

7<sup>th</sup> April 2021

Dear Councillor,

**Council**

YOU ARE HEREBY SUMMONED to attend the Virtual Meeting of the **Council** to be held via Microsoft Teams, on **Thursday, 15 April 2021 at 18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:-

**Labour Group**

Councillors Bambrick, Dunn, Gee, Heath, Mulgrew, Dr. Pearson, Pegg, Rhind, Richards, Shepherd, Singh, Southerd, Mrs. Stuart, Taylor and Tilley.

**Conservative Group**

Councillor Muller (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Mrs. Bridgen, Mrs. Brown, Churchill, Corbin, Ford, Mrs. Haines, Hewlett, Mrs. Patten and Watson.

**Independent Group**

Councillors Angliss, Dawson, Fitzpatrick, MacPherson and Roberts.

**Non-Grouped**

Councillor Mrs. Wheelton.

**AGENDA**  
**Open to Public and Press**

- |           |  |                |
|-----------|--|----------------|
| <b>1</b>  | Apologies  |                |
| <b>2</b>  | To confirm the Open Minutes of the Council Meeting held on the<br><br>14th January 2021                      | <b>4 - 20</b>  |
| <b>3</b>  | To note any declarations of interest arising from any items on the<br>Agenda                                 |                |
| <b>4</b>  | To receive any announcements from the Chairman, Leader and<br>Head of Paid Service.                          |                |
| <b>5</b>  | To receive any questions by members of the public pursuant to<br>Council Procedure Rule No.10.               |                |
| <b>6</b>  | To receive any questions by Members of the Council pursuant to<br>Council procedure Rule No. 11.             |                |
| <b>7</b>  | To consider any notices of motion in order of which they have been<br>received.                              |                |
|           | In accordance with Council Procedure Rule No. 12, Councillor Mrs.<br>Wheelton will move the following motion | <b>21 - 21</b> |
|           | In accordance with Council Procedure Rule No. 12, Councillor<br>Richards will move the following motion      | <b>22 - 22</b> |
| <b>8</b>  | PAY POLICY STATEMENT 2021-2022   | <b>23 - 38</b> |
| <b>9</b>  | CONTRACT PROCEDURE RULES   | <b>39 - 59</b> |
| <b>10</b> | CYCLE OF MEETINGS 2021-22  | <b>60 - 62</b> |

- 11** To receive and consider the Open Minutes of the following Committees:
- Planning Committee 25th June 2019 **63 - 67**
- Planning Committee 16th July 2019 **68 - 72**
- 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 confirm the Exempt Minutes of the Council Meeting held on the 14th January 2021
- 18** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

MINUTES of the MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held via Microsoft Teams.  
on Thursday, 14<sup>th</sup> January 2021  
at 6.00pm

**PRESENT:**

**Conservative Group**

Councillor Muller (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Angliss, Mrs Brown, Mrs Bridgen, Churchill, Corbin, Dawson, Fitzpatrick, Ford, Mrs Haines, Hewlett, MacPherson, Mrs. Patten, Pegg, Dr. Perry, Roberts, Watson and Wheelton.

**Labour Group**

Councillors Bambrick, Dunn, Gee, Mrs Heath, Mulgrew, Dr. Pearson, Rhind, Richards, Shepherd, Singh, Southerd, Mrs. Stuart, Taylor, and Tilley.

The Chairman opened the meeting with remembrance to Les Brookes who passed away at the age of 101 years. Les Brookes had been a Labour District Councillor for Aston Ward and Chairman of the Planning Committee for many years. Council took part in a minute's silence in his memory. Councillor Southerd, Councillor Shepherd and Councillor Atkin also paid their respects to Les Brookes.

CL/62 **APOLOGIES**

Council was informed that no apologies had been received.

CL/63 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of the Council Meetings held on the 17<sup>th</sup> September 2020 (CL/22-CL/37) and 5<sup>th</sup> November 2020 (LC/40-CL59) were approved as a true record.

CL/64 **DECLARATIONS OF INTEREST**

Councillors Atkin, Mrs Patten and Bambrick declared a personal interest in relation to the motion regarding Vision Derbyshire by virtue of being County Councillors and advised they would abstain from voting.

Councillor Atkin declared a personal interest in relation to the motion regarding Infinity Garden Village and advised he would leave the Council Meeting during the discussion of the motion.

CL/65 **APPOINT THE LEADER OF THE COUNCIL FOR THE REMAINDER OF THE ENSUING YEAR**

Pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Richards was Leader of the Labour Group and Councillor Churchill was Leader of the Conservative Group.

**RESOLVED:**

***That Councillor Richards be appointed Leader of the Council for the remainder ensuing year.***

Under Rule 16.5 of the Council Procedure rules Members requested that a recorded vote be taken.

The Members who voted in favour of the resolution above were:

Councillors: Bambrick, Dunn, Gee, Heath, Mulgrew, Dr Pearson, Pegg, Rhind, Richards, Shepherd, Singh, Southerd, Mrs. Stuart, Taylor and Tilley.

The Members who voted against the above resolution were:

Councillors: Atkin, Mrs. Bridgen, Mrs. Brown, Churchill, Corbin, Ford, Mrs. Haines, Hewlett, Muller, Mrs Patten, Dr Perry, Watson, and Wheelton.

Members who abstained were:

Councillors: Angliss, Dawson, Fitzpatrick, MacPherson and Roberts.

CL/66 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council congratulated Councillor Richards as Leader of the Council. The Chairman praised the success of the South Derbyshire Advent Calendar, it had been a logistical challenge, but it received tremendous support and interest from around the District, and thanked members of staff for their input and hard work.

CL/67 **ANNOUNCEMENTS FROM THE LEADER**

The Leader paid tribute to previous the Leader, Councillor Ford and expressed thanks to Members for the confidence they placed in him by electing him as Leader of South Derbyshire District Council, a position which he felt was an honour and privilege to serve. The Leader stated he was looking forward to working with all Members and officers, for the betterment of South Derbyshire's businesses, communities and people.

CL/68 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Head of Paid Service reflected on the past week and the success of the Covid-19 testing centre at the Grove Hall, as well as other centres across the District which had helped to bring down the figures in South Derbyshire.

CL/69 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/70 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received.

CL/71 **TO CONSIDER ANY NOTICES OF MOTION IN ORDER OF WHICH THEY HAVE BEEN RECEIVED**

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

This Council notes:

- 1.3 million pensioner households nationally are missing out on pension credit benefit that they are entitled to.
- £3 billion is returned to the treasury because many pensioners are not aware or do not claim the Pension Credit, a benefit that they are entitled to.
- Pension Credits are a lifesaver for the least well-off pensioners and provide vital help with council tax and dental bills.
- Pensioners in receipt of Pension Credit are also exempt from paying their TV licence.
- The government has ceased funding over 75's TV Licences. Since August 2020 the BBC is now charging over 75's for their licence.
- For over a million of the oldest people in our country, television is their main form of company.
- This change will harm millions of older people who rely on their TV and the most vulnerable will be forced to cut back on essentials to make ends meet or lose out on TV altogether.
- Removing older people's access to TV would be an unthinkable cruel blow when many are already facing huge challenges.
- Half of all over 75s are living with a disability or an enduring illness, and many rely on their TV for companionship and entertainment and for those who don't have the internet, TV lets them stay up to date with what's happening in the world.
- Loneliness is already a problem in the UK – new figures show two thirds of people rely on the TV for company in lieu of real social interactions.
- Removing the free TV licence for Over 75s in the middle of a pandemic is particularly cruel. Many older people have been left isolated and frightened by lockdown and it is vital that they have access to the news and public health announcements.

**RESOLVED:**

***That a local public information campaign be started targeting retired and above working age residents of the District, in order to encourage them to submit eligible claims for Pension Credit and signpost them to organisations that can advise and assist."***

In accordance with Council Procedure Rule No. 12, Councillor Mrs Wheelton moved the following motion:

Following the view expressed in writing by the Secretary of State for Housing, Communities & Local Government that it would not be right at this time for local Councils other than those already agreed, to further progress or focus on ideas for reform and that there is no expectation that restructuring of local government is a Whitehall requirement.

Councillor Ford, expressed his support for Vision Derbyshire and asked Members to consider the following amendment to Councillor Mrs. Wheelton motion:

Following the views expressed in writing by the Secretary of State for Housing, Communities and Local Government, that it would not be right at this time for local councils to further progress or focus on ideas for reform when there are no immediate proposals to restructure local government. Therefore, this Council should not proceed further or commit to Vision Derbyshire for at least a period of 3 months, to allow local councils to concentrate on the current demands of Covid related issues.

**RESOLVED:**

***This Council does not proceed to engage further or commit to Vision Derbyshire.***

Under Rule 16.5 of the Council Procedure rules, Members requested that a recorded vote be taken.

Members who voted in favour of the resolution above were:

Councillors: Bambrick, Mrs. Bridgen, Mrs. Brown, Churchill, Corbin, Dunn, Gee, Mrs. Haines, Heath, Muller, Mulgrew, Dr Pearson, Pegg, Dr Perry, Rhind, Richards, Shepherd, Singh, Southerd, Mrs. Stuart, Taylor, Tilley, Watson and Mrs. Wheelton.

