be submitted to the Licensing Authority following any such review.

Examples of significant changes in local circumstances include:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area;
- An increase in educational facilities in the area;
- Any vulnerable groups identified by the Licensing Authority or venues relating to those vulnerable groups opened in proximity to the premises.

The Licensing Authority would expect the operator to work with the Licensing Authority to improve any areas of the local risk assessment that do not adequately mitigate the risks identified, have inadequate measures to reduce risks or fail to identify all of the local risks.

4. Licensing Objectives

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

Where an area is noted for particular problems with disorder or organised criminal activity, the Licensing Authority will consider carefully whether gambling premises should be located in this area and whether conditions may be appropriate to prevent those premises being associated with or used to support crime. Appropriate conditions may be a requirement for door supervisors.

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

The Licensing Authority does not expect to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences which are dealt with by the Gambling Commission.

If the Licensing Authority suspects that gambling is not being conducted in a fair and open way, the Licensing Authority will bring this to the attention of the Gambling Commission.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

- supervision of entrances / machines;
- segregation of areas;
- location of machines including cash terminals;

- age verification policies including 'Think 21' and 'Think 25'.

The Licensing Authority will consider if there are adequate staff levels in place to adequately supervise the premises in addition to the staffs' other duties.

The Licensing Authority will work with the operator to consider how any impediments to the supervision of premises might be most appropriately remedied. Remedies may include the positioning of staff or CCTV, the use of floor walkers and the relocation of the staff counter to enable a direct line of sight of the door. The Licensing Authority will consider the proportionality of changes to the physical layout in relation to other measures that could be put in place. However, if the operator fails to satisfy the Licensing Authority that the risks are sufficiently mitigated, it may be appropriate to place conditions on the premises licence or conduct a review of the premises licence.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it does, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs." The Licensing Authority will consider this licensing objective on a case-by-case basis.

The Licensing Authority will also ensure that where Category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will consider the impact upon this licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

With regards to test purchasing, the Licensing Authority will require the larger operators, who are required to carry out independent test purchasing, to share their results with the Licensing Authority at inspection and on request. With regards to smaller operators, who are not required to carry out their own test purchasing, the Licensing Authority may require the operator to carry out independent test purchasing if it is appropriate to do so i.e. if the operator fails a test purchase.

5. Adult Gaming Centres

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices / signage;
- Specific opening hours;
- Self- exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

In addition to the above, the applicant must provide the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

6. (Licensed) Family Entertainment Centres

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices / signage;
- Specific opening hours;
- Self- exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children

on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

The Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. The Licensing Authority will expect the supervising staff to be fully trained in order to ensure that none of the licensing objectives are undermined i.e. the staff member should be able to adequately deal with any young or vulnerable person within the premises.

In addition to the above, the applicant must provide the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

7. Casinos

The Licensing Authority has not passed a 'no casino' resolution under the Act but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision will be made by the Full Council.

8. Bingo premises

When considering any application for a bingo premises, the Licensing Authority will satisfy themselves that bingo can be played in the premises to which the application relates. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises licence from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Gaming machines may be available for use in licensed bingo premises only on those days when sufficient facilities for playing bingo are also available for use.

Children and young people are allowed into bingo premises: however they are not permitted to participate in the bingo and if Category B or C machines are made available for use these must be separated from areas where children and young people are allowed. To ensure that children and young people do not have access to gaming machines, the Licensing Authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff or the licence holder; and

- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

9. Betting premises

It is not permissible to offer gaming machines on premises which are licensed for betting but not to offer sufficient facilities for betting.

In considering whether to restrict the number of betting machines, the Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by vulnerable people.

10. Tracks

Tracks are defined in the Act as 'a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.' Examples of a track are football, cricket and rugby grounds, a motor racing event and venues hosting darts, bowls or snooker tournaments. This list is by no means exhaustive as betting could take place at any venue where a sporting or competitive event is occurring.

The Licensing Authority will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than Category D machines) are provided.

Factors which the Licensing Authority may consider include:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrance;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

Where the applicant holds a pool betting licence and is going to use the entitlement to four gaming machines, applicants should demonstrate that machines (other than category D machines) will be located in areas from which children are excluded.

In considering whether to restrict the number of betting machines, the Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people.

The Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. The proposed gambling facilities must be clearly indicated on the plan. A precise location will not be required; however the plan should indicate the main areas that betting might take place. The plans should also make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

11. Travelling Fairs

Where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair must be met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair.

A site must not be used for fairs on more than 27 days per calendar year. The 27-day statutory maximum applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor the use of land and maintain a record of the dates on which the land is used. In addition, the Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

12. Provisional Statements

Applicants for premises licence must fulfil certain criteria. They must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement.

Developers may wish to apply to the Licensing Authority for a provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she expects to:

- Be constructed;
- Be altered; or

- Acquire a right to occupy.

The process for considering an application for a provisional statement is the same as for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and interested parties may make representations and there is a right of appeal.

Once the premises are constructed, altered or acquired, the holder of a provisional statement can return to the Licensing Authority and submit an application for the necessary premises licence.

13. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be allowed.

The request for the review will be subject to the consideration by the Licensing Authority as to whether the request:

- is relevant to the principles that must be applied by the Licensing Authority in accordance with the Act;
- is frivolous;
- is vexatious;
- 'will certainly not' cause the Licensing Authority to wish to alter, revoke, or suspend the licence
- is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence.

In relation to a class of premises licences, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with the licence conditions.

In relation to a particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed or for any other reason (such as a complaint from a third party) which gives the Licensing Authority cause to believe that a review may be appropriate. A formal review would normally be at the end of the process of ensuring compliance by the licence holder. If the licence holder does not meet the requirements then, after a formal review, the Licensing Authority may impose additional conditions or revoke the licence.

PART C

Permits, Registrations, Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

The application will be in the form and manner as specified by the Licensing Authority. The application form must be accompanied by the relevant fee and a plan of the premises indicating the location of the gaming machines. The application must be served on this Licensing Authority only.

The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. Applications for a permit cannot be made if a premises licence is in effect for the same premises.

The Licensing Authority considers that the applicant should have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The policies and procedures may include:

- staff training to ensure that staff have a full understanding of the maximum stakes and prizes permitted under the permit;
- appropriate measures and training for staff as regards suspected truant school children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises;
- children causing perceived problems on or around the premises; or
- social responsibility policies.

The above policies and procedures must be submitted with the application and be available on request at inspection.

The Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. The Licensing Authority will expect the supervising staff to be fully trained in order to ensure that none of the licensing objectives are undermined i.e. the staff members should be able to adequately deal with any young person or vulnerable person within the premises. Staff should be easily identifiable.

In addition to the above, the applicant must provide the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

2. (Alcohol) Licensed Premises Gaming Machine Permits

The application will be in the form and manner specified by the Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on the Licensing Authority only.

The Licensing Authority will consider each application on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling, and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and the Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. The Licensing Authority will ensure adherence to the Code of Practice through inspections at the premises. The Licensing Authority may carry out test purchase exercises to ensure that the Code of Practice is being complied with.

3. Prize Gaming Permits

The application will be in the form and manner as specified by the Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on the Licensing Authority only.

The permit can only be applied for by a person who occupies or plans to occupy the premises and any individual applicant must be over 18 years of age. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

The Licensing Authority will require the applicant to set out the types of gaming that they intend to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations;
- that gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm.

The above policies and procedures must be submitted with the application and be available on request at inspection.

In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4. Club Gaming and Club Machine Permits

The application form must be accompanied by the relevant fee and the existing permit if the application is a renewal application. The application must be served on the Gambling Commission and the Police, in addition to the Licensing Authority, unless the applicant is applying under the fast track procedure. The application must be served on the Gambling Commission and Police within 7 days of submitting the application to the Licensing Authority.

If the applicant is not applying under the fast track procedure, the applicant must submit the following documents in addition to the application form to assist the Licensing Authority in determining whether the club meets the requirements of the Act:

- club rules and constitution;
- copy of the membership list;
- annual accounts for the past two years; and
- details of the committee members and proof of their election.

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D), equal chance gaming and games of chance.

Members Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine Permit will only enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D). Commercial clubs are not allowed to provide category B3A gaming machines.

The Licensing Authority may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and, therefore, is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the Police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure, there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which the Licensing Authority can refuse a permit are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under section 266 of the Act;
- (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and the Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. The Licensing Authority will ensure adherence to the Code of Practice through inspections at the premises. The Licensing Authority may carry out test purchase exercises to ensure that the Code of Practice is being complied with.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no

premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner.

With regards to Temporary Use Notices, the Act refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider the ownership and/or occupation and control of the premises.

The holder of a relevant operating licence must give notice to the Licensing Authority on the prescribed form with the relevant fee. The notice must be submitted to the Licensing Authority not less than 3 months and one day before the proposed event. The notice must be submitted with the relevant fee. The notice must also be served on:

- The Police;
- The Gambling Commission; and
- HMRC

The above responsible authorities must receive the notice within 7 days of the date of the notice.

On receipt of the notice, the Licensing Authority will acknowledge the notice as long as no objection notice is received within the 14 day representation period. If a relevant representation is received, the Licensing Authority will hold a hearing to consider the notice and representation(s). An applicant will be provided with more information of the hearing procedure at the time.

The Licensing Authority shall consider objecting to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

6. Occasional Use Notices

Initially, the applicant is advised to contact the Licensing Authority who will advise whether they can authorise their planned provision of gambling facilities by way of an occasional use notice.

The notice must be served on the Licensing Authority and the Police by the person responsible for the administration of events on the track i.e. the event organiser or the occupier of the track. The notice must state the address and location details of the track, the proposed event, the date and time of the event and the details of the licensed operator.

Provided that the event will not exceed the statutory eight days in a calendar year and there are no issues with the proposed licensed operator, the Licensing Authority will acknowledge the notice on receipt.

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

7. Small Society Lotteries

The Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:

- For charitable purposes;
- For the purpose of enabling participation in, or supporting, sport, athletics, or a cultural activity; or
- For any other non-commercial purposes other than that of private gain.

To apply for registration, the application form and relevant fee must be served on the Licensing Authority only. The promoter must apply to the Licensing Authority in whose area their principal office is located. In addition to the application form and fee, the Licensing Authority may require the applicant to submit their terms and conditions and their constitution to assist the Licensing Authority in establishing that they are a non-commercial society.

As the purpose of the small society lottery is to raise money for the small society, it is a requirement that a minimum proportion of the money raised by the lottery is used by the small society to achieve their goals. If a small society lottery does not comply with the following limits it will be in breach of the Act's provisions:

- At least 20% of the lottery proceeds must be applied to the purposes of the small society;
- No single prize may be worth more than £25,000;
- Rollovers are only permitted where the lottery is promoted by the same small society and the maximum single prize is £25,000;
- Every ticket must cost the same and payment must be taken before entry in the draw is permitted.

To check the limits, the promoter must submit a return after each lottery held; no more than 3 months after the date of the lottery draw. The return must be signed by two members of the society who are over 18 years of age, are appointed for that purpose by the society and be accompanied by a copy of their letter of appointment.

The Licensing Authority requires that tickets must not be sold in a street where a street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls). Tickets may be sold in a street from a kiosk, in a shop or door-to-door.

The small society must keep written records of all unsold and returned tickets for a period of one year from the date of the lottery draw.

The Licensing Authority will adopt a risk based approach towards its processing and enforcement responsibilities for small society lotteries in accordance with the principles contained in the Gambling Commission's Guidance. The Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- a) submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- b) submission of incomplete or incorrect returns;
- c) breaches of the limits for small society lotteries.

FURTHER INFORMATION

Anybody wishing to contact the Licensing Authority with regard to this Statement, the Act or the application process can do so as follows:

In writing South Derbyshire District Council
 Licensing Department
 Civic Way
 Swadlincote
 Derbyshire
 DE11 0AH

By email
licensing@southderbyshire.gov.uk

By telephone 01283 595 716/890



Appendix B - Persons / Bodies Consulted on Statement

Elected Members, South Derbyshire District Council
Town and Parish Councils in South Derbyshire

Responsible Authorities

Derbyshire Constabulary
Derbyshire Fire and Rescue Service
Derbyshire Safeguarding Children Board South Derbyshire District Council Pollution Control Team
Gambling Commission
HM Revenue and Customs
South Derbyshire District Council Planning
South Derbyshire District Council Licensing Authority

Others

Southern Staffordshire Building Control Partnership
South Derbyshire District Council Legal and Democratic Services
South Derbyshire District Council Environmental Health
Gam Care
British Amusement Catering Trade Association (BACTA)
Gamblers Anonymous
Gamble Aware
Salvation Army
Racecourse Association
British Holiday and Home Parks Association
Bingo Association
British Beer and Pub Association
Working Men's Club & Institute Union
Greyhound Board of Great Britain
Association of British Bookmakers
Lotteries Council
Hospice Lotteries Association
National Casino Forum
Representatives of the holders of the various licences for premises in the District who will be affected by this policy

Appendix C - Responsible Authorities Contact List

<p><u>Licensing Authority</u></p> <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>licensing@southderbyshire.gov.uk</p>	<p><u>Police</u></p> <p>Derbyshire Constabulary Licensing Section Derby Divisional HQ St. Mary's Wharf Prime Park Way Chester Green Derby DE1 3AB</p> <p>derby.licensing@derbyshire.pnn.police.uk</p>
<p><u>Fire And Rescue</u></p> <p>Derbyshire Fire & Rescue Service South Area Office Ascot Drive Community Fire Station Ascot Drive Derby DE24 8GZ</p> <p>SouthAreaAdmin@derbys-fire.gov.uk</p>	<p><u>Gambling Commission</u></p> <p>Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>info@gamblingcommission.gov.uk</p>
<p><u>Planning</u></p> <p>Head of Planning Services Planning Service South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>planning@southderbyshire.gov.uk</p>	<p><u>Environmental Health - Pollution</u></p> <p>Environmental Health Division South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>environmental.health@southderbyshire.gov.uk</p>
<p><u>Customs & Excise</u></p> <p>HM Revenue & Customs National Registration Unit Port Cullis House 21 India Street Glasgow G2 4PZ</p> <p>nrubetting&gaming@hmrc.gsi.gov.uk</p>	<p><u>Derby and Derbyshire Safeguarding Children Partnership</u></p> <p>Chatsworth Hall Chesterfield Road Matlock Derbyshire DE4 3FW</p> <p>trading.standards@derbyshire.gov.uk</p>



**South
Derbyshire
District Council**

Gambling Act 2005

Statement of Licensing Policy 2022-2025

Local Area Profile Plan

Introduction

As part of the Social Responsibility Code, licence holders are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures in place to mitigate those risks.

The Council as Licensing Authority would expect an operator's local risk assessment to cover the following areas:

- The premises' building;
- Location of the premises;
- Protecting children;
- Demographics of the area in relation to vulnerable groups;
- Protecting vulnerable people;
- Whether the premises is in an area subject to high levels of crime and disorder;
- Vicinity of schools, playgrounds, leisure and community centres and other areas where children will gather;
- Vicinity of gambling or addiction support or treatment centres, residential care homes, medical facilities or Council housing offices where vulnerable groups will gather;
- Gaming trends that may reflect benefit payments or pay days;
- Information held by the licensee regarding self-exclusion and incidences of underage gambling.

This list is not exhaustive.

The Licensing Authority expects that the local risk assessment is kept on the individual premises and is available for inspection. The Licensing Authority expects that all members of staff are aware of the local risk assessment and are encouraged to assist in the production and review of the local risk assessment. Staff should also be aware of and implement any control measures identified in the local risk assessment.

The Licensing Authority will require the operator to provide their local risk assessment where there are concerns in relation to the premises in order for the Licensing Authority to assess the measures in place to address the specific concerns.

Any applicant applying for the grant or variation of a premises licence must include a local risk assessment in addition to their application. The local risk assessment must assess the local risks to the licensing objectives posed by the provision of the applicant's proposed

gambling facilities at the premises. The applicant must have policies, procedures and control measures to mitigate the risks identified in the assessment. These policies and procedures must be submitted with the application.

The Licensing Authority would expect the local risk assessment to be reviewed following any significant changes in local circumstances, significant changes at the premises and any substantiated complaint in relation to the premises. The local risk assessment must be submitted to this Licensing Authority following any such review.

Examples of significant changes in local circumstances include:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area;
- An increase in educational facilities in the area;
- Any vulnerable groups identified by this Licensing Authority or venues relating to those vulnerable groups opened in proximity to the premises.

The Licensing Authority would expect the operator to work with the Licensing Authority to improve any areas of the local risk assessment that do not adequately mitigate the risks identified, have inadequate measures to reduce risks or fail to identify all of the local risks.

Local Area Profile Plan

The Licensing Authority recognises that it is not a mandatory requirement to have a local area profile however the Licensing Authority believes that a local area profile will assist licence holders in producing their risk assessments. A local area profile plan was initially introduced in 2016.

The local area plan is intended to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licence holders and a more coordinated response to local risks.

In order to review the local area profile, the Licensing Authority requested data from a number of bodies including the Responsible Authorities in order to assess any potential and actual risks relating to gambling within the District.

Enquiries with relevant organisations has revealed that empirical evidence in South Derbyshire demonstrates that the District is the third worst affected locality in Derbyshire with regards to volume of calls and their severity to gambling helplines. The main reason for the calls indicates a causal link between an individual's gambling and their debts spiralling out of control. Further data indicates that the practice of gambling is widespread across South Derbyshire.

It is difficult to identify any particular hotspots within the District however licence holders are strongly advised to check the prevalence maps produced by Gamble Aware when producing their local risk assessments in order to obtain an up-to-date picture as regards their individual premises and surrounding areas.

As gambling is widespread across the District and the number of problem gamblers is on the rise within South Derbyshire, it is strongly recommended that licence holders provide regular training for staff for them to be able to identify and confidently deal with problem gamblers. Staff are well placed to identify problem gamblers and should be provided with the tools to

identify the indicators of problem gambling and to assist the individual at the earliest possible stage.

In addition to the above, the local area profile plan is required to identify any potential risks that might arise, therefore in light of current research into gambling, the Licensing Authority has identified the following potential risk areas and provided additional information to assist licence holders.

Children, Adolescents and Young Adults

Children, adolescents and young adults have been explicitly identified as being vulnerable to the experience of gambling problems or at risk of experiencing gambling problems.

The licensee needs to be aware of the proximity to their premises of schools and vulnerable adult centres and residential areas with a high concentration of families with children and the Licensing Authority would expect to see additional measures in place to mitigate any existing or potential risks in such areas.

The Licensing Authority will carefully consider an application located near to these types of premises and decide whether there is a need for any conditions to mitigate the risks in light of the third licensing objective. Each case will be decided on its own merits and will depend on the type of gambling that is proposed for the premises. However, the Licensing Authority will consider additional controls if the licence holder does not have sufficient measures in place.

Licence holders need to be aware of the location of the following 'sensitive' buildings within in the District:

- Schools and Colleges (a list is available on Derbyshire County Council's website);
- Village halls that offer services for children.

The Licensing Authority expects licence holders to ensure that advertising relating to the premises, or relating to events at the premises, is not displayed when children are likely to be near the premises.

Mental Health

There is a consistent body of evidence demonstrating a strong association between gambling and mental health problems. This suggests that people with common mental disorders, substance use/abuse problems and psychoses have higher rates of problem or at-risk gambling than those without these conditions. With this in mind, the licensee needs to be aware of the following premises within the District which if in close proximity to the gambling premises then extra measures must be in place to mitigate the risks:

- Supported housing for people with drug and alcohol issues at Midland Road, Swadlincote
- Supported housing dispersed properties in Newhall, Swadlincote, Midway and Church Gresley.

People with learning difficulties have been identified as being at risk of experiencing harm as they are identified as not being able to make an informed choice about whether to gamble.

Unemployment

There is a consistent body of evidence showing that those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

Evidence has shown that those living in deprived areas are more likely to experience problems with gambling. According to the Index of Multiple Deprivation 2019 (IMD 2019), Midway, Newhall and Stanton and Woodville are the three most deprived wards in South Derbyshire.

This local area profile will be reviewed as required when further information and/or data becomes available.

DRAFT

REPORT TO:	COUNCIL	AGENDA ITEM:9
DATE OF MEETING:	20th JANUARY 2022	CATEGORY:
REPORT FROM:	STRATEGIC DIRECTOR (CORPORATE RESOURCES)	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (01283 595811) Kevin.stackhouse@south-derbys.gov.uk	DOC: h/KS/live files/audit committee/audit appointments/Council Jan 22
SUBJECT:	APPOINTMENT OF AN EXTERNAL AUDITOR 2023/24 to 2027/28	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Council opts into the national procurement framework for the appointment of its External Auditor from the financial year 2023/24.

2.0 Purpose of the Report

- 2.1 To consider a recommendation from the Audit Sub-Committee that the Council remains opted-in to the national procurement framework for the appointment of its External Auditor, which will commence for five years from 1 April 2023.

3.0 Detail

- 3.1 Following the abolition of the Audit Commission on 31 March 2015, the responsibility for managing the local government audit process was transferred to the Public Sector Audit Appointments (PSAA) a government appointed agency.
- 3.2 The PSAA's responsibilities, as a recognised appointing body under the Local Audit and Accountability Act 2014, includes appointing external auditors for applicable public sector bodies. The Act also allows local authorities to appoint their own auditors in accordance with procurement regulations.
- 3.3 Previously, auditors were appointed and assigned to councils directly by the Audit Commission. The Commission also set audit fees.
- 3.4 However, due to concerns regarding the cost of external audit at that time, the legislation introduced a competitive element into the appointment of external auditors.
- 3.5 The legislation gives councils flexibility to make appointments alone, in collaboration with other councils, or the appointment can be made through the specified appointing body, i.e., the PSAA.
- 3.6 The appointment of auditors under this process became effective from the financial years 2018/19. During 2016/17, the PSAA introduced a national procurement framework for appointments and invited all councils to opt into this process.