Members who voted against the above resolution were:

Councillors: Angliss, Dawson, Fitzpatrick, Ford, Hewlett, MacPherson and Roberts

Members who abstained were:

Councillors: Atkin and Patten

The Chairman announced that the second motion put forward by Councillor Mrs. Wheelton had been withdrawn on the basis that the Deputy Leader had resigned from his position.

The Chief Executive requested that the motion from Councillor Shepherd be taken in exempt in view of the confidential nature of the matters referred to.

The Head of Finance presented the report asking Members to approve the recommendations within the report and highlighting key areas of interest.

**RESOLVED:**

***That Members approved Council Tax Base for 2021/22 of 35,218 (equivalent Band D) properties as detailed in Appendix of the report.***

***Members approved that a Council Tax Surplus of £1,200,000 for 2020/21 be declared on the Collection Fund and that the Council's proportion of £124,054 be transferred to the General Fund in 2021/22.***

CL/73 **TO RECEIVE AND CONSIDER THE OPEN MINUTES OF THE FOLLOWING COMMITTEES**

Council received and considered the open minutes of its Committees.

**RESOLVED:**

***That the open minutes of the following Committees were approved as a true record.***

<b>Committee</b>	<b>Date</b>	<b>Minute References</b>
Planning	28 <sup>th</sup> July 2020	PL/29 – PL/44
Finance & Management	30 <sup>th</sup> July 2020	FM/32 - FM/45
Environmental & Development Services	13 <sup>th</sup> August 2020	EDS/13 – EDS/24
Housing & Community Services	20 <sup>th</sup> August 2020	HCS/14 – HCS/25
Planning	25 <sup>th</sup> August 2020	PL/47 – PL/58
Finance & Management	27 <sup>th</sup> August 2020	FM/48 – FM/58
Environmental & Development Services	15 <sup>th</sup> September 2020	EDS/28 – EDS/33
Etwall JMC	23 <sup>rd</sup> September 2020	EL/01 – EL/07
Environmental & Development Services	24 <sup>th</sup> September 2020	EDS/36 – EDS/50
Housing & Community Services	1 <sup>st</sup> October 2020	HCS/30 – HCS/39
Environmental & Development Services	12 <sup>th</sup> November 2020	EDS/53 – EDS/67
Housing & Community Services	19 <sup>th</sup> November 2020	HCS/42 – HCS/55

CL/74 **POLITICAL PROPORTIONALITY**

The Monitoring Officer presented the report asking Members to approve the number of seats allocated to each political group.

**RESOLVED:**

***Council adopted the recommended allocation of seats to the Political Groups and Non-Grouped Members for the remainder of the municipal year 2020/21.***

***Members agreed that the Council allocate seats between the Political Groups and Non-Grouped Members as set out at Annexe ‘A’ of the report.***

CL/75 **TO APPOINT MEMBERS TO SERVE ON COMMITTEES AND SUB-COMMITTEES FOR THE REMAINDER OF ENSUING THE YEAR (INCLUDING CHAIRMEN AND VICE-CHAIRMEN), IN ACCORDANCE WITH THE ALLOCATION OF SEATS AND TO APPOINT MEMBERS TO WORKING PANELS**

Members reviewed the composition of Committees and Sub-Committees for the remainder of the ensuing year.

**RESOLVED:**

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the remainder of the ensuing year, as set out at Annexe “B” to these Minutes be received and noted.***
- (2) That the appointments of Chairmen and Vice-Chairmen be approved as indicated.***

CL/76 **TO APPOINT THE SUBSTITUTE PANELS**

Members reviewed the composition of the Substitute Panels for the remainder of the ensuing year.

**RESOLVED:**

***That the nominations of Members to serve on Substitute Panels, as set out at Annexe “C” to these Minutes, be received and noted.***

CL/77 **TO APPOINT MEMBERS OR SUBMIT NOMINATIONS FOR REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

Members reviewed the composition of the Outside Bodies for the remainder of the ensuing year.

**RESOLVED:**

***That the nominations of Members to serve on Outside Bodies, as set out at Annexe “D” to these Minutes, be received and noted.***

CL/78 **TO APPOINT MEMBER CHAMPIONS**

*Council was informed no amendments were to be made.*

CL/79 **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.*

**TO CONFIRM THE EXEMPT MINUTES OF THE FOLLOWING MEETING**

*The Exempt Minutes of the Council Meeting held on the 17<sup>th</sup> September 2020 (CL/38-CL/39) and 5<sup>th</sup> November 2020 (CL/60-CL61) were approved as a true record.*

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

*Council was informed that no questions had been received.*

**BUSINESS RATE RETENTION PILOT – BUSINESS START-UP SUPPORT**

**RESOLVED:**

*Council approved the recommendation in the report.*

**EXEMPT MINUTES**

*Council received and considered the Exempt Minutes of its committees.*

**RESOLVED:**

*That the Exempt Minutes of the following Committees were approved as a true record:*

<b>Committee</b>	<b>Date</b>	<b>Minute References</b>
Planning	28 <sup>th</sup> July 2020	PL/45 – PL/46
Finance & Management	30 <sup>th</sup> July 2020	FM/46 - FM/47
Environmental & Development Services	13 <sup>th</sup> August 2020	EDS/25 – EDS/27
Housing & Community Services	20 <sup>th</sup> August 2020	HCS/26 – HCS/29
Planning	25 <sup>th</sup> August 2020	PL/47 – PL/58
Finance & Management	27 <sup>th</sup> August 2020	FM/59 – FM/65
Environmental & Development Services	15 <sup>th</sup> September 2020	EDS/34 – EDS/35

Environmental & Development Services	24 <sup>th</sup> September 2020	EDS/51 – EDS/52
Housing & Community Services	1 <sup>st</sup> October 2020	HCS/40 – HCS/41
Environmental & Development Services	12 <sup>th</sup> November 2020	EDS/68 – EDS/69
Housing & Community Services	19 <sup>th</sup> November 2020	HCS/56 – HCS/58

The meeting terminated at 20:30 hrs.

COUNCILLOR D MULLER  
CHAIRMAN OF THE DISTRICT COUNCIL

**ANNEXE B**

**COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**  
**2020/21**

**FINANCE AND MANAGEMENT COMMITTEE (13)**

**Labour Group (6)**

Councillor Dr. Pearson (Chairman), Councillor Richards (Vice-Chairman)  
Councillors Rhind, Southerd, Taylor and Tilley

**Conservative Group (4)**

Councillors Mrs. Brown, Churchill, Ford and Watson

**Independent Group (2)**

Councillors Angliss and Fitzpatrick

**ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13)**

**Labour Group (5)**

Councillor Taylor (Chairman), Councillor Dunn (Vice-Chairman)  
Councillors Mrs. Heath, Singh, and Tilley

**Conservative Group (5)**

Councillors Mrs. Brown, Corbin, Ford, Mrs. Haines and Mrs. Patten

**Independent Group (2)**

Councillors Fitzpatrick and MacPherson

**HOUSING AND COMMUNITY SERVICES COMMITTEE (13)**

**Labour Group (6)**

Councillor Rhind (Chairman), Councillor Mulgrew (Vice-Chairman)  
Councillors Mrs. Heath, Pegg, Richards and Shepherd

**Conservative Group (4)**

Councillors Atkin, Churchill, Corbin and Mrs. Haines

**Independent Group (2)**

Councillors Dawson and Roberts

**PLANNING COMMITTEE (13)**

**Labour Group (5)**

Councillor Tilley (Chairman), Councillor Southerd (Vice-Chairman)  
Councillors Gee, Dr. Pearson, and Shepherd

**Conservative Group (4)**

Councillors Mrs. Bridgen, Mrs. Brown, Muller and Watson

**Independent Group (2)**

Councillors Angliss and Dawson

**Non-Grouped (1)**

Councillor Mrs. Wheelton

**LICENSING AND APPEALS COMMITTEE (15)**

**Labour Group (6)**

Councillor Gee (Chairman)  
Councillors, Rhind, Richards, Southerd and Taylor

**Conservative Group (5)**

Councillors Mrs. Bridgen, Hewlett, Mrs. Patten, Dr Perry and Watson

**Independent Group (2)**

Councillors Angliss and MacPherson

**Non-Grouped (1)**

Councillor Mrs. Wheelton

**OVERVIEW AND SCRUTINY COMMITTEE (8)**

**Labour Group (3)**

Councillor Bambrick (Chairman) Councillor Mrs. Stuart (Vice-Chairman)  
Councillor Gee

**Conservative Group (3)**

Councillors Atkin, Hewlett and Muller

**Independent Group (1)**

Councillor Roberts

**STANDARDS COMMITTEE (6)**

**Labour Group (3)**

Councillors Dr. Pearson and Singh

**Conservative Group (2)**

Councillors Mrs. Bridgen and Mrs. Haines

**Independent Group (1)**

Councillor MacPherson

**JOINT CONSULTATIVE COMMITTEE (5)**

**Labour Group (2)**

Councillors Richards and Southerd

**Conservative Group (2)**

Councillors Ford and Muller

**Independent Group (1)**

Councillor Fitzpatrick

**ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)**

**Labour Group (1)**

Councillor Shepherd (Chairman)

**Conservative Group (1)**

Councillor Corbin

**AUDIT SUB-COMMITTEE (5)**

**Labour Group (2)**

Councillor Dunn (Chairman), Councillor Shepherd (Vice-Chairman)

**Conservative Group (2)**

Councillors Atkin and Mrs. Patten

**Non-Grouped (1)**

Councillor Mrs. Wheelton

**HERITAGE GRANTS SUB-COMMITTEE (4)**

**Labour Group (2)**

Councillors Southerd and Taylor

**Conservative Group (1)**

Councillor Hewlett

**ANNEXE C**

# SUBSTITUTE PANELS 2020/21

## FINANCE AND MANAGEMENT COMMITTEE

### Labour Group (6)

Councillors Mrs. Heath, Gee, Mulgrew, Pegg and Singh

### Conservative Group (4)

Councillors Mrs. Bridgen, Corbin, Mrs. Haines, and Mrs. Patten

### Independent Group (2)

Councillors MacPherson and Roberts

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

### Labour Group (5)

Councillors Pegg, Rhind, Richards, Shepherd and Southerd

### Conservative Group (5)

Councillors Atkin, Mrs Bridgen, Churchill, Dr. Perry, and Muller

### Independent Group (2)

Councillors Dawson and Roberts

## HOUSING AND COMMUNITY SERVICES COMMITTEE

### Labour Group (6)

Councillors Dunn, Gee, Dr. Pearson, Singh, Southerd, and Tilley

### Conservative Group (4)

Councillors Mrs. Brown, Mrs Bridgen, Ford and Watson

### Independent Group (2)

Councillors Angliss and Fitzpatrick

## PLANNING COMMITTEE

### Labour Group (5)

Councillors Dunn, Pegg, Rhind, Richards and Taylor

### Conservative Group (4)

Councillors Corbin, Mrs. Haines, Hewlett, and Mrs. Patten

### Independent Group (2)

Councillors MacPherson and Roberts

**JOINT CONSULTATIVE COMMITTEE**

**Labour Group (2)**

Councillors Rhind and Taylor

**Conservative Group (2)**

Councillors Atkin and Watson

**Independent Group (1)**

Councillor Angliss

**ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE**

**HERITAGE GRANTS SUB-COMMITTEE**

**Labour Group (2)**

Councillors Shepherd and Tilley

**Conservative Group (1)**

Councillor Brown

## Annexe D

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS  
REPRESENTATIVES OF THE COUNCIL  
ON OUTSIDE BODIES FOR 2020/21**

<b>Organisation</b>	<b>Representative(s)</b>
<b>1. Acre Lane, Shardlow Sand &amp; Gravel Site Liaison Committee</b>	Councillor P Watson
<b>2. Arts Derbyshire</b>	Councillor G Rhind
<b>3. Active Derbyshire</b>	Councillor D Pegg
<b>4. Association of Retained Council Houses Ltd. (ARCH)</b>	Councillor D Rhind Strategic Director (Service Delivery)
<b>5. Central Midlands Audit Partnership Board</b>	Councillor P Dunn Audit Sub-Committee Vice-Chairman (sub)
<b>6. Citizens Advice South Derbyshire and City (CASDAC)</b>	Councillor G Rhind
<b>7. Community Arts Project (“People Express”) Management Committee</b>	Councillor M Mulgrew
<b>8. Community Transport (Swadlincote) Management Committee</b>	Councillor N Tilley
<b>9. D2 Joint Committee For Economic Prosperity</b>	Councillor K Richards Councillor T Southerd (sub)
<b>10. Derby Airfield Consultative Committee</b>	Councillor M Ford
<b>11. Derby and Derbyshire Strategic Leadership Forum</b>	Councillor K Richards Councillor T Southerd (sub) Chief Executive Monitoring Officer (sub)
<b>12. Derby and Sandiacre Canal Trust Ltd</b>	Councillor D Shepherd
<b>13. Derbyshire Hate Crime Practitioners Network Meeting</b>	Councillor L Singh
<b>14. Derbyshire Partnership Forum</b>	Councillor K Richards
<b>15. Derbyshire Police and Crime Panel</b>	Councillor G Rhind Councillor M Mulgrew (sub)
<b>16. Donington Park Racing Circuit Liaison Committee</b>	Councillor P Watson Councillor N Atkin (sub)
<b>17. East Midlands Airport Independent Consultative Committee</b>	Councillor S Taylor Councillor M Fitzpatrick
<b>18. East Midlands Airport Liaison Committee</b>	Aston, Melbourne and Repton Ward Members

<b>19. East Midlands Arts</b>	Councillor S Taylor
<b>20. East Midlands Councils</b>	Councillor K Richards
<b>21. Elvaston Quarry Waste Disposal Site Liaison Committee</b>	Councillor P Watson
<b>22. Environmental Education Project Steering Group</b>	Councillor D Pegg
<b>23. Goseley Community Centre Committee</b>	Councillor M Gee Councillor S Taylor
<b>24. Heart of the Forest Forum</b>	Councillor S Taylor
<b>25. Hilton Harriers Mease Management Committee</b>	Councillor Mrs. J Patten
<b>26. Homestart</b>	Councillor Mrs. V Heath
<b>27. Local Government Association (London)</b>	Councillor K Richards (General Assembly) Councillor T Southerd (Rural Commission) Councillor S Taylor (Urban Commission)
<b>28. Local Government Information Unit</b>	Councillor K Richards Councillor T Southerd (sub)
<b>29. Melbourne Sporting Partnership</b>	Strategic Director (Service Delivery)
<b>30. New Albion Revised Liaison Committee</b>	Councillor S Taylor
<b>31. Parking and Traffic Regulations (outside London) Adjudication Joint Committee</b>	Councillor R Pearson
<b>32. Pingle Artificial Turf Pitch Management Group</b>	Councillor M Mulgrew
<b>33. Relate</b>	Councillor T Southerd
<b>34. Rosliston and Caldwell Village Hall Management Committee</b>	Councillor D Pegg
<b>35. Rosliston Forestry Centre Management Executive</b>	Councillor G Rhind / S Taylor
<b>36. Rosliston Forestry Community Group</b>	Councillor D Pegg
<b>37. Rural Action Derbyshire</b>	Councillor T Southerd
<b>38. Safer South Derbyshire Partnership Strategic Group</b>	Councillor K Richards Councillor G Rhind (sub)
<b>39. Shardlow Heritage Trust Council of Management</b>	Councillor N Atkin
<b>40. Sharpe's Pottery Heritage &amp; Arts Trust Ltd.</b>	Councillor S Taylor Councillor G Rhind 2 Vacancies
<b>41. Sir John Port and John Osbourne Almshouses Charitable Trust</b>	Councillor D Muller

<b>42. Social Care Forum</b>	Councillor G Rhind Councillor M Mulgrew
<b>43. South Derbyshire CVS</b>	Councillor G Rhind Councillor K Richards
<b>44. South Derbyshire Mental Health Association</b>	Councillor TBA
<b>45. South Derbyshire Music Trust Management Committee</b>	Councillor S Taylor
<i>South That the nominations of Members to serve on Substitute Panels, as set out at Annexe "C" to these Minutes, be received and noted.</i>	Councillor K Richards Councillor T Southerd Councillor A Churchill Head of Economic Development
<b>46. Derbyshire Partnership</b>	
<b>47. South Derbyshire Strategic Sports Group</b>	Councillor N Tilley Councillor R Pearson (sub)
<b>48. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee</b>	Councillor P Watson Councillor A MacPherson
<b>49. Toyota Community Liaison Committee</b>	Councillor K Richards Councillor S Taylor
<b>50. Willshee's Skip Hire Ltd Site Liaison Committee</b>	Councillor D Pegg
<b>51. Central Building Control Partnership – Partnership Advisory Board</b>	Councillor S Taylor

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

*“I propose the motion that when referring to councillors in all contexts (be that verbally or in writing), additional prefixes such as “Mrs” or academic achievements such as “Dr” are no longer used, except where requested by a councillor.”*

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

*“This Council requires the Chief Executive to undertake a feasibility study into the potential for this Council to create a wholly owned Development Company in order that we could if necessary, build homes on our land, carry out maintenance, repairs and refurbishments to our housing stock and thus reduce our reliance on outside contractors, and to present his findings at the earliest opportunity to a future meeting of the Council.”*

<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM:8</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> APRIL 2021</b>	<b>CATEGORY: (See Notes)</b> <b>RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>(STRATEGIC DIRECTOR)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN STACKHOUSE, (01283 595811)</b> <a href="mailto:kevin.stackhouse@southderbyshire.gov.uk">kevin.stackhouse@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>PAY POLICY STATEMENT 2021-2022</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: (See Notes)</b>

## **1.0 Recommendations**

1.1 That the Pay Policy Statement for the financial year 2021/2022 is approved for publication.

## **2.0 Purpose of the Report**

2.1 The Localism Act 2011 requires all local authorities to publish a Pay Policy Statement on an annual basis. Regulations require the Full Council to consider and approve the Statement for publication in accordance with the Code of Practice on Transparency in Local Government.