- 3.7 Along with almost every other council in England, the Council agreed to opt-in.
- 3.8 At that time, it was considered that a sector wide procurement conducted by the PSAA would produce a more cost-effective method of appointing auditors. The benefits were considered to be:
- Assurance that auditor appointments would be completed in a proper and timely manner.
 - The independence of auditors would be maintained.
 - More competitive pricing would likely be achieved.
 - No procurement costs involved for individual councils.
 - It would save time and resources on setting up and administering an Audit Panel, which is required if a council wishes to appoint its own auditor.

Independent Audit Panels

- 3.9 If a council wishes to appoint its own auditor, it is required to establish a local independent audit panel. A panel assumes the role of an appointed body and is responsible for considering and recommending an external auditor to the Council. It also monitors and manages the relationship with the external auditor.
- 3.10 A panel could be the local Audit or Governance Committee if it can be demonstrated that this Committee is independent for this purpose.
- 3.11 The 2014 Act specifies that to demonstrate independence, a panel must consist of a majority of independent persons and be chaired by an independent person, i.e., not a council officer, elected member or any person connected to them.

Appointment of Auditors for 2018/19 to 2022/23

- 3.12 Under the new procurement framework, the PSAA received and evaluated tenders from several audit bodies. Consequently, five firms were appointed, and the contract was shared amongst opted-in bodies in lots.
- 3.13 The Council's appointed auditors under this framework are Ernst and Young (EY) and are contracted to the Council until 2022/23. As part of the process, the PSAA are required to consult on and then set a scale of fees for audit, which opted-in councils are required to pay.
- 3.14 At the outset of this Contract, the cost of external audit to local authorities reduced and has continued to do so over the intervening years. This was based on prices submitted by the audit firms as part of the tender process.
- 3.15 The cost of external audit to the Council prior to the current contract was approximately £50,000 per year. This has since fallen by 25% to approximately £37,000 per year and is set to reduce further by 2022/23, as it currently stands.

Issues within the Current Public Sector Audit

- 3.16 Including reports and briefings to the Audit Sub-Committee, it has been widely reported that over the last two to three years, the quality and timeliness of external audits has

fallen significantly. This has to some extent been exacerbated by Covid-19 and the introduction of additional regulation through accounting and reporting standards for councils, all of which have placed a greater burden on auditors.

- 3.17 However, it is also recognised that there has been an underlying and systemic problem in the sector for some time, affecting most audit firms. Increasingly, audit firms have been hit with resourcing issues, some of which may be a consequence of the pricing in existing contracts, which although tendered and contracted, do not appear sustainable in the long term under current arrangements.
- 3.18 These issues have been recognised and borne out in several Government led reviews into the sector over the last year. The Government have accepted a host of recommendations regarding governance, financial reporting, and standards, etc. which are in the process of being reviewed and worked through.
- 3.19 It is considered that major reform will arise in the external audit sector for public authorities, and it seems inevitable that at some point, the price of audit fees will increase from their current level.

Appointment of Auditors for the Period 2023/24 to 2027/28

- 3.20 In the meantime, councils are being asked by the PSAA whether they wish to opt-in to the next procurement round. To enable the PSAA to conduct a timely procurement exercise during 2022, they have set a deadline of 11 March 2022 for councils to signify their intentions.
- 3.21 The PSAA are clearly aware of the current issues and are keen to address these in the procurement exercise. The prices submitted by bidders through the procurement will still be the key determinant of the value of audit fees paid by opted-in bodies.

The PSAA's Outline Prospectus/Strategy

- 3.22 The PSAA have been in contact with all opted-in councils to outline the aims of the procurement process. As part of this, the PSAA are committed to helping the sector become sustainable and to once again deliver timely and quality audits. In particular by:
- Seeking to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies.
 - Continuing to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (*pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme*).
 - Continuing to minimise its own costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total of £3.5million to relevant bodies and in 2021 a further £5.6million was returned, the Council's share being approximately £5,000 to £10,000 per year.
- 3.23 PSAA are seeking to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be

required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit.

- 3.24 Where regulatory changes are being implemented which affect the amount of audit work firms must undertake, firms will be informed as to which developments should be priced into their bids.

Factors to Consider

- 3.25 The scope of a local government audit is heavily regulated. It is fixed and is determined by a Code of Audit Practice. The format of financial statements is also fixed, and the application of auditing standards are regulated by the Financial Reporting Council.
- 3.26 These factors apply to all audits irrespective of whether a council decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake which have a bearing on the actual fees.
- 3.27 There are currently **nine** audit providers who are eligible to audit local authorities and other relevant bodies under Audit Legislation. This means that a local or a stand-alone procurement exercise, would be seeking tenders from the same firms as the national procurement exercise.
- 3.28 Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.
- 3.29 Although there have clearly been problems with external audit which have been a huge frustration for many councils, it is still considered that the reasons for opting-in to the national procurement (as highlighted earlier in the report) are still valid.
- 3.30 Many other authorities have already indicated that they will be opting in again. Informal discussions with other Derbyshire authorities, have also indicated the same.
- 3.31 Some discussions have also taken place regarding a regional procurement, but again it is considered that this would not be beneficial compared to a national procurement exercise and there seems little appetite to pursue this option amongst authorities.
- 3.32 Therefore, there would seem little point in the Council pursuing its own procurement as potentially it could spend disproportionate resources appointing an audit firm (assuming bids were received) and then managing the successful firm through an audit panel.
- 3.33 Under Regulation 19 of the Local Audit (Appointing Person) Regulations 2015, a final decision to opt-in must be taken by Full Council. PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.
- 3.34 At its meeting on 8 December 2021, the Audit Sub-Committee considered this issue and have recommended that the Council opt-into the national procurement framework.

4.0 Financial Implications

- 4.1 There is a risk that current audit fees could increase when the current Contract ends. It is acknowledged that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the external audit market.
- 4.2 By opting into a collective procurement, this provides more opportunity to ensure fees are as realistic and competitive as possible.
- 4.3 If the national scheme is not used, some additional resource will be needed to establish an audit panel and conduct a local procurement.

5.0 Corporate Implications

Risk

- 5.1 The main risks are that the Council:
- Fails to appoint an auditor in accordance with the requirements and timing specified in legislation.
 - Does not achieve value for money in the appointment process.
- 5.2 It is considered that these risks are best mitigated by opting into the national process.

Legal Implications

- 5.3 Section 7 of the Local Audit and Accountability Act 2014 requires a relevant body to appoint an external auditor to audit its accounts for a financial year not later than 31 December in the preceding year.
- 5.4 Section 8 governs the procedure for appointment as highlighted in the report.
- 5.5 Section 12 makes provision for the failure to appoint an external auditor. A council must immediately inform the Secretary of State, who may direct a council to appoint the auditor named in a direction or appoint an auditor on behalf of a council.
- 5.6 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a sector-led body to become the appointing person. In July 2016, the Secretary of State specified PSAA as the appointing person.

6.0 Community Implications

- 6.1 None directly.

7.0 Background Papers

- 7.1 The Audit and Accountability Act 2014

<http://www.legislation.gov.uk/ukpga/2014/2/contents/enacted/data.htm>

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

6th January 2021

PRESENT:-

Representatives of South Derbyshire District Council

Conservative Group

Councillors D Muller (Chairman), D Corbin

Labour Group

Councillor D Shepherd

Officers

K Stackhouse Strategic Director (Corporate Resources)

M. Bagley Head of Culture and Community Services

Malcolm Roseburgh Cultural Services Manager

Representatives of John Port Spencer Academy

Governing Body

D Parker – (Vice-Chairman) and School Governor

Mrs M Walker-Endsor - School Governor

EL/08 **APOLOGIES**

The Committee was informed that apologies had been received from Robert Redfern (Active Nation).

EL/09 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EL/10 **INCOME AND EXPENDITURE 2020/21 AND PROPOSED BASE BUDGET 2021/22**

The Strategic Director (Corporate Resources) presented the report which gave an update on the financial year 2020/21 and a proposed budget for 2021/22. The Strategic Director highlighted the summary table regarding net expenditure, the Sinking Fund balance and the Reserves balance.

Councillor Shepherd sought clarity regarding utility costs and the potential for any underspend to be used. The Strategic Director (Corporate Resources) confirmed that total costs and refunds would not be known until the end of the financial year.

The Chairman confirmed that a discussion should take place regarding the spending of the budget when needed and enquired whether there would be a ceiling limit set for the Sinking Fund. The Strategic Director confirmed that the Sinking Fund would continue until the monies were spent or the Joint Management Committee decided to put a cap on it but that commitments against the fund would need to be considered.

The Vice-Chairman requested confirmation about who made the decision when the Sinking Fund gets used. The Strategic Director confirmed that it was the decision of the Joint Management Committee which could also include Active Nation.

RESOLVED:-

1.1 That the projected out-turn for 2020/21 was considered and noted.

1.2 That the estimates of income and expenditure for 2021/22 were approved.

EL/11 **ACTIVE NATION PERFORMANCE REPORT – Verbal Report**

It was noted that Performance Report had been shared with the Joint Management Committee prior to the Committee meeting.

RESOLVED:-

That the Performance Report was approved as presented.

EL/12 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

The meeting terminated at 5.25 PM.

D MULLER

CHAIRMAN

PLANNING COMMITTEE

22nd June 2021

PRESENT:-

Labour Group

Councillors Tilley (Chair) and Councillor Shepherd (Vice-Chair) and Councillors Mulgrew (substituting for Councillor Gee) Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Lemmon, Muller and Watson.

Independent Group

Councillors Angliss and Dawson.

In Attendance

Councillors Fitzpatrick and Patten.

PL/13 **APOLOGIES**

The Committee was informed that apologies for absence had been received from Councillor Gee (Labour Group).

PL/14 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declaration of Interest had been received.

PL/15 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

PL/16 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/17 **DEMOLITION OF OPEN PORCH AND REPLACEMENT WITH ENCLOSED PORCH AND THE ERECTION OF NEW ENTRANCE GATES AND WALL IN PART AND NEW BOUNDARY WALL WITH ASSOCIATED LANDSCAPING AT 79 MAIN STREET, KINGS NEWTON, DERBY, DE73 8BX**

It was reported that Members of the Committee had visited the site earlier in the day.

The Head of Planning and Strategic Housing presented the application to the Committee and noted that numerous objections had been received regarding the negative impact but clarified that the extensions were not believed to be overbearing, the tree at the entrance would not be harmed and that no highways issues had been raised regarding the erection of the wall and the turning space for vehicles.

As the Local Ward Member, Councillor Fitzpatrick addressed the Committee on behalf of the Councillor Hewlett and raised concerns regarding access for agricultural machinery, parking and highlighted that open courtyards were part of the character of the village and the impact of the extension on the neighbouring property.

Members raised concerns regarding the proposals and Councillor Watson proposed to refuse the application.

RESOLVED:

That planning permission be refused contrary to the recommendation in the report of the Strategic Director (Service Delivery) due to the introduction of the wall which would have a negative impact on the open farmyard character, considered to be a key local characteristic

PL/18 **CHANGE OF USE OF AGRICULTURAL LAND FOR THE EXTENSION OF EXISTING HARD STANDING FOR EXTERNAL STORAGE (B8) ON LAND NEAR BRANDONS POULTRY FARM, UNNAMED ROAD FROM COTE BOTTOM LANE TO BENT LANE, HEATHTOP, DERBY, DE65 5AY**

It was reported that Members of the Committee that site visit proposed had been abandoned due to a road traffic accident.

The Planning Delivery Team Leader presented the application to the Committee and advised that there had been no highways objections, there would be no impact on the landscape and the application supported the extension of an existing business set within an industrial estate.

The Senior Planning Officer read out summary points from an Objector who had addressed the previous Committee.

As the Local Ward Member, Councillor Patten addressed the Committee raising concerns on behalf of local residents.

Members discussed the need for robust landscaping that would include bunding and a condition for lighting scheme.

RESOLVED:

That planning permission be approved, subject to conditions, as per recommendation in the report of the Strategic Director (Service Delivery) with Condition 5 to include robust landscaping with bunding and an additional lighting scheme condition.

PL/19 **THE ERECTION OF A RURAL WORKER'S DWELLING WITH ASSOCIATED WORKS ON LAND AT BUCKFORD LANE LIVERY, UNNAMED ROAD FROM TWYFORD ROAD TO BUCKFORD LANE, STENSON, DERBY, DE73 7FW**

The Planning Delivery Team Leader appraised the Committee of the proposal and explained that it had not been called in by Councillor Churchill and that it was before Members as it was not wholly inline with policy. The Committee was informed that there had been a business had been delivered from the site for 20 years and that it was believed to be a sustainable business and approval was sought subject to conditions.

The Applicant's Agent attended the Meeting and addressed Members on this application.

Councillor Shepherd addressed the Committee in support of the proposal and highlighted the need for the business.

RESOLVED:

That planning permission be approved, subject to conditions, as per recommendation in the report of the Strategic Director (Service Delivery).

PL/20 **RETROSPECTIVE APPLICATION TO REGULARISE AN AGRICULTURAL BUILDING AT SHADES FARM, UNNAMED ROAD FROM GEARY LANE TO TOWN FARM, BRETBY, BURTON ON TRENT, DE15 0RD**

The Planning Delivery Team Leader presented the retrospective application to the Committee and explained that permission had been granted for a smaller building and the building was of standard agricultural design and was used to house livestock.

The Committee raised concern that it was a retrospective application and it was noted that the retrospective applications would not always be approved by the Committee.

RESOLVED:

That planning permission be approved, subject to conditions, as per recommendation in the report of the Strategic Director (Service Delivery).

PL/21 **THE ERECTION OF 2 REAR SINGLE STOREY EXTENSIONS WITH FIRST FLOOR TERRACE TO PART, ERECTION OF FRONT PORCH AND CHANGES TO MATERIAL FINISHES TO FRONT ELEVATION AT 58 MAIN STREET, WALTON ON TRENT, SWADLINCOTE, DE12 8LZ**

The Planning Delivery Team Leader appraised the Committee of the proposal that was within the conservation area and that amended plans had been submitted that increased the height of screening to the rear balcony to provide for the neighbour's privacy.

RESOLVED:

That determination of the case be deferred pending a site visit.

PL/22 **CHANGE OF USE OF THE SITE TO A MIXED USE WEDDING CEREMONY/FUNCTION VENUE WITH OVERNIGHT TOURISM AND LEISURE. THE ERECTION OF NEW SINGLE STOREY RAISED BUILDINGS, THE CONVERSION OF EXISTING BUILDINGS TO PROVIDE ACCOMODATION AND FACILITIES, THE CREATION OF A CAMPING AREA WITH CAR PARKING, ACCESS AND ASSOCIATED WORKS AT 1 TOWER FARM, SWARKESTONE ROAD, WESTON ON TRENT, DERBY, DE72 2BU**

It was reported that Members of the Committee had visited the site earlier in the day.

The Head of Planning and Strategic Housing presented the application to the Committee and advised that temporary accommodations could be used in the first instance to allow for a robust business plan that would demonstrate recovery of investment costs over a 5 year period. The Head of Planning and Strategic Housing recommended that the application be refused subject to the uncertainty of a successful business.

The Applicant attended the Meeting and addressed Members on this application.

Members raised concern about the recommendation as the Business Case submitted was excellent and that in the current climate new businesses are to be encouraged but they also noted the importance of adhering to policy. Members suggested that the Head of Planning and Strategic Housing work constructively with the applicant to see how the policy concerns could be addressed to enable a proposal that could be approved

RESOLVED:

That determination of the case be deferred pending further discussions with the applicant.

PL/23 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.

The Committee was informed that no questions had been received.

The meeting terminated at 19:45 hours.

COUNCILLOR TILLEY

CHAIR

AUDIT SUB-COMMITTEE (SPECIAL)

28th June 2021

PRESENT:-

Labour Group

Councillor Dunn (Chair) and Councillor Shepherd (Vice Chair).

Conservative Group

Councillors Atkin and Ford.

Independent Group

Councillor MacPherson

AS/01 **APOLOGIES**

The Sub-Committee was informed that no Members had submitted apologies.

AS/02 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

AS/03 **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO.10**

The Sub-Committee was informed that no questions from members of the public had been received.

AS/04 **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Sub-Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED

AS/05 **AUDIT PLANNING REPORT FOR THE YEAR ENDING 31 MARCH 2021**

The External Auditor presented the report to the Sub-Committee highlighting the key points and delivered a high level summary of the key risks that would be audited as part of their final accounts work. It was noted that a new code for Value for Money meant that it would be looked into in greater detail and any concerns would be raised immediately and not left until the end of the Audit.

RESOLVED:

That the Audit Plan for the year ending 31 March 2021 was considered and approved.

AS/06 **INTERNAL AUDIT PROGRESS REPORT**

The Internal Auditor presented the report to the Sub-Committee summarising the progress during the period since the last meeting and highlighted salient points from the Audit Dashboard.

Members raised queries regarding the revised dates for the payroll recommendations and the Grounds Maintenance Strategy. The Strategic Director (Corporate Resources) informed the Sub-Committee that the Finance and Management Committee had agreed that the Payroll service was to be contracted out which was expected to happen in April 2022 and that the Strategic Director (Service Delivery) was working on the resources needed to assist with delivery of the Grounds Maintenance Strategy.

RESOLVED:

That the report of the Audit Manager was considered, and any issues identified be referred to the Finance and Management Committee or be subject to a follow-up report as appropriate.

AS/07 **INTERNAL AUDIT ANNUAL REPORT**

The Internal Auditor presented the report to the Sub-Committee that contained a summary of all the work carried out throughout the year. The Internal Auditor gave an overview of the information contained within the report and highlighted the Housing and Repairs Audit that was due to be brought to the next Sub-Committee meeting.

RESOLVED:

That the Sub-Committee considered and noted the Annual Internal Audit Opinion for 2020/21.

AS/08 **LOCAL CODE OF CORPORATE GOVERNANCE REVIEW**

The Strategic Director (Corporate Resources) presented the 6 monthly update report to the Sub-Committee, noting that proposals were being considered and staff being consulted in relation to the future working arrangements.

RESOLVED:-

- 1.1 That the updated Local Code of Corporate Governance as detailed in Appendix 1 of the report was approved for publication in the Annual Governance Statement 2020/21.***
- 1.2 That progress regarding on-going work to maintain sound governance as detailed in the report was approved.***

AS/09 DRAFT ANNUAL GOVERNANCE STATEMENT 2020-21

The Strategic Director (Corporate Resources) presented the draft statement and informed the Sub-Committee that another iteration would be brought later in the year and would not be published until it had been audited. The Strategic Director summarised the key points within the report that included the impact of Covid-19.

Members raised queries regarding the engagement of stakeholders and the staff survey. The Strategic Director (Corporate Resources) confirmed that in the previous report Principle 2 set out communication with stakeholders that included media briefs, a number of different consultation groups and Area Forums. The Sub-Committee was informed that the staff survey would be accessible via the Council's Intranet and hard copies made available to those who did not have access.

RESOLVED:

The Draft Annual Governance Statement for 2020/21 was approved for Audit.

AS/10 ANTI-FRAUD AND CORRUPTION POLICY

The Strategic Director (Corporate Resources) presented the report to the Sub-Committee, which following an Audit recommendation would ensure that the Council had a policy that demonstrated a zero tolerance to fraud and corruption.

RESOLVED:

That the updated Anti-Fraud and Corruption Policy as appended to the report was approved.

AS/11 RISK MANAGEMENT

The Strategic Director (Corporate Resources) delivered the report to the Sub-Committee, that would ensure that the Council had a good system in place to

manage and review risks. The Strategic Director (Corporate Resources) highlighted the main changes regarding the risk registers and the reporting of risks.

RESOLVED:

That the Risk Management Framework as detailed in Appendix A of the report was approved.

AS/12 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Committee Work Programme to Members.

RESOLVED:

The Committee considered and approved the updated work programme.

AS/13 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

AS/14 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Sub-Committee was informed that no questions from Members of the Council had been received.

The Meeting terminated at 5:20 PM.

COUNCILLOR DUNN

CHAIR

OVERVIEW AND SCRUTINY COMMITTEE

1st September 2021

PRESENT:-

Labour Group

Councillor Bambrick (Chair) and Councillor Stuart (Vice-Chair).

Conservative Group

Councillors Atkin Patten.

OS/01 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors Gee, Hewlett (Labour Group) and Roberts (Independent Group).

OS/02 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee was informed that no Declarations of Interest had been received.

OS/03 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee was informed that no questions from members of the Public had been received.

OS/04 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The Committee was informed that no questions from Members of the Council had been received.

OS/05 **OVERVIEW AND SCRUTINY - INTERNAL AUDIT REVIEW**

The Strategic Director (Corporate Resources) presented the Report to the Committee which had been received at Full Council with no comments arising.

The Chair noted that Scrutiny training had been provided and offered to all Members of the Council which had been well presented and very useful.

Members discussed the parameters for the Night Flight Plan at East Midlands Airport and agreed to invite a member of the Airport staff to address the Committee about the airport expansion, freight traffic, new aircraft and the

impact to local residents. A suggestion was made to contact Parish Councils and Area Forums to gather questions in advance for the Airport presenter.

The Strategic Director (Service Delivery) confirmed that a letter had been sent to Novus inviting their representative to the October Committee Meeting.

RESOLVED:-

That the Committee considered the report at Appendix 1 of the report.

That the Committee considered the 'Conclusions' and 'Suggested Actions' outlined in Appendix 1 of the report.

OS/06 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Work Programme to the Committee and requested that the Committee considered an area of the budget to be added to the Work Programme. The Chair confirmed that he would contact the Finance and Management Chair to discuss the most appropriate items for the Committee scrutinise.

RESOLVED:-

That the Committee considered and approved the updated work programme.

OS/07 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

The Meeting terminated at 18:35 hours.

COUNCILLOR BAMBRICK

CHAIR

AUDIT SUB-COMMITTEE

8th September 2021

PRESENT:-

Labour Group

Councillor Dunn (Chair) and Councillor Shepherd (Vice Chair).

Conservative Group

Councillors Ford.

Independent Group

Councillor MacPherson

AS/15 **APOLOGIES**

The Sub-Committee was informed that apologies had been submitted by Councillor Atkin (Conservative Group)..