## **3.0 Detail**

3.1 The Pay Policy Statement (which is attached) reflects the Council's organisation structure as at 1 April 2021.

3.2 The pay multiples in Section 6 of the Statement are based on the latest pay scales. The multiple between the pay of the Council's highest paid employee and the lowest paid employee is 1:7.29 which is similar to the 2020/2021 figure of 1:7.30.

3.3 The multiple between the pay of the Council's highest paid employee and the median salary is 1:5.44 which is a decrease compared to 1:5.67 in 2020/2021. This itself was lower than the previous year.

## **4.0 Financial Implications**

4.1 There are no financial implications arising from this report.

## **5.0 Corporate Implications**

### **Employment Implications**

5.1 There are no employment implications arising from this report.

## **Legal Implications**

5.2 None directly.

## **Corporate Plan Implications**

5.3 None directly.

## **Risk Impact**

5.4 None directly.

## **6.0 Community Impact**

### **Consultation**

6.1 None directly.

### **Equality and Diversity Impact**

6.2 Equal Pay Audits are undertaken in line with the Council's pay structure. The Council's Equality, Diversity and Inclusion Action Plan will include a review of HR policies including those relating to pay.

### **Social Value Impact**

6.3 The aim of the Pay Policy is to ensure that the Council's approach to setting pay is accessible and to enable local people to take an informed view of whether local decision on all aspects of remuneration are fair and make the best use of public funds.

### **Environmental Sustainability**

6.4 None.

## **7.0 Conclusions**

7.1 The Localism Act 2011 requires the Council to have and publish annually a Pay Policy Statement on its website.

## **8.0 Background Papers**

8.1 Pay Policy Statement 2021/2022 attached.

# Pay Policy Statement 2021/2022

Organisational Development and Performance  
April 2021

## Document Control

### Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Description of Version	Effective Date
1.0	Pay Policy Statement	1 <sup>st</sup> April 2014
2.0	Pay Policy Statement 2015/2016	1 <sup>st</sup> April 2015
3.0	Pay Policy Statement 2016/2017	1 <sup>st</sup> April 2016
4.0	Pay Policy Statement 2017/2018	1 <sup>st</sup> April 2017
5.0	Pay Policy Statement 2018/2019	1 <sup>st</sup> April 2018
6.0	Pay Policy Statement 2019/2020	1 <sup>st</sup> April 2019
7.0	Pay Policy Statement 2020/2021	1 <sup>st</sup> April 2020
8.0	Pay Policy Statement	1 <sup>st</sup> April 2021

### Approvals

Approved by	Date
Full Council	TBC

### Associated Documentation

Description of Documentation	



## 1.0 **INTRODUCTION**

- 1.1 This Pay Policy Statement for 2021/2022 has been produced in accordance with the requirements of the Localism Act 2011, which requires that a Pay Policy Statement is published annually. The Council's statement takes into account the guidance provided as well as the provisions of the Act.
- 1.2 Local Authorities should include in their Pay Policy Statements information in relation to:
- The remuneration of their most senior employees.
  - The remuneration of their lowest paid employees.
  - The relationship between the remuneration of their most senior employees and that of other employees.
- 1.3 This Pay Policy Statement is also linked to the Council's Workforce Development Strategy.

## 2.0 **STATUS OF THE PAY POLICY STATEMENT**

- 2.1 The Act makes it clear that the Pay Policy Statement for each financial year must be approved by Full Council. The approved policy will be published on the Council's website.
- 2.2 The Pay Policy Statement is reviewed on an annual basis. Each new version of the policy will be approved by Full Council. This will take place at the nearest meeting of the Full Council to the 1<sup>st</sup> April each year.
- 2.3 The Pay Policy Statement can be amended during the course of a financial year with approval by Full Council.

## 3.0 **TRANSPARENCY AND AUTONOMY**

- 3.1 The Council recognises and welcomes the aims behind the requirement for a Pay Policy Statement which are to:
- Ensure that the Council's approach to pay is accessible for all.
  - Enable local people to take an informed view of whether local decisions by the Council are fair and make the best use of public funds.
- 3.2 The Council also welcomes the Government's recognition that each local authority remains an employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances and continue to deliver value for money for the community.



## 4.0 **REMUNERATION OF THE COUNCIL'S SENIOR EMPLOYEES**

4.1 The Council's senior employees are:

- Chief Executive and Head of Paid Service.
- Two posts at a Director level. These posts report to the Chief Executive. The Directors are:
  - Strategic Director – Service Delivery
  - Strategic Director - Corporate Services. (This role also undertakes the role of Chief Finance Officer (CFO) in accordance with S151 of the 1972 Local Government Act that requires the Council to make arrangements for the proper administration of its financial affairs).
- Heads of Service. These twelve posts are responsible for specific service areas and report to either a Strategic Director or the Chief Executive. The Heads of Service are:
  - Head of Planning and Strategic Housing
  - Head of Cultural and Community Services
  - Head of Operational Services
  - Head of Environmental Health
  - Head of Housing
  - Head of Finance
  - Head of Customer Services
  - Head of Business Change and ICT
  - Head of Organisational Development and Performance
  - Head of Corporate Property
  - Head of Legal and Democratic Services and Monitoring Officer
  - Head of Economic Development and Growth

4.2 For information on the Council's Monitoring Officer please see paragraph 5.11.

### **Background**

4.3 The Chief Executive and Strategic Directors are the Council's Leadership Team. These senior employees are responsible for working with elected politicians to deliver the overall strategic direction of the Council, to manage the Council's financial and other resources, to develop the scale, nature, efficiency and effectiveness of all the services provided by the Council and to provide day-to-day management of those services.



### Overall policy on the remuneration of senior posts

- 4.4 The Council's overall approach to the remuneration of its senior posts is based on:
- Compliance with equalities (including equal pay) legislation.
  - Ensuring that its overall remuneration packages align with comparable posts in local government whilst taking into account:
    - Relevant pay data from similar authorities to allow meaningful benchmarking to be undertaken.
    - The responsibility of posts and their level in the Council.
  - The trend towards slimmer senior management structures comprising posts with wider spans of responsibilities.
  - National terms and conditions of employment that apply to senior posts.
  - External professional advice provided by the Local Government Association
- 4.5 The Council will seek to maintain this overall approach by periodically monitoring pay data provided by such organisations as the Local Government Association. This period is determined by the Council. The last review of pay for the Chief Executive and Strategic Directors was completed in December 2017 and for Heads of Service in December 2018.
- 4.6 In terms of pay differentials for its senior posts, the Council recognises that:
- The role of Chief Executive and Head of Paid Service leads the Council workforce and has the greatest level of accountability. This post therefore warrants the highest level of pay in the Council.
  - The Directors report directly to the Chief Executive. These posts have a wide span of responsibility for a number of service areas and in turn have a number of managers reporting to them. These posts therefore warrant the next highest pay level below that of the Chief Executive and Head of Paid Service.

### Developing pay scales for senior posts

- 4.7 The Council has determined the pay scales for its senior posts locally. It is the Council's policy that all pay scales are approved by the Council's Finance and Management Committee. With regard to the latest review of the pay scales for senior posts the Council a Remuneration Panel was appointed consisting of Elected Members to develop and recommend, in accordance with a project brief, the relevant pay scales.
- 4.8 An independent organisation, the Local Government Association (LGA), was commissioned by the Council to advise the Remuneration Panel.



- 4.9 Part of the LGA's remit is to assist local authorities to create pay solutions. Its work also leads to the development of national conditions of service and pay scales. The LGA has access to national pay data surveys e.g. the salary and numbers surveys for the Joint National Councils for Chief Executives and for Chief Officers. Using its experience of developing pay models and pay scales the LGA identified relevant pay data which enabled the Council's pay scales for the Chief Executive's post and the Directors posts to be benchmarked against the pay scales for similar posts in comparable District Councils.
- 4.10 Based on this information recommendations were made to the Finance and Management Committee by the Remuneration Panel on the pay scales for the Council's senior posts. The current pay scales for the Council's senior posts are discussed below.

### **Remuneration of Senior Posts**

- 4.11 The pay scale for the Chief Executive and Head of Paid Service consists of five incremental points. Progression through the scale is usually on an annual basis that takes effect on 1<sup>st</sup> April each year.
- 4.12 The new, revised pay scale for the Council's Directors consists of four incremental points. Progression through the scale is usually on an annual basis that takes effect on 1<sup>st</sup> April each year.
- 4.13 The scales have a bar beyond which further progression is subject to the post holder meeting stated performance criteria.
- 4.14 Details of actual senior officer remuneration are included in the Council's Annual Statement of Accounts (Note 28)
- 4.15 The last national pay award for senior officers was in April 2020.

### **Local Government Pension Scheme (LGPS)**

- 4.16 Membership of the Local Government Pension Scheme is subject to the rules of the scheme and contribution rates are set by legislation. When individuals are already in receipt of a local government pension they are subject to the rules on abatement of pension within the scheme.

### **Pay awards**

- 4.17 The salaries of senior posts are increased in line with any national pay award agreed by either the Joint National Council for Chief Executives or the Joint National Council



for Chief Officers whichever is appropriate. Any changes are normally implemented with effect from 1<sup>st</sup> April each year.

### **Overtime, etc.**

- 4.18 There are no other additional elements of remuneration in respect of overtime, flexi-time, bank holiday working, stand-by payments paid to the above senior posts as they are expected to undertake duties outside their contractual hours and working patterns without additional payment.

### **Remuneration of Senior Employees on Recruitment**

- 4.19 The Council's practice is that any newly appointed senior officer will start at the lowest pay point in the pay range for their job, other than when the particular skills and experience of the successful candidate merit a higher starting salary.
- 4.20 In line with the Council's procedure for senior officer appointments the appointment of a Chief Executive must be approved by Full Council.

## **5.0 EMPLOYEES IN POSTS BELOW A DIRECTOR**

### **Key Principles**

- 5.1 The Council aims to provide fair and equitable remuneration arrangements which enable it to recruit, retain, motivate and develop staff with the skills and capabilities necessary to ensure the continued provision of high quality services that are cost effective and provide value for money.
- 5.2 The Council's employment policies comply with the provisions of the Equality Act 2010, which includes equal pay, and other relevant employment legislation.
- 5.3 Currently an employee's pay is based on either a pay scale, through which employees may progress until the top of the scale is reached, or a fixed salary point. In some cases progression through a grade is dependent upon specified criteria (e.g. the attainment of a required qualification). The Council's pay structure is based on the national pay spine, as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service. The national pay spine has been amended with effect from 1 April 2019 and the Council's pay structure has been amended to reflect this. This structure has been subject to Equal Pay Audits.
- 5.4 The Council reviewed its pay and grading structure for the posts below Director Level in 2018, which included undertaking a job evaluation exercise. This was carried out by an external, independent, consultant in conjunction with the recognised Trade



Unions and members of the Senior Management Team. A revised pay and grading structure, for posts below Director level was implemented with effect from 1<sup>st</sup> April 2019.

### **National Conditions of Service**

- 5.5 The employment terms and conditions of service for most of the Council's employees below Director/Chief Officer level are those of the National Joint Council (NJC) for Local Government Services as amended and/or supplemented by any local agreements with the Council. Any annual pay award is agreed by this NJC and is usually effective on 1<sup>st</sup> April each year.
- 5.6 The exception is craft employees, whose pay and conditions of service is determined by the Joint Negotiating Committee (JNC) for Local Authority Craft & Associated Employees. Pay for this group is set nationally according to trade type, i.e. it is a fixed - point salary with no incremental points. Pay awards are also negotiated nationally by this JNC and are normally effective from 1<sup>st</sup> April each year.
- 5.7 As a result of a TUPE transfers of staff, in April 2018 and January 2021, the Council also has a small number of employees on terms and conditions of employment that are outside of national conditions of service but that are protected under the terms of the TUPE regulations and existing employment law.

### **Definition of lowest paid employees**

- 5.8 The definition of the "lowest-paid employees" for the purposes of this Pay Policy Statement is those full-time employees who are paid on grade LACR03.
- 5.9 The current annual full-time equivalent value of this pay level, based on a 37-hour standard working week, is £18,273 per annum (last pay award 1<sup>st</sup> April 2020). This equates to an hourly rate of £9.47 which is above the National Living Wage of £8.91 per hour.

### **Remuneration of lowest paid employees**

- 5.10 For the purposes of this policy statement, remuneration includes the employee's basic annual salary and any allowances or other similar payments, benefits in kind, any increases or enhancements to any pension entitlement and any termination or other severance payments.

### **The Council's Monitoring Officer**

- 5.11 The role of Head of Legal and Democratic Services and Monitoring Officer includes the additional statutory responsibilities of Monitoring Officer. Remuneration for this additional responsibility is now included within the substantive grade for the post.



### **Modern Apprentices**

- 5.12 The Council offers Modern Apprenticeships in line with the national scheme. Apprentices are paid less than the Council's lowest paid employees, which reflects the particular nature of their role, together with experience and training requirements.

### **Other elements of remuneration**

- 5.13 The other elements of remuneration which it is the Council's policy to offer to its employees is set out in the table in Appendix One. The element of remuneration offered depends on the job role and any job-related requirements e.g. to have a relevant qualification or travelling in order to perform the duties of the job.

## **6.0 PAY RELATIONSHIPS**

- 6.1 The Council believes that the principle of fair pay is important to the provision of high quality and well-managed services and is committed to ensuring fairness and equity in its remuneration practices. The Council's pay policies, processes and procedures are designed to ensure that pay levels are appropriately aligned with, and properly reflect, the relative demands and responsibilities of each post, together with the knowledge, skills and capabilities necessary to ensure that the post's duties are undertaken to the required standard, as well as taking account of relevant market considerations. This includes ensuring that there is an appropriate relationship between the pay levels of its senior managers and of all other employees.

### **Pay differences - senior posts**

- 6.2 The pay differential between the senior management posts has been set following research undertaken on behalf of the Council by the LGA, an independent organisation and subsequently approved by the Council's Finance and Management Committee.

### **Pay multiples**

- 6.3 A "pay multiple" is the ratio between the highest paid salary and median average salary of the whole of the Council's workforce. On this basis, the current pay multiple is **1:5.44** (2020/21 – 1:5.67). This is based on the median basic salary for the whole workforce of £24,491 (£22,911 in 2020/21).
- 6.4 The pay multiple between the basic salary and allowances of its highest paid employee and the lowest paid employees, as defined in this statement is **1:7.29** (2020/21 – 1:7.30)

## **7.0 DECISIONS ON PAY**



- 7.1 The Council recognises the importance of ensuring openness and transparency and high standards of corporate governance, with clear lines of accountability, in its pay decision-making processes and procedures. Any pay-related decisions must be capable of public scrutiny, be able to demonstrate proper and appropriate use of public funds and ensure value for money. The arrangements adopted by the Council are designed to reflect these requirements, as well as ensuring compliance with all relevant legislation and other statutory regulation.
- 7.2 When the need arises for the Council to appoint a Chief Executive and Head of Paid Service or Director, the Council will comply with its Senior Officer Appointment Procedure for external appointments. This includes the appointment of a Recruitment and Selection Panel of Elected Members.
- 7.3 The authority to delegate the appointment to a Recruitment and Selection Panel is sought in the case of:
- Head of Paid Service: From Full Council.
  - Strategic Director: From the Finance and Management Committee.
- 7.4 The appointment of the Chief Executive (Head of Paid Service) will require a decision by Full Council.
- 7.5 Appointments below Director are made by a panel of appropriate managers.

## **8.0 AMENDMENTS TO THIS PAY POLICY STATEMENT**

- 8.1 This pay policy statement relates to the financial year 2021/2022.
- 8.2 The Council may agree any amendments to this pay policy statement during the financial year to which it relates.

## **9.0 PUBLICATION OF AND ACCESS TO INFORMATION**

- 9.1 This pay policy statement will be published on the Council's website after it has been approved by Full Council. Any subsequent amendments made during the financial year will also be similarly published.
- 9.2 For further information about this pay policy statement please contact Frank McArdle, Chief Executive (01283 595700) or email [frank.mcardle@southderbyshire.gov.uk](mailto:frank.mcardle@southderbyshire.gov.uk)



## **Appendix One**

### **OTHER PAYMENTS AND ALLOWANCES**

The Council operates a transparent pay structure that reflects the relevant duties and responsibilities of each post within the organisation. The Council also recognises that it must pay other payments and allowances to certain individuals or groups of employees to reflect their duties or to attract and/or retain employees. Any payments or allowances are open to all employees. The Council considers this to be justified on the basis that to maintain services for the Community demands a properly resourced and skilled workforce.

#### **Pay Progression**

For most posts on pay scales incremental progression through each scale will be applied on the 1<sup>st</sup> April each year. Employees with less than six months service in the scale by 1<sup>st</sup> April will be granted their first increment six months after their appointment, promotion, or re-grading. The exception would be where an employee's salary on the 1<sup>st</sup> April following, promotion or re-grading would be less than one spinal column point in excess of the salary they would have received on that day in their old Scale with the Council; in which case they shall be entitled to their first increment on the 1<sup>st</sup> April.

There are some posts that have a bar that prevents incremental progression through the Scale. To go beyond the bar the post holder must satisfy certain criteria (e.g. the attainment of specified competencies or the attainment of a required qualification).

#### **Market Supplements**

The Council recognises that pressures in the labour market can mean that pay levels for a particular type of job or profession can be such that the Council's normal pay level would not be competitive to enable it to recruit or retain an employee in that function. In that case, the Council would consider the application of a market supplement.