AS/16 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

AS/17 **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO.10**

The Sub-Committee was informed that no questions from members of the public had been received.

AS/18 **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Sub-Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED

AS/19 **INTERNAL AUDIT PROGRESS REPORT**

The Internal Auditor presented the report informing Members of the Council's progress during the period since the last meeting and highlighted salient points from the Audit Dashboard. The Sub-Committee was updated on outstanding recommendations and the Housing and Repairs Audit.

Councillor Mulgrew raised a query regarding completed jobs that could not be located. The Head of Housing explained that these related to completed tickets that had not been returned by trade's people and that an electronic system was being considered to prevent this problem in the future.

Councillor Shepherd raised queries regarding the expenses recommendation raised in 2018 and Waste Management Health and Safety training. The Strategic Director (Corporate Resources) advised the Sub-Committee that the expenses issue would need to be addressed as part of a review of pay and conditions and that the main Health and Safety Training had been carried out.

RESOLVED:-

The report of the Audit Manager was considered, and any issues identified referred to the Finance and Management Committee or subject to a follow-up report as appropriate.

AS/20 **2021-22 ANTI-FRAUD AND CORRUPTION PLAN AND COUNTER FRAUD PARTNERSHIP PERFORMANCE UPDATE AND AGREEMENT**

The Head of Customer Services presented the report to the Sub-Committee which related to partnership working with Derby City Council and it was noted that with the new Corporate Training Officer along with the report, fraud awareness had been embedded within the Council

RESOLVED:-

- 1.1 The Committee noted the performance of the Counter Fraud Partnership with Derby City Council (see Appendix 1) and the cashable and value for money savings that had been delivered in 2020-2021.***
- 1.2 The Committee approved the Counter Fraud Partnership be continued for 2021-2022 and approved the Council's proposed Anti-Fraud and Corruption Action Plan (see Appendix 2) that directs the work of the partnership.***

AS/21 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Committee Work Programme to Members.

RESOLVED:-

The Committee considered and approved the updated work programme.

AS/22 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

AS/23 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Sub-Committee was informed that no questions from Members of the Council had been received.

The Meeting terminated at 4:40 PM.

COUNCILLOR DUNN

CHAIR

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

22nd September 2021

PRESENT:-

Representatives of South Derbyshire District Council

Labour Group

Councillor D Shepherd (Chair)

Conservative Group

Councillor D Muller

Independent Group

Councillor D Angliss

Officers

K Stackhouse Strategic Director (Corporate Resources)

A Thomas Strategic Director (Service Delivery)

M Roseburgh – Cultural Services Manager

E Minogue – Head of Cultural and Community Services

Representatives of John Port Spencer Academy

Governing Body

D Parker – (Vice-Chair) and School Governor

Mrs M Walker-Endsor - School Governor

Representatives of Active Nation

Liam Powell-Jones

Terry Simms

EL/01 **APOLOGIES**

The Committee was informed that no apologies had been received.

EL/02 **MINUTES**

The Open Minutes of the Meeting held on 23rd September 2020 were noted, approved as a true record and signed by the Chairman.

EL/03 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EL/04 **ETWALL FINAL ACCOUNTS 2020-21**

The Strategic Director (Corporate Resources) presented the report informing Members that costs were lower than the previous year and that the Repair and Maintenance budget for general maintenance at Etwall had underspent therefore contributions for both the Council and the Academy had been reduced.

Members sought clarification regarding energy costs and enquired whether the Repair and Maintenance expenses were reduced due to lockdown as fewer repairs had been needed.

The Cultural Services Manager confirmed that there had been a reduced planned maintenance programme due to access to buildings throughout lockdown and that the cost of energy was expected to rise.

RESOLVED:-

That the Final Accounts for 2020-21 were approved.

EL/05 **SECTION 106 FUNDING UPDATE (verbal update)**

The Strategic Director (Service Delivery) provided an overview of the levels of underspend along with expiry dates for built facilities and outdoor sports and noted that the Planning Policy team would monitor the allocation of funds to projects to benefit the Leisure Centre and would consider the school requirements and that could be potential to update the swimming pool if additional monies were available.

The Committee was pleased with the update regarding the Section 106 Funding.

The Chair thanked the Cultural Services Manager for supporting the Committee over several years.

EL/06 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

The meeting terminated at 5.20 PM.

D SHEPHERD

CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

23rd September 2021

OPEN

PRESENT:-

Labour Group

Councillor Taylor (Chair), Councillor Heath (Vice-Chair)
Councillors, Dunn, Shepherd (substituting for Councillor Southerd),
Singh and Tilley.

Conservative Group

Councillors Brown, Haines, Muller (substituting for Councillor Corbin),
Redfern and Smith.

Independent Group

Councillors Fitzpatrick and MacPherson.

In Attendance

Councillor Gee
Councillor Wheelton

EDS/138 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Corbin (Conservative Group) and Councillor Southerd (Labour Group).

EDS/139 **MINUTES**

The Open Minutes of the Meetings held on 4th January 2021, 21st January 2021, 4th March 2021 and 21st April 2021 were noted and approved as a true record and signed by the Chair.

EDS/140 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EDS/141 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/142 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE**EDS/143 MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN REGULATION 16 CONSULTATION**

The Planning Policy Team Leader presented the report to the Committee outlining the consultation process and explained that the Council had raised issues to be addressed that would ensure the plan was in the best interests of the local residents.

Councillor Fitzpatrick addressed the Committee and raised concerns on behalf of the Neighbourhood Plan Group and residents regarding the Regulation 14 comments from the Council that could impact Regulation 16 at the Examiner stage which could prevent the opportunity for residents to vote on the plan it as noted that residents were not opposed to development but felt that the Neighbourhood Plan should reflect their views.

The Chair gave assurance that the Regulation 14 comments were to ensure that the plan was not contrary to Council Policy and would not affect what was needed to get across to the Examiner.

Councillor Fitzpatrick proposed an amendment to recommendation 1.2 that was agreed by the Committee.

RESOLVED:

- 1.1 The Committee authorised the Melbourne Neighbourhood Development Plan Regulation 16 Consultation to be conducted in accordance with as much of the adopted Statement of Community Involvement as practicable, allowing for the restrictions due to COVID-19.***
- 1.2 That the Committee approved that the outstanding matters from the Council's Regulation 14 comments at Appendix 1 of the report, that have formed the statements at paragraphs 4.4, 4.5 and 4.6 of the report together with a statement regarding the Council's constructive and positive engagement with the Melbourne NDP Group, form the Council's response to the Regulation 16 consultation.***

EDS/144 COMMITTEE WORK PROGRAMME

The Strategic Director (Service Delivery) presented the report to the Committee.

RESOLVED:

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The Committee considered and approved the updated work programme.

EDS/145 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETINGS:

The Exempt Minutes of the Meetings held on 21st January 2021 and 21st April 2021 were received.

EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 18:25 hours.

COUNCILLOR TAYLOR

CHAIR

HOUSING AND COMMUNITY SERVICES COMMITTEE

30th September 2021

PRESENT:-

Labour Group

Councillor Rhind (Chair) and Councillor Mulgrew (Vice-Chair) and Councillors Pegg, Richards and Shepherd.

Conservative Group

Councillor, Churchill, Ford, Haines, Redfern (substitute for Councillor Ackroyd), Smith and Watson (substitute for Councillor Corbin).

Independent Group

Councillors Angliss (substitute for Councillor Dawson) and Roberts.

In Attendance

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HCS/30 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors Ackroyd and Corbin (Conservative Group) and Councillor Dawson (Independent Group).

HCS/31 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS**

The Open Minutes of the Meetings held on 5th January 2021, 28th January 2021, 11th March 2021 and 20th April 2021 were noted and approved as a true record and signed by the Chair.

HCS/32 **DECLARATIONS OF INTEREST**

The Committee noted that Councillor Pegg declared a personal interest in item HCS/34 by virtue of being a Ward Councillor for Linton.

HCS/33 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

HCS/34 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE**HCS/34 COMMUNITY AND ENVIRONMENTAL PARTNERSHIPS GRANT SCHEME**

The Communities Manager presented the report to the Committee, highlighting the four projects recommended to receive grants and noted that Melbourne Arts application had not been agreed due to concern regarding the security of tenure due to the building being privately owned. New proposed arrangements for the panel were outlined.

Cllr Watson addressed the Committee regarding the disappointment of the outcome of the Melbourne Arts application.

Members welcomed the proposed new meeting arrangements of the panel which was envisaged to speed up the evaluation and approvals process.

RESOLVED:-

The Committee accepted the recommendations of the Community and Environmental Partnership Scheme Assessment Panel, to award grants as detailed in section 4 of the report.

HCS/35 DECARBONISATION OF THE COUNCIL'S HOUSING STOCK

The Head of Housing summarised the report for the Committee and outlined the works recommended for the Council dwellings and sought approval for the recommendations within the report.

The Strategic Director (Service Delivery) explained that housing carbon efficiency challenge formed part of the Climate and Environmental Plan that had been approved by Environmental and Development Committee earlier in the year.

RESOLVED:-

1.1 The Committee agreed that the outcome of a project which the Council commissioned Nottingham City Council to undertake to assess the energy performance of the Council's housing stock informs future reviews of the Council's Asset Management Strategy and will be reflected within future programmes for investment in the improvement of the Council's Housing Stock.

1.2 The Committee endorsed the Council bidding for funding of £1million from "Wave 1" of the Government's Social Housing Decarbonisation Grant fund informed by the Nottingham City report findings and in the event the bid was successful agreed to the Council contributing the required landlord contribution of 33% of the total cost of improvements that would be delivered by the scheme (approximately £500,000).

- 1.3 The Committee agreed that the financial implications of submitting the bid be referred to the Finance and Management Committee for approval.**

HCS/36 **COMMITTEE WORK PROGRAMME**

The Committee Work Programme was presented to Members by the Strategic Director (Service Delivery).

RESOLVED:-

That the Committee considered and approved the updated work programme.

HCS/37 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meetings held on 28th January 2021, 11th March 2021 and 20th April 2021 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed that no questions had been received.

CARBON-ZERO BUNGALOW

RESOLVED:

That the Committee approved the recommendations in the report.

GREEN HOMES GRANT – LOCAL AUTHORITY DELIVERY PHASE 3 - HOMES UPGRADE GRANT

RESOLVED:

That the Committee approved the recommendations in the report.

The Meeting terminated at 18:35 hours.

COUNCILLOR G RHIND

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

7th October 2021

PRESENT:

Labour Group

Councillor Pearson (Chair), Councillor Tilley (Vice-Chair) and Councillors Rhind, Richards, Singh, Southerd and Taylor

Conservative Group

Councillors Ackroyd, Lemmon, Redfern and Watson

Independent Group

Councillor Fitzpatrick

FM/62 **APOLOGIES**

The Committee was informed that apologies had been received Councillor Bridgen (Conservative Group).

FM/63 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of meetings held on 7th January 2021, 11th February 2021, 18th March 2021 and 29th April 2021 were noted and approved as a true record and signed by the Chair.

FM/64 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Richards declared a Personal Interest in item FM/75 by virtue of being a board member for the Freeport.

FM/65 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

FM/66 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed no questions from Members of the Council had been received.

FM/67 **REPORTS OF OVERVIEW AND SCRUTINY COMMITTEE**

The Committee was informed that no reports of Overview and Scrutiny Committee had been received.

MATTERS DELEGATED TO COMMITTEE**FM/68 FREEDOM OF INFORMATION: POLICY AND PUBLICATION SCHEME**

The Strategic Director (Corporate Resources) presented the Report to the Committee that was before Members due to Audit recommendations which related to the training of staff and a Freedom of Information policy.

RESOLVED:

The Committee approved the Freedom of Information Policy and Publication Scheme.

FM/69 DECARBONISATION OF THE COUNCIL'S HOUSING STOCK

The Head of Housing presented the Report to the Committee outlining the key points within the appendices and sought approval for the financial aspect of the report.

Members discussed the the need to bring the housing stock up to standard in particular with the cost of electricity rising and that good communication with residents was vital.

The Head of Housing informed the Committee that the bid would include the engagement of residents, would ensure sustainability and that tenants would not be disadvantaged with utility costs.

RESOLVED:

- 1.1 The Committee approved the following recommendations which were agreed by the Housing and Community Services Committee on 30 September 2021.***
- 1.2 The outcome of a project which the Council commissioned Nottingham City Council to undertake to assess the energy performance of the Council's housing stock informs future reviews of the Council's Asset Management Strategy and will be reflected within future programmes for investment in the improvement of the Council's Housing Stock***
- 1.3 The Committee endorsed the Council bidding for funding of £1million from "Wave 1" of the Government's Social Housing Decarbonisation Grant fund informed by the Nottingham City report findings and in the event the bid was successful agreed to the Council contributing the required landlord contribution of 33% of the total cost of improvements that would be delivered by the scheme (approximately £500,000).***

FM/70 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report to the Committee.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/71 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETINGS:

The Exempt Minutes of the Meetings held on 7th January 2021, 11th February 2021, 18th March 2021, 29th April 2021 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed no questions had been received.

PROVISION OF LOW CARBON HOUSING

The Committee approved the recommendations in the report.

EAST MIDLANDS FREEPORT: FINANCIAL UPDATE

The Committee approved the recommendations in the report.

The meeting terminated at 18:45 hours.

COUNCILLOR PEARSON

CHAIR

OVERVIEW AND SCRUTINY COMMITTEE

13th October 2021

PRESENT:-

Labour Group

Councillor Bambrick (Chair) and Councillor Stuart (Vice-Chair)
and Councillor Gee.

Conservative Group

Councillors Atkin, Hewlett and Patten.

Independent Group

Councillor Roberts.

Non Grouped

Councillor Wheelton.

OS/08 **APOLOGIES**

The Committee was informed that no apologies had been received from Members.

OS/09 **MINUTES**

The Committee received the minutes of the meetings held on 2nd September 2020, 14th October 2020, 25th November 2020, 13th January 2021, 20th February 2021 and 31st March 2021.

OS/10 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee was informed that no Declarations of Interest had been received.

OS/11 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee was informed that no questions from members of the Public had been received.

OS/12 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The Committee was informed that no questions from Members of the Council had been received.

OS/13 SDDC & NOVUS PARTNERSHIP – WHOLE HOUSE FRAMEWORK (Presentation)

The representatives from Novus presented slides detailing their working partnership with the Council to Members. Additional information was provided to Members in the form of printed matter.

OS/14 COLLABORATIVE WORKING

The Strategic Director (Corporate Resources) introduced the report to Members informing them that the workstream details requested by the Committee would be the start of a process to look at partnerships with the Council.

The Council work with other organisations either through a Service Level Agreement or Shared Service. A list of current partnerships was available to Members if further scrutiny of any partnership was required by the Committee.

Members asked if any bench marking was available of Councils giving Value for Money when working with other Councils, could further partnership arrangements be put in place by the Officers, are partnerships reviewed by the Auditors and are Heads of Service scrutinized when deciding the delivery of services. The Strategic Director (Corporate Resources) was not aware of a league table with benchmarking data and informed Members that Heads of Service review the delivery of services and check that it is the best way to deliver that particular service, be it through in-house, shared service or partnership. The Auditor would provide an opinion in the Value for Money statement which could advise on a risk to a service. The scrutiny of service delivery plans would be at the point of review by the policy Committee and Members would have the opportunity to question the Heads of Service and use of collaborative working.

RESOLVED:-

That the Committee noted the current extent of partnership and collaborative working undertaken by the Council and identified the next steps within the scope of the review.

OS/15 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – REPORT ON USAGE

The Strategic Director (Corporate Resources) presented the report to the Committee on behalf of the Monitoring Officer, noting that no authorisations had been sought.

RESOLVED:-

To note the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.

OS/16 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Work Programme to the Committee.

RESOLVED:-

That the Committee considered and approved the updated work programme.

OS/17 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

The Meeting terminated at 19:40 hours.

COUNCILLOR S BAMBRICK

CHAIR

FINANCE AND MANAGEMENT COMMITTEE (SPECIAL)

21st October 2021

PRESENT:

Labour Group

Councillor Pearson (Chair), Councillor Tilley (Vice-Chair) and Councillors Mulgrew (substitute for Councillor Richards), Rhind, Singh, Southerd and Taylor.

Conservative Group

Councillors Ackroyd, Bridgen, Redfern, Smith (substitute for Councillor Lemmon) and Watson.

Independent Group

Councillor Fitzpatrick.

FM/76 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Richards (Labour Group) and Councillor Lemmon (Conservative Group)

FM/77 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of meetings held on 8th October 2020 and 26th November 2020 were noted and approved as true record and signed by the Chair.

The Audit Sub-Committee Open Minutes held on 29th July 2020, 16th September 2020, 9th December 2020 and 24th March 2021 were received and approved.

FM/78 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received

FM/79 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received. –

FM/80 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed no questions from Members of the Council had been received.

FM/81 REPORTS OF OVERVIEW AND SCRUTINY COMMITTEE

The Committee was informed that no reports of Overview and Scrutiny Committee had been received.

MATTERS DELEGATED TO COMMITTEE**FM/82 DEVELOPING AND CONSULTING ON REVISED LOCAL COUNCIL TAX REDUCTION SCHEME 2022 – 2023: PROPOSED MODELS**

The Strategic Director (Corporate Resources) presented the report to the Committee which set out the proposals for consultation following the approval the by the Committee of a report in August 2021. The Strategic Director (Corporate Resources) outlined the two proposed models, the main changes that they would bring and who would be affected by the changes and explained how the cost of the scheme would be covered by the Collection Fund which would reduce the surplus. The Committee was informed that the statutory 12 week consultation period would be carried out online and via open days .and that an interim report would be brought back to the Committee in January 2022.

Members supported the report that would give certainty to lower income families but sort clarity regarding the 20% of claimants that would be affected negatively.

The Strategic Director (Corporate Resources) confirmed that those who with higher earnings but were in the benefits system may be considered for Hardship Fund assistance.

It was noted that Councillor Fitzpatrick requested that the Hardship Fund was kept easy to apply for.

RESOLVED:

- 1.1 *The Committee approved the proposal to consult on two draft Local Council Tax Reduction Scheme (LCTRS) options this autumn/winter. The two options were detailed within the document and at Appendix 1 of the report.***
- 1.2 *The Committee approved the consultation plan and consultation document as detailed in Appendices 5 and 6 of the report.***
- 1.3 *The Committee approved the updated timeline for the consultation and development of the proposed revised LCTRS as detailed at section 4.31 of the report.***

FM/83 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report to the Committee.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/84 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETINGS:

The Exempt Minutes of the Meetings held on 8th October 2020 and 26th November 2020 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed no questions had been received.

FUTURE SERVICE DELIVERY AND EMPLOYMENT MODELS

The Committee approved the recommendations in the report.

CUSTOMER SERVICES PROVISION AT THE CIVIC OFFICES: TRIAL UPDATE

The Committee approved the recommendations in the report.

LAND AT SANDHOLES

The Committee approved the recommendations in the report.

The meeting terminated at 19:40 hours.

COUNCILLOR PEARSON

CHAIR

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

11th November 2021

OPEN

PRESENT:-

Labour Group

Councillor Taylor (Chair), Councillor Heath (Vice-Chair)
Councillors, Dunn, Singh and Southerd.

Conservative Group

Councillors Brown, Corbin, Haines, Redfern and Smith.

Independent Group

Councillors MacPherson.

Non-Grouped

Councillor Wheelton

In Attendance

EDS/147 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Fitzpatrick (Independent Group).

EDS/148 **MINUTES**

To receive the open minutes of the meeting held on 27th May 2021 and signed by the Chair.

EDS/149 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EDS/150 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/151 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE**EDS/152 CCTV IN PRIVATE HIRE VEHICLES POLICY**

The Senior Licensing Officer presented the report to the Committee and explained that it was only voluntary for private hire vehicles to have CCTV and that the Local Government Association (LGA) advice was that strong evidence was required to enable it to be made a mandatory requirement.

Members raised concern that this was not mandatory and enquired whether the public was made aware of how to raise concerns and issues with the Council.

The Senior Licensing Officer informed the Committee that evidence from police and other stakeholders would be collated over the next 12 months and that there was information displayed within the vehicles regarding how to contact the Council along with a QR code that would take them directly to the Council's website.

RESOLVED:

1.1 Members noted the report.

1.2 Members approved the active monitoring of complaints and investigations by Licensing Officers with a view to assessing the need for mandatory CCTV in licensed vehicles on an ongoing basis.

EDS/153 GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY

The Senior Licensing Officer presented the report to the Committee regarding the updated policy following consultation carried out earlier in the year.

Members raised queries regarding responsibility for online gambling and what checks were carried out to ensure that gambling premises and travelling fairs were operating legally.

The Committee was informed that online gambling was managed by the Gambling Commission and that annual inspections were carried out at gambling premises along with random checks of machines used by travelling fairs.

RESOLVED:

Members approved the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy") and Local Area Profile Plan.

EDS/154 LICENSING SERVICE UPDATE

The Senior Licensing Officer presented the quarterly update report to the Committee and highlighted the impact of the pandemic on delivery of the service and which services had been resumed.

RESOLVED:

Members noted the content of the report.

EDS/155 APPROVAL OF THE INFRASTRUCTURE FUNDING STATEMENT 2021-21

The Planning Policy Team Leader presented the report to the Committee and noted that new regulations required the publication of Section 106 Agreement funding and how it had been allocated.

Councillor Southerd sought clarification regarding the sharing of Section 106 Agreement funding for education across borders and in particular the proportion of funding linked to a Leicestershire development whose children attend schools in Woodville.

The Planning Policy Team Leader informed the Committee that the authority approving the development looked at the which schools' pupils would attend and that the Section 106 Agreement funding related to the development would be looked into.

RESOLVED:

The Committee approved the Infrastructure Funding Statement (IFS) for the 2020-21 financial year.

EDS/156 CORPORATE PLAN 2020-24 PERFORMANCE REPORT (2021-2022 QUARTER 2 – 1 APRIL TO 30 SEPTEMBER)

The Strategic Director (Service Delivery) presented the report to the Committee and noted that 77% of the key aims were on track and that there were 3 indicators in red, which were household waste collection, keeping residents out of fuel poverty and discharging of planning conditions.