#### **Local Government Pension Scheme (LGPS)**

There are a number of discretions available under the Local Government Pension Scheme which is applicable to all employees. The details of these can be seen in the Council's published Policy Statement on Pensions Discretions.

These discretions were reviewed in June 2014, to take into consideration the changes in the Local Government Pension Scheme and which were approved by Finance and Management Committee on 26<sup>th</sup> June 2014.

The Council also has policies on Flexible Retirement, Redundancy, Voluntary Redundancy and Retirement on Efficient Exercise Grounds.



Employees who are members pay a contribution to the LGPS which is based on their annual full-time equivalent pensionable pay (including pensionable allowances). Contribution rates are nationally set and currently range from 5.5% and 12.5%.

The Council's contribution towards the pension scheme for the year 2021/2022 is 14.8% of an individual's pensionable pay. In addition, the Council will make a lump sum payment during the year towards the past service deficit on the current Pension Fund. This is estimated at approximately £678,000 for 2021/22.

### Payments on Termination of Employment

The Council's approach to the termination of employment of Senior Officers (and all other employees) is set out in:

- The discretions the Council has adopted under the regulations of the Local Government Pension Scheme (see above table).
- Its policies on Flexible Retirement, Redundancy, Voluntary Redundancy and Retirement on Efficient Exercise Grounds.

All payment/costs arising from the application of the above must be approved beforehand by the Council's Finance and Management Committee.

### Removal/Relocation expenses

Where employees need to move house in order to take up an appointment with the Council, the Council will reimburse their removal, legal and other associated relocation costs in accordance with its Relocation Policy. The policy requires repayment in full if the employee leaves within two years of appointment.

### Additional responsibility payments

Where employees are required to undertake additional responsibilities for a temporary period of time, they may receive an additional payment in recognition of these. This policy does not apply to Directors and above.

### Mileage payments

Specific posts identified by the Council attract a Car Allowance. These are paid in accordance with nationally agreed rates set by the NJC for Local Government Services. They are:

	451 to 999cc	1000 to 1199cc	1200 to 1450cc
<b>Essential Users</b>			
Lump sum per annum	£846	£963	£1,239
Per mile first 8,500	36.9p	40.9p	50.5p
Per mile after 8,500	13.7p	14.4p	16.4p
<b>Casual Users</b>			



Per mile first 8,500	46.9p	52.2p	65.0p
Per mile after 8,500	13.7p	14.4p	16.4p

The above rates are current at 1<sup>st</sup> April 2021 but may be subject to change during the period of this Pay Policy Statement as a result of changes made by the NJC for Local Government Services.

### Professional Subscriptions

The Council pays one professional subscription in relation to specific posts. This applies where it is a requirement of the post for the employee to be a member of a professional body and it is a payment of the annual membership only.

### Reimbursement of Subsistence or Other Expenses

In accordance with the requirements of the National Conditions of Service set by the NJC for Local Government Services, the Council makes provision for the reimbursement, up to a maximum specified limit, of approved expenses by employees. Actual expenditure only can be claimed and the current maximum amounts claimable are as follows:

Minimum time away from normal workplace or home outside of normal working hours	Maximum Allowance
5 hours	£5.00
10 hours	£10.00
15 hours (and ongoing)	£25.00

### Car Parking: Fee incurred

Certain conditions must be met for approval of reimbursement of the above expenses. The Expenses Policy was last reviewed in October 2017.

### Mobile Telephones

Mobile telephones are provided to employees when necessary for them to undertake their duties effectively and safely. The Council pays the cost of line rental, and business calls. Employees are required to pay for any personal use.



## Landline Telephones

A scheme of reimbursement applies to certain officers who are required to have a landline installed, in particular those officers who are listed in the Council's Emergency Plan.

## Election Fees

The Chief Executive receives fee payments pursuant to their appointment as Returning Officer at elections. The fees paid vary according to the type of election, the size of the electorate and the number of postal voters.

Fee payments for national, referenda and other elections are set by central government and are, in effect, not paid by the Council, as the fees are reclaimed. Separate payments are made to the Deputy Returning Officer(s) and other members of staff who work as part of the elections team and are commensurate with time spent undertaking election duties.

## Payments for Additional Working

The NJC Conditions of Service make provision for employees graded up to spinal column point 22 (currently £27,041 per annum) who undertake work outside of normal working hours, to receive appropriate overtime payments. Those above point 22 are permitted to take time off in lieu for any agreed additional hours worked.

**This provision is not available to senior officers whose Conditions of Service are determined by the JNC for Chief Executives or Chief Officers.**



<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>15<sup>th</sup> APRIL 2021</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (CORPORATE RESOURCES)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN STACKHOUSE</b> <a href="mailto:Kevin.stackhouse@south.derbyshire.gov.uk">Kevin.stackhouse@south.derbyshire.gov.uk</a>	<b>DOC:</b> H:/ks/live files/procurement/contracts/April 21/CPRs report
<b>SUBJECT:</b>	<b>CONTRACT PROCEDURE RULES</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

## **1.0 Recommendations**

- 1.1 That the updated Contract Procedure Rules as detailed in Appendix 1 are approved and adopted into Part 4 (Section 28) of the Constitution.

## **2.0 Purpose of the Report**

- 2.1 To update some changes to the current Contract Procedure Rules.

## **3.0 Executive Summary**

- 3.1 Part 4 of the Constitution details the Rules of Procedure. This includes the Council's Contract Procedure Rules. These are designed to ensure that the procurement of contracts for goods and services is undertaken legally, provides Value for Money and contributes to the Council's Corporate Plan.
- 3.2 Periodically, these Rules need to be updated. This current update has incorporated environmental aims arising from the ISO 14001 Audit in 2020. This Audit focused on the Council's Environmental Management System and its arrangements for safeguarding and improving its environmental performance.
- 3.3 The Rules have also been updated to reflect the Council's Equality, Inclusion and Diversity Strategy approved by the Council in February 2021.
- 3.4 These updates have been included to ensure that environmental performance and the Council's Duty under Equality Legislation, are considered in the evaluation of tenders and the management of contracts.
- 3.5 There have also been some minor drafting amendments regarding job titles and dates.

## **4.0 Detail**

- 4.1 The Contract Procedure Rules for approval are detailed in **Appendix 1**.

## **5.0 Financial Implications**

5.1 None.

## **6.0 Corporate Implications**

### **Employment Implications**

6.1 None.

### **Legal Implications**

6.2 None.

### **Corporate Plan Implications**

6.3 The updates contribute to the Corporate Plan 2020-2024 aims and service level plans to support “Our environment, Our people, Our Future” through procurement exercises and contract management (including key performance indicators).

### **Risk Impact**

6.4 To ensure the procurement of services and products identify the impact on the climate and environment.

## **7.0 Community Impact**

### **Consultation**

7.1 None.

### **Equality and Diversity Impact**

7.2 As per section 3.3.

### **Social Value Impact**

7.3 This is already considered in the process to some extent, although it is currently subject to review following updates to national guidance on strengthening the assessment of social value in procurement.

### **Environmental Sustainability**

7.4 The updates contribute to the Council’s priorities to tackle Climate Change by ensuring this is considered in procurement exercises and contract management, ensuring key performance indicators capture environmental data where needed.

## **8.0 Background Papers**

8.1 None



# Contract Procedure Rules

For the supply of Goods, Services and works

## PROCUREMENT

Being Economical

Buying Legally

Contributing to the Corporate Plan

Approved and Adopted in Part 4 (Section 28) of the Constitution

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# 1. Definitions

## 1.1. Definitions

For the purposes of the Rules:

1.1.1. Authorised Officers means the Chief Executive, Section 151 Officer (Strategic Director of Corporate Resources) and the Central Procurement Team (CPT).\*\*

**\*\* The Council's procurement function is provided under a Shared Service Arrangement through Derbyshire Shared Facilities Services based at Chesterfield NHS Foundation Trust**

**Contract means** an agreement which:

- i. may be oral, written, partly oral and partly written or implied from conduct between the Council and another person.
  - ii. gives rise to obligations which are enforceable or recognised by law (i.e. legally binding); and
  - iii. commits the Council to paying or doing something.
- 1.1.2. and, where the context requires, a reference to a contract means a contract to which the Rules apply, and a **“Call-off Contract”** means an order made/call-off contract entered into under a Framework Agreement.
- 1.1.3. **Designated Opening Officers** means officers designated to carry out the functions allocated to them in the Rules for the Receipt and Opening of Tenders (Section 16) including any third parties (such as consultants) approved by the Strategic Director (Corporate Resources).
- 1.1.4. **Director** means the Strategic Director (Corporate Resources).
- 1.1.5. **EU Tender** means a tender procedure, which needs to be carried out under European Union public procurement legislation. (***Although the UK has left the EU, the Treaty still applies in UK law until statute determines otherwise.***)
- 1.1.6. **Framework Agreement** means a contract with a supplier or suppliers which establishes the terms and conditions (in particular as to price) under which Call-off Contracts can be made during the length of the Framework Agreement. This includes government pre-negotiated contracts.
- 1.1.7. **person** means any individual, partnership, local authority or incorporated or unincorporated body.
- 1.1.8. **Section 151 Officer** means the Strategic Director (Corporate Resources) appointed under s151 of the Local Government Act 1972 and officers to whom the s151 Officer has delegated their functions in accordance with the relevant Scheme of Delegation; and
- 1.1.9. **Scheme of Delegation** has the meaning given to it under Rule 8 of the Contract Procedure Rules.