The Head of Operational Services addressed the Committee regarding household waste collection and explained that since the pandemic homeworking had increased and that had impacted on the volume of household waste and that there would be no changes to the household waste collection policy until the new legislation was announced by the government.

The Strategic Director (Service Delivery) highlighted the reviewed Risk Register and noted that the Section 106 Agreement funding risk had been removed as this risk had been mitigated by the appointment of a new officer who would ensure that S106 monies allocated to the Council would be spent..

RESOLVED:

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1.1 The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.

1.2 The Committee reviewed the Risk Register for the Committee's services.

EDS/157 **EMERGING LOCAL PLAN STRATEGY AND APPROVAL OF UPDATED MEMBERSHIP OF THE LOCAL PLAN WORKING GROUP TO PROGRESS THE LOCAL PLAN REVIEW**

The Head of Planning and Strategic Housing presented the report to the Committee and informed Members of the work underway and the duty to cooperate with other councils and explained how decisions going forward would be best discussed in a less formal setting in the first instance prior to coming before the Committee.

Members raised queries regarding the relationship with the Joint Advisory and the sharing of its information.

The Head of Planning and Strategic Housing advised the Committee that the working group would work alongside the Joint Advisory Board on a more informative basis and did not seek to replace it.

The Strategic Director (Service Delivery) confirmed that the Joint Advisory Board minutes were available on the County Council's website and were, therefore, available to all Councillors. .

The Chair requested that site visits for the group be considered.

The membership of the group was proposed as follows: Councillor Taylor and Councillor Southerd (Labour Group), Councillor Brown and Councillor Haines (Conservative Group), Councillor MacPherson (Independent Group) and Councillor Wheelton (non-grouped).

RESOLVED:

The Committee agreed the membership of the Local Plan Working Group with the proposed political representation of two Labour Members, two Conservative Members, one South Derbyshire Independent Group Member and one Independent.

EDS/158 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Service Delivery) presented the report to Members.

RESOLVED:

The Committee considered and approved the updated work programme.

EDS/159 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:

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That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder

of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EDS/159 **EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 18:55 hours.

COUNCILLOR TAYLOR

CHAIR

HOUSING AND COMMUNITY SERVICES COMMITTEE

18th November 2021

PRESENT:

Labour Group

Councillor Rhind (Chair) and Councillor Mulgrew (Vice-Chair) and Councillors Pegg, Richards and Shepherd.

Conservative Group

Councillors Ackroyd, Churchill, Ford, Haines, Smith and Watson (substitute for Councillor Corbin).

Independent Group

Councillors Roberts.

In Attendance

Councillor Wheelton

HCS/42 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Corbin (Conservative Group) and Councillor Dawson (Independent Group)

HCS/43 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS**

The Open Minutes of the Meetings held on 3rd June 2021 and 19th August were noted and approved as a true record and signed by the Chair.

HCS/44 **DECLARATIONS OF INTEREST**

The Committee noted that no Declarations of Interest had been received

HCS/45 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

HCS/46 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

[Res 2021-01](#)

HCS/47 CORPORATE PLAN 2020-24 - PERFORMANCE REPORT (2020-2021 QUARTER 2 – (1 APRIL TO 30 SEPTEMBER))

The Strategic Director (Service Delivery) introduced the report to the Committee noting that six of the seven key performance measures were on track and the seventh related to the reallocation of Council homes. The Strategic Director (Service Delivery) explained that a risk had been removed as dealing with Universal Credit had now been mainstreamed and part of normal work with residents.

The Head of Housing explained that there were 430 properties ready to be let, that work was being carried out on 56 and the rest were properties that had been vacant since the end of September. The Committee was informed that following the pandemic good progress had been made and the service had returned to more normal housing issues.

Members raised queries regarding a timeline for the red performance measure to be on track and the problems letting bungalows and flats.

The Head of Housing informed the Committee that the red performance measure on the whole would not be expected to be on track by the end of the year but by providing monthly figures then these may start to be green sooner. The Committee was informed that there had been a long-standing issue letting some of the over 60s one-bedroom upstairs flats and that some bungalows were in rural locations which made them difficult to let.

The Strategic Director (Service Delivery) confirmed that there was an issue matching demand to need and that work was in the pipeline to develop high quality housing regarding those properties that had been difficult to let.

RESOLVED:-

1.1 *The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.*

1.2 *The Committee reviewed the Risk Register for the Committee's services.*

HCS/48 RECRUITMENT OF BIKEABILITY CO-ORDINATOR

The Head of Cultural and Community Services presented the report to the Committee and explained how the additional post would increase access to the Bikeability scheme across South Derbyshire schools.

RESOLVED:-

The Committee approved the recruitment of a Bikeability Co-ordinator, within the Active Communities and Health Unit of Cultural and

Community Services. The new post will coordinate and deliver the South Derbyshire Active Schools Partnership's (SDASP) Bikeability programme.

HCS/49 **COMMUNITY AND ENVIRONMENTAL PARTNERSHIPS GRANT SCHEME**

The Head of Cultural and Community Services presented the report to the Committee and explained how the proposals would provide clarification and guidance to the assessment panel and applicants regarding the security of tenure required to secure a grant in the future.

RESOLVED:-

1.1 The Committee approved additional guidance notes and set new criteria to support applications to the Community and Environmental Partnerships Grant Scheme (CEPGS) whereby:

1.1.1 Any project receiving funding related to the improvement of premises, the applicant should either hold the freehold or have a lease with a minimum security of tenure.

1.1.2 The security of tenure held by applicants for projects requesting grants up to £10,000 should be a minimum of seven years remaining at the point of project completion and for grant requests between £10,001 up to the maximum of £25,000 there should be a minimum of 15 years remaining at the point of project completion.

HCS/50 **HOUSING DOMESTIC ABUSE POLICY**

The Head of Housing presented the report to the Committee following consultation of the draft policy. It was noted that the report included comments received during consultation.

RESOLVED:-

The Committee approved the Housing Domestic Abuse Policy following the outcome of public consultation on the draft.

HCS/51 **BID FOR GOVERNMENT ROUGH SLEEPER ACCOMMODATION PROGRAMME FUNDING**

The Head of Housing presented the report to the Committee and explained how it fitted with the empty property picture and that the delivery by Trent and Dove would be via a service level agreement, with the Council retaining the landlord function for the properties provided as part of the project. The Head of housing noted that the intention of the programme was to help people out of the cycle of homelessness.

Members acknowledged the amount of work involved by officers in tackling homelessness for some.

RESOLVED:-

- 1.1 The Committee retrospectively approved the bid for Rough Sleeper Accommodation Programme Funding.***
- 1.2 The Committee approved the contribution by the Council of three one bedroom properties to the programme.***

HCS/52 **COMMITTEE WORK PROGRAMME**

The Committee Work Programme was presented to Members by the Strategic Director (Service Delivery).

RESOLVED:-

That the Committee considered and approved the updated work programme.

HCS/53 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meetings held on 3rd June 2021 and 19th August 2021 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed that no questions had been received.

HOUSING OPTIONS APPRAISAL AND THE SALE OF SURPLUS LAND AT SMALLTHORN PLACE

RESOLVED:

That the Committee approved the recommendations in the report.

The Meeting terminated at 18:30 hours.

COUNCILLOR G RHIND

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

25th November 2021

PRESENT:

Labour Group

Councillor Pearson (Chair), Councillor Tilley (Vice-Chair) and Councillors Mulgrew, Rhind, Richards, Southerd and Taylor.

Conservative Group

Councillors Ackroyd, Bridgen, Lemmon, Redfern, and Watson.

Independent Group

Councillor Fitzpatrick.

In Attendance

Councillor Wheelton (Non-Grouped)

FM/90 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Singh (Labour Group)

FM/91 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of meetings held on 10th June 2021, 22nd July 2021, 3rd August 2021 and 26th August 2021 were noted and approved as true record and signed by the Chair.

FM/92 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

FM/93 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

FM/94 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed no questions from Members of the Council had been received.

FM/95 **REPORTS OF OVERVIEW AND SCRUTINY COMMITTEE**

The Committee was informed that no Reports of Overview and Scrutiny Committee had been received.

MATTERS DELEGATED TO COMMITTEE**FM/96 CORPORATE PLAN 2020-24: PERFORMANCE REPORT (2021-2022 QUARTER 2 – APRIL TO 30 SEPTEMBER)**

The Strategic Director (Corporate Resources) presented the report to the Committee and highlighted the two indicators in red which were the contact centre calls which had increased due to Covid and the rateable value which had been reduced, due a revaluation of town centre properties.. It was noted that the sickness absence days continued to go down and that the number of apprenticeships had increased to six.

Members raised queries regarding telephone calls to Customer Services. The Head of Customer Services informed the Committee that the increase in calls received were as a consequence of Covid-19.

RESOLVED:

1.1 That the Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.

1.2 The Committee reviewed the Risk Register for the Committee's services.

FM/97 GENERAL FUND REVENUE MONITORING 2021-22

The Head of Finance presented the report to the Committee highlighting the increased deficit due to a pending pay award that was being negotiated and the areas of risk including, business rates, a new recycling contract, vacancies, planning, land charges and benefit errors.

The Members raised queries regarding the Land Charges and Business Rates risks. The Strategic Director (Corporate Resources) confirmed that business rates was an area of concern due to the potential decline in economic conditions. The Chief Executive informed the Committee that there was concern regarding the Land Charges during the transition period of transferring into different systems but assured Members that the Council had been fast tracked by the Land Registry to resolve the issues as quickly as possible and noted that Land Charges would not, in the future, be a primary function of the Council and therefore reduced the liability.

The Chair requested an update report to come back to the Committee regarding Land Charges

Councillor Richards raised queries in relation to the possible increase of pay and the national living rise.

The Strategic Director (Corporate Resources) advised the Committee that if these were increased then the Council would have to amend the medium to long term plans but noted that an increase of the national living wage could impact on all councils.

RESOLVED:

The Committee considered and approved the latest revenue financial position for 2021/22 as detailed in the report.

FM/98 HOUSING REVENUE ACCOUNT REVENUE FINANCIAL MONITORING 2021-22

The Head of Finance presented the report that had been separated out from General fund report and noted that the Housing Revenue Account could also be impacted by the potential pay rise and highlighted the risk regarding Careline.

Councillor Watson raised concern regarding the defect reported by the Fire Service and that the Council had placed tenants in unsafe properties. The Head of Finance clarified that this related to a particular set of circumstances regarding an individual and not particularly the property they were living in.

RESOLVED:

The Committee considered and approved the latest revenue financial position for 2021/22 as detailed in the report.

FM/99 COLLECTION FUND 2021-22

The Head of Finance presented the report which had been separated from General Fund report which included precept rates and parish council precepts and it was noted that the overall fund was expected to be in surplus at the end of the financial year.

RESOLVED:

The Committee considered and approved the latest Collection Fund position as detailed in the report.

FM/100 CAPITAL FINANCIAL MONITORING 2021-22

The Head of Finance presented the report to the Committee noting one overspend with the General Fund and that overall there were no concerns. The Strategic Director (Corporate Resources) informed the Committee the General Melbourne Sports Park overspend was due to contract variations.

The Chair and Councillor Richards raised queries regarding the Peartree Court Enforcement Notice that found in favour of the Council.

The Strategic Director (Service Delivery) informed the Committee that the courts found in favour of the Council regarding a claim made by the Contractor which meant that the settlement offer to the contractor would be reduced.

The Head of Legal and Democratic Services advised the Committee that it was an arbitrary claim and the amount included in the counter claim which was yet to be agreed by contractor

It was agreed that once resolved an exempt report would be brought back to the Committee.

Members enquired about the funding for the Melbourne Sports Park works and the Strategic Director (Service Delivery) confirmed that the works on the pitches would be funded from the Section 106 Agreements funding.

RESOLVED:

- 1.1 The Committee considered and approved the latest capital financial position for 2021/22 as detailed in the report.***
- 1.2 The Committee noted the balance of S106 available for use by the Council for capital projects as detailed in Appendix 2 of the report.***
- 1.3 The Committee approved an increase in the General Fund contribution to works at Melbourne Sports Park of £4,558.***

FM/101 **TREASURY MANAGEMENT UPDATE 2021-22**

The Head of Finance presented the report that gave a detailed national picture regarding Covid-19 and Brexit and how that would affect the Council. The Committee was also informed that the Council does not budget for high interest returns and that the long-term property fund investment was still achieving around 4% return.

RESOLVED:

- 1.1 The Committee considered and approved the latest Treasury Management Update for quarter 2 2021/22 as detailed in Appendix 1 of the report.***
- 1.2 The Committee approved the updated Counterparty List for investments and bank deposits as detailed in Appendix 2 of the report.***

FM/102 **COMMENTS, COMPLIMENTS COMPLAINTS & FREEDOM OF INFORMATION REQUESTS 01 APRIL 2021 TO 30 SEPTEMBER 2021**

The Strategic Director (Corporate Resources) presented the report to the Committee outlining the increased number of complaints received during the previous 6 months and the delayed response times in relation to Freedom of Information Requests.

Members raised concerns regarding the increased complaints, the decrease in compliments and the statutory response times in relation to Freedom of Information Requests.

RESOLVED:

The Committee considered and noted the comments, compliments, complaints and FOI requests, as detailed in the report.

FM/103 **SOCIAL MOBILITY – SUPPORTING ASPIRATIONS ACTION PLAN**

The Head of Economic Growth presented the report to the Committee outlining the most salient points and explained how it linked in with the South Derbyshire Partnership and focused on healthy life styles.

Members raised queries regarding apprenticeships.

The Head of Economic Growth advised the Committee that the Council was promoting apprenticeships with employers in the District and the Chief Executive explained that he had insisted that a local contractor be used in relation to the demolition of the Bison factory and that it had been confirmed that a local contractor working with Burton College had been appointed.

RESOLVED:

The Committee approved the development of a Supporting Aspirations Action Plan for South Derbyshire.

FM/104 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report to the Committee.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/105 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETINGS:

The Exempt Minutes of the Meetings held on 10th June 2021, 22nd July 2021, 3rd August 2021 and 26th August 2021 were received.

TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

The Committee was informed no questions had been received.

REGRADE OF POST – HOUSING PROJECT OFFICER (ELECTRICAL)

The Committee approved the recommendations in the report.

FUTURE SERVICE DELIVERY AND EMPLOYMENT MODELS UPDATE

The Committee approved the recommendations in the report.

HGV DRIVERS

The Committee approved the recommendations in the report.

The meeting terminated at 20:05 hours.

COUNCILLOR PEARSON

CHAIR

AUDIT SUB-COMMITTEE

8th December 2021

PRESENT:-

Labour Group

Councillor Dunn (Chair) and Councillor Shepherd (Vice Chair).

Conservative Group

Councillors Ford.

AS/24 **APOLOGIES**

The Sub-Committee was informed that an apology had been received from Councillor Atkin (Conservative Group).

AS/25 **TO RECEIVE THE OPEN MINUTES**

The Open Minutes for Sub-Committee Meetings held on 13th July 2020; 29th July 2020; 16th September 2020; 9th December 2020 and 24th March 2021 were taken as read, approved and signed by the Chair.

AS/26 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

AS/27 **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO.10**

The Sub-Committee was informed that no questions from members of the public had been received.

AS/28 **TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Sub-Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED**AS/29 INTERNAL AUDIT PROGRESS REPORT**

The Internal Auditor presented the report informing the Sub-Committee of progress during the period since the last meeting and highlighted salient points from the Audit Dashboard and noted the open recommendations and those recommendations that had exceeded the original action dates.

The Internal Auditor brought to the Sub-Committee's attention the Financial Management Standards Audit and a concern raised regarding the budget approval process which Management had explained that the process was in accordance with the Council's Constitution.

Members raised concerns regarding training of the Depot staff and staff compliance with Mandatory training.

The Strategic Director (Corporate Resources) confirmed that over the last 12 months 13 training sessions had taken place but noted that attendance was a concern and that alternative forms of training delivery were being considered, It was also confirmed that the ROSPA accreditation meant that the Council had demonstrated that training was being carried out.

The Strategic Director (Corporate Resources) shared the Sub-Committee's concern that some employees had not undertaken some mandatory training but clarified that HR would chase this up with Managers and individuals and that lapsed training would also be picked up.

RESOLVED:

The report of the Audit Manager was considered, and any issues identified referred to the Finance and Management Committee or subject to a follow-up report as appropriate.

AS/30 LOCAL CODE OF CORPORATE GOVERNANCE REVIEW

The Head of Legal and Democratic Services presented the report to the Sub-Committee and sought approval for the recommendations.

RESOLVED:

1.1 That the updated Local Code of Corporate Governance as detailed in Appendix 1 of the report was approved.

1.2 That progress regarding on-going work to maintain sound governance as detailed in the report was approved.

AS/31 DRAFT ANNUAL GOVERNANCE STATEMENT 2020-21: UPDATE

The Head of Legal and Democratic Services presented the report to the Sub-Committee and noted that the yellow highlights within the report were to be updated once the Statement of Accounts had been agreed.

RESOLVED:

That the Draft Annual Governance Statement (updated) for 2020/21 was approved for Audit.

AS/32 APPOINTMENT OF EXTERNAL AUDITOR 2023-23 TO 2027-28

The Strategic Director (Corporate Resources) presented the report to the Sub-Committee recommending that the Council opts into the national procurement process. It was noted that although there was an inherent problem within the external audit market and that the Council's Audit for 2020/21 would not be reported until March 2022 the recommendation to opt-in was still considered to be the best option for the Council.

Members raised queries regarding the risks if the Council did not opt in. The Strategic Director (Corporate Resources) advised the Sub-Committee that additional costs would likely be incurred through an independent panel and contract management if the Council was not part of the national procurement framework.

RESOLVED:-

The Sub-Committee approved that the Council opts into the national procurement framework for the appointment of its External Auditor from the financial year 2023/24 and that it be recommended to Full Council on 13 January 2022.

AS/34 DATA QUALITY & PERFORMANCE MANAGEMENT

The Strategic Director (Corporate Resources) presented the report to the Sub-Committee and sought approval for the recommendations.

RESOLVED:-

1.1 That Members noted the Data Quality and Performance Management Audit report provided at Appendix A of the report which was carried out in October 2021.

1.2 Members noted the completed Action Plan for 2020/21 following the audit undertaken in June 2019 as per Appendix B of the report.

1.3 Members approved that risk CR15 Quality of Performance Data be removed from the Corporate Risk register as all recommendations had been actioned and no further recommendations had been made following the recent audit. This was no longer considered a risk.

AS/35 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Committee Work Programme to Members.

RESOLVED:-

The Committee considered and approved the updated work programme.

AS/36 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

AS/37 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Sub-Committee was informed that no questions from Members of the Council had been received.

The Meeting terminated at 16:50 PM.

COUNCILLOR DUNN

CHAIRMAN

REPORT TO:	COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	20th JANUARY 2022	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP KAUR Ardip.Kaur@southderbyshire.gov.uk EXT. 5715	DOC:
SUBJECT:	POLITICAL PROPORTIONALITY	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Council approves and adopts the recommended allocation of seats to the Political Groups and Non-Grouped Members for the remainder of municipal year 2021/22.
- 1.3 That the Council allocates seats between the Political Groups and Non-Grouped Members as set out at Annexe 'A'.

2.0 Purpose of Report

- 2.1 Following Councillor Andrew Churchill's resignation from the Conservative Group, to consider the Council's political proportionality for the remainder of the municipal year 2021/22.

3.0 Detail

- 3.1 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government and Housing Act 1989 ("the Act") (specifically subsections (3) to (5) as modified by The Local Government (Committees and Political Groups) Regulations 1990 ("the Regs")). A Political Group is defined as being constituted by at least two Members who have advised the proper officer of the local authority in writing that they wish to be treated as a Political Group.

- 3.2 The political composition of the Council is as follows:-

• Labour Group	15
• Conservative Group	14
• Independent Group	5
• Non-Grouped	2

- 3.3 The Council is required to review the representation of the different political groups on Committees and Sub-Committees at, or as soon as practicable after, the Annual

Meeting of the Council; or where notice is received of a change in the composition of Political Groups.

3.4 The principles of determination are as follows:-

- (a) All the seats are not allocated to the same Group;
- (b) The majority of the seats go to the Group (if any) which has an overall majority on the Council;
- (c) Subject to the above two principles, that the number of seats on the total of all the ordinary Committees allocated to each Group bears the same proportion to the proportion on the Full Council.

3.5 The total number of Committee seats on the District Council for allocation is 98. After calculating the proportionality for the three Groups, and the Non-Grouped Member, this gives 41 seats to the Labour Group, 38 seats to the Conservative Group, 14 seats to the Independent Group and 5 seats to the Non-Grouped Members, as indicated on the schedule attached at Annexe 'A'.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

5.1 The rules on political balance are covered by Sections 15 and 16 of the Local Government and Housing Act 1989 and by The Local Government (Committees and Political Groups) Regulations 1990.

6.0 Community Implications

6.1 None.

7.0 Background Papers

7.1 Local Government and Housing Act 1989
The Local Government (Committees and Political Groups) Regulations 1990

Annex 'A'

Political Proportionality 2021/22

Committee	Membership	Labour Group	Conservative Group	Independent Group	Non - Grouped
Finance & Management	13	5	5	2	1
Environmental & Development Services	13	5	5	2	1
Housing & Community Services	13	5	5	2	1
Planning	13	5	5	2	1
Licensing & Appeals	15	6	6	2	1
Overview & Scrutiny	8	4	3	1	0
Standards	6	3	2	1	0
Joint Consultative	5	2	2	1	0
Etwell Leisure Centre JMC	3	2	1	0	0
Audit Sub	5	2	2	1	0
Heritage Grants Sub	4	2	2	0	0
Seats available for allocation	98	40.8 (41) 41	38.1(38) 38	13.6(14) 14	5.4(5) 5
Total number of seats on Council	36 (100%)	15 (41.7%)	14 (38.9%)	5 (13.9%)	2 (5.6%)