1.1.10. **Environmental management** is managing the environmental aspects and impacts of services, activities (including purchasing) and assets, to ensure compliance to SDDC Environmental Policy and ISO 14001 standard.

1.1.11. **Sustainability** is delivering environmental, economic and social gains.

## 2. Compliance with the Rules and Relevant Legislation

2.1. The Rules apply to all contracts for the provision of goods, services and works to the Council unless otherwise specified in the Rules. This means:

- i. **Purchase Orders** - All third-party expenditure should be covered by an official purchase order to enforce the '**No Purchase Order, No Pay**' policy throughout the Council.
- ii. **Payment Policy** – It is Council policy to settle all outstanding supplier liabilities by BACS, with the use of cheques phased out.
- iii. **Goods Receipt** – All goods, services and works covered by an official purchase order must be receipted before payment will be made against any invoices received by the Council – receipt must be made in accordance with the instructions specified in the Financial Procedure Rules, Appendix B1. Evidence of receipts should be kept by the recipient for audit purposes. All invoices received need to quote the official purchase order and be sent directly to Finance for invoice registration to ensure prompt processing. Invoices not quoting the purchase order will be returned to the supplier for clarification.

2.2. All contracts must comply with:

- i. European law; and
- ii. English law (including the Council's statutory duties and powers); and
- iii. the Rules and the Financial Procedure Rules; and
- iv. any relevant Council policies; and
- v. Any legal requirement stipulated by the Strategic Director (Corporate Resources).

2.3. All contracts must comply with the following principles of EU law:

- i. free movement of goods and services; and
- ii. non-discrimination; and
- iii. openness/transparency; and
- iv. equal treatment for all; and
- v. proportionality.

2.4. The intention and spirit of the Rules must be adhered to.



- 2.5. The Rules must be complied with by all officers of the Council and all other persons who are authorised to carry out procurement and contracting on behalf of the Council (such as the Council's agents for property services) ("**Agents**").
- 2.6. It must be a term of all contracts between the Council and its Agents that the Agents comply with the Rules. Furthermore, Agents may undertake to conduct the Procurement Procedures detailed herein and associated negotiation on behalf of the Council, however, such Agents are not authorised to enter into a binding Contract on behalf of the Council.

### 3. Contracts to which the Rules do not apply.

3.1. The Rules do not apply to:

3.1.1. Contracts which are not for the provision of goods, services or works (e.g. grants or contracts relating to land). Note, therefore, that the Rules do not apply to contracts of employment, but they do apply to consultancy contracts, which are contracts for services.

3.2. Low value purchases which may be made from procurement cards (or petty cash for exceptional circumstances) provided that they are in accordance with any operational instructions and financial limits issued by the s151 Officer.

### 4. Exemptions from the Rules

#### 4.1. Contracts with a value of £25,000 or more

4.1.1. The Strategic Director (Corporate Resources) may seek an exemption from any of the Rules from:

- i. A Committee acting under delegated powers; or
- ii. The Chief Executive acting under delegated powers along with the Leader of the Council.

4.1.2. In order to request an exemption the Strategic Director (Corporate Resources) must prepare a report setting out:

- i. the reasons why the exemption is being requested and which Rule(s) an exemption is being requested from.
- ii. the process which is intended to be followed instead.
- iii. a legal appraisal and financial appraisal from the Strategic Director (Corporate Resources)

4.1.3. An exemption will only be granted where the Committee or the Chief Executive and Leader of the Council is satisfied that the exemption is justified on its own special circumstances.

4.1.4. Staff seeking an exemption should, in the first instance, contact the Strategic Director (Corporate Resources).



## 5. Contracts to which Rules on Tendering (Rules 12-18) do not apply - General.

5.1. Competitive quotes or tenders are not required for the following:

### 5.1.1. Call-off Contracts

- i. Call-off contracts where the relevant Framework Agreement has been entered into by:
- ii. the Council in compliance with the Rules; or
- iii. another local authority, a local authority purchasing consortium or central government where the Framework Agreement has been tendered and awarded in accordance with EU public procurement legislation.

For the avoidance of doubt, Call-Off Contracts must be entered into in accordance with the terms of the Framework Agreement (e.g. selection by mini-competition) and mini-competitions under Framework Agreements must be run in accordance with CPR 2.2 and 2.3.

### 5.1.2. Emergency

- i. In cases of emergency, the Chief Executive or Strategic Director (Corporate Resources) may verbally authorise and record in writing an exemption from the Rules for goods, services or works **provided that**:
  - a. the emergency was brought about by events which were not reasonably foreseeable by, or attributable in any way to, the Council (e.g. flood); and
  - b. If the goods, services or works are not received immediately, there is a significant risk of:
    1. danger to life; or
    2. damage to property; or
    3. a major impact on the Council or its service users.
- ii. In these cases only goods, services or works necessary or appropriate to safeguard the Council's position or protect life and property can be procured before formal approval is obtained.
- iii. The Chief Executive or Strategic Director (Corporate Resources) must at the earliest be informed of the action taken in dealing with the emergency. The Strategic Director (Corporate Resources) must also submit a report to the relevant Policy Committee that details the circumstances of and justifications for granting exemptions made in accordance with this Rule.

### 5.1.3. No competitive market

- i. Proprietary or patented goods or services are proposed to be purchased which, in the opinion of the Authorised Officer, are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented goods is available: or



- ii. The Authorised Officer can demonstrate that no genuine competition can be obtained in respect of the purchase of particular goods, services or works; or
- iii. The Authorised Officer is satisfied that the works or services are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or
- iv. Goods are proposed to be purchased by or on behalf of the Council at a public auction; or
- v. Goods are proposed to be purchased which are of a specialist nature (such as antiquities for museums), provided that in all these cases (except for works which are primarily the responsibility of a utility or statutory undertaker as defined in s329 Highways Act 1980).
  - a. the Authorised Officer prepares a written statement explaining why the relevant circumstances apply and including why it is in the best interests of the Council for the contract not to be tendered and setting out the course of action proposed to be followed; and
  - b. the Authorised Officer receives written agreement from the s151 Officer and the Strategic Director (Corporate Resources) to pursue the course of action set out in the statement.
  - c. Authorised Officers, in conjunction with Legal Services, ensure that contract terms are appropriate considering all relevant factors (such as benefit and risk to the Council).

5.1.4. The exceptions in Rules 5.1.1 to 5.1.4 (inclusive) do not apply where the proposed course of action conflicts with EU public procurement legislation.

5.1.5. The rest of the Rules must still be complied with.

## **6. Contracts to which Rules on Tendering (Rules 12-18) do not apply - Service Specific.**

6.1. Competitive quotes or tenders are not required for the following:

6.1.1. For the engagement of Counsel by the Strategic Director (Corporate Services).

6.1.2. The exceptions in Rules 6.1.1 does not apply where the proposed course of action conflicts with EU public procurement legislation.

6.1.3. The rest of the Rules must still be complied with.

## **7. Register of Exemptions.**

7.1. The Central Procurement Team will maintain a register of exemptions granted under Rule 4 (exemptions from the Council/Chief Executive/Committee) and will provide a copy of this register to the s151 Officer at least every six months, and otherwise as and when requested to do so by the s151 Officer.



## 8. Schemes of Delegation

- 8.1. The Strategic Director (Corporate Resources) must ensure that he has a Scheme of Delegation identifying:
  - i. Authorised Officers; and
  - ii. the extent of Authorised Officers' delegated authority (including expenditure limits).
- 8.2. Authorised Officers may not, under any circumstances, act outside the delegated powers of the Strategic Director (Corporate Resources).
- 8.3. The Strategic Director (Corporate Resources) must ensure that all Authorised Officers receive the necessary training to be and remain conversant with the Rules.
- 8.4. The Monitoring Officer must supply to and agree with the s151 Officer their Schemes of Delegation before the start of each financial year, and on making any amendments.
- 8.5. The s151 Officer must keep a register of all Schemes of Delegation and supply a copy to the Monitoring Officer at the beginning of each financial year, and notify the Monitoring Officer of any subsequent amendments.

## 9. Tender Process and Record Keeping

- 9.1. The Central Procurement Team must keep and maintain records in respect of each contract (from the time the project begins until the point at which the contract ends) in order to demonstrate the achievement of Best Value, openness, probity and compliance with the Rules including EU law where OJEU specific Tenders are placed.
- 9.2. Council staff must inform the Central Procurement Team of all contracts (including Call-Off Contracts) to be tendered (at least eight weeks before the tender process starts and preferably, prior to the start of the Financial Year).
- 9.3. For Contracts with a value > £25,000 it is the Council staff obligation to provide the Central Procurement Team with sufficient notice of intention to contract. If the Central Procurement Team is notified with sufficient time, then the contract opportunity will be placed on the Council Website to meet Community Consultation obligations
- 9.4. All tenders must be led by the Central Procurement Team or an officer authorised by the Strategic Director (Corporate Resources).
- 9.5. Any Employee of the Council found to be in breach of these Contract Procedure Rules shall be subject to the Council's Disciplinary Process.

## 10. Establishing the Value of the Contract/Expenditure per Contract

- 10.1. The value of a contract (that is, the expenditure per contract) means the actual or estimated amount payable by the Council to the supplier for the goods, services or works (excluding VAT) over the length of the contract (e.g. a three-year contract with an option to extend for 2 years under which £20,000 is payable per annum has a value of £100,000).

- 10.2. Goods, services and works contracts must not be split into smaller contracts in order to avoid any of the Rules.
- 10.3. Framework Agreements must not be entered into for more than four (4) years (including options to extend) unless otherwise advised by the Strategic Director (Corporate Resources).
- 10.4. For contracts of an indefinite length the value must be established on the basis that the contract will last for a period of 48 months (Four Years). **See also Rule 21.1.**
- 10.5. **Aggregated Spend (Contract Aggregation)** – For contracts already in place for a service delivery, and where additional spend is identified which is not covered by the existing contract i.e. it exceeds the estimated value of the contract, then advice must be sought from the Strategic Director (Corporate Resources) or the Central Procurement Team.

## 11. Finance and Authorisation

- 11.1. Before entering into any process, which will or may result in the incurring any expenditure for the supply of goods, services or works be it capital or revenue, the Central Procurement Team must ensure that:
  - i. where it is a key decision, the requirements of Article 13 Section 13.2 of the Constitution have been complied with:
  - ii. adequate financial provision is included in the Council's approved revenue budget or capital programme (as appropriate) and that such expenditure continues to be available in accordance with the Financial Procedure Rules; and
  - iii. the provisions of the Financial Procedure Rules have been complied with (including, without limitation, FPR Section D, D2.15 to D2.22); and iv. Written authorisation has been obtained from the Section 151 Officer.
- 11.2. The Strategic Director (Corporate Resources) must be notified before officers enter into any process which:
  - i. will or may result in any transfers of staff under the Transfer of Undertakings (Protection of Employment) Regulations ("TUPE") and any of the staff are or were previously Council employees; or
  - ii. will or may result in any transfers of staff under TUPE who members of the Council's Pension Scheme are.
- 11.3. The Strategic Director (Corporate Resources) must be notified before officers enter into any process, which will or may result.
  - i. in a contract that confers exclusive possession of the Council's premises or
  - ii. in the acquisition by the Council of a property interest.

- 11.4. Where there is a corporate contract (i.e. contract for the benefit of the Council as a whole) for the supply of goods, services or works, no other contract may be used for the supply of those goods, services or works unless this has been authorised in advance in writing by the Strategic Director (Corporate Resources).

## 12. Pre-Qualification Requirements

- 12.1. The Central Procurement Team will undertake any required Pre-Qualification exercise.

## 13. Achieving value for money - Competitive Quotes and Tenders

- 13.1. For contracts worth less than £25,000, Unit Managers must take practicable steps to secure value for money through a combination of cost and quality by clearly defining the business requirement and seeking offers at the lowest cost commensurate with meeting that business requirement.
- 13.2. For contracts worth £25,000 or more, the Central Procurement Team must take practicable steps to secure value for money through a combination of cost, quality and competition. The Central Procurement Team must also comply with the requirements of Rule 17 relating to the drawing up of evaluation criteria.
- 13.3. For all contracts of £25,000 or above competitive quotations or tenders must be sought as set out in the following table:

### Goods, Services and Works

Estimated cumulative expenditure per contract	Competition Requirements
Up to £1,000 (Quotations)	Budget holders must ensure Value for Money by obtaining 3 quotations (if possible).
Between £1,000 and £25,000 (Quotations)	Heads of Service must ensure genuine competition by inviting sufficient numbers of persons (good practice indicates a minimum of 3 selected impartially) to submit written quotations for the goods, services or works required by the Council. Some degree of advertising may be required, preferably on the Source Derbyshire Portal.
£25,000 or above but less than the relevant EU directive threshold. (Tenders)	Heads of Services must refer the procurement exercise to the Central Procurement Team
Equal to or exceeding the financial thresholds stated in the relevant EU Directive	As above.

- 13.4. **Suppliers** – All proposed new suppliers must be approved by the Central Procurement Team prior to any contract or works.
- 13.5. **Local Suppliers** – The Council has a stated objective to wherever possible, try and support local business. To help achieve this objective, all tenders should advertised in the Source Derbyshire portal and involve local suppliers wherever possible. For the purposes of these CPRs a local supplier is deemed to be a supplier who pays local business rates to South Derbyshire District Council or is based within a 25-mile radius of DE11 0AH.

## 14. Tender Process to Use

- 14.1. Before progressing with a tender exercise, the decision on which process to use needs to be taken by the Central Procurement Team, after liaising with the Strategic Director (Corporate Resources)

Further guidance on each of these processes, including timescales is detailed in the **Procurement Strategy can Guidance Notes**.

Where a tender process involves subsequent dialogue with tenderers and in particular those involving competitive dialogue or a negotiated procedure, this must be led by the CPT supported by the Client Department.

- 14.2. Tenders are to ensure that sustainability is factored into all bids therefore “100% price tenders” are prohibited.

## 15. Invitations to Tender

- 15.1. The Central Procurement Team shall ensure that all invitations to tender:
- i. clearly specify the goods, services or works that are required (subject to appropriate adjustment where the competitive procedure with negotiation, competitive dialogue or innovation partnership procedure is being used);
  - ii. In the case of the Negotiated Restricted Process (i.e.: under standing orders and outside OJEU), make it clear to all tenderers that there is final stage where the top scored tenders will be invited for final interviews. At and following final interviews bidders will have the opportunity to answer the Council’s questions for clarification and to submit revised prices. This stage must be led by CPT supported by an officer of the Client Department.
  - iii. for all Tenders, list the criteria on which tenders will be evaluated (see Rule 17) showing the weighting of the various criteria. The scoring methodology will also be detailed.
  - iv. include a requirement for tenderers to declare that the tender content, price and all other figures or particulars concerning the tender have not been disclosed by the tenderer to any other party.

- v. include a requirement for tenderers to complete fully and sign all tender documents including certificates confirming that no canvassing or collusion has taken place; and
  - vi. state that the contract will be on the Council's standard terms and conditions of contract which are to be enclosed with the invitation to tender and also available on the Council's website.
- 15.2. Wherever possible, contracts must require goods, services and works to be in accordance with a specified European Standard or equivalent, or British Standard implementing a European Standard. Only if no European Standard exists should a British or other equivalent standard be stated.

## 16. Receipt of Tenders (including under Framework Agreements) and Opening of Tenders

- 16.1. Authorised Officers must comply with the Council's Procedures for Receipt and Opening of Tenders as set out below.
- 16.2. All tenders shall be received electronically via a secure e-tendering portal owned or operated on behalf of the Council.
- 16.3. All tenders received, including mini-tenders under Framework Agreements, must remain locked in a secure vault within the e-tendering portal until the specified closing date and time for receipt of tenders has passed.
- 16.4. The secure vault shall be unlocked, and all tenders released electronically, by the CPT. Electronic copies of all tender documents submitted shall remain in the portal in a secure tamperproof area.
- 16.5. An electronic audit log shall be kept within the e-tendering portal showing all actions conducted by all parties.

## 17. Evaluation Criteria and Evaluation of Tenders

- 17.1. In determining the relevant evaluation criteria on which tenders are to be assessed, Authorised Officers and relevant Council Staff must consider all factors relevant to their requirement, including environmental and social considerations, so far as this is lawful.
  - 17.1.1. All categories shall be 'weighted' to ensure price, quality, environment and social aspects are considered holistically and that sustainability of tender supports the achieving value for money (section 7). This can be done by understanding.
    - i. "whole life costing impact" of purchase (materials, manufacture, maintenance, quality and end of life) and
    - ii. Environmental management of its activities/services.
- 17.2. The evaluation process will clearly demonstrate that the Council is seeking to identify the Achieving best value tender (see Rule 13).

- 17.3. The CPT will ensure that all tenders and mini competitions are evaluated by a panel including the Council's Client Department, technical and financial officers (if appropriate) and appointed external consultants, in accordance with the evaluation criteria specified in the invitation to tender.
- 17.4. The arithmetic in compliant tenders, including mini tenders under Framework Agreements, must be checked. If arithmetical or clerical errors are found they should be notified to the tenderer, which should be requested to confirm the correct figures/wording or withdraw its tender.
- 17.5. Authorised Officers must compare submitted tender prices with any project appraisal or pre-tender estimates. All differentials must be considered. For tender prices of £25,000 or more where the differential is more than 20% above or below the project appraisal or pre-tender estimate, the reason must be determined, and this must be reported to the Strategic Director (Corporate Resources).
- 17.6. In cases as set out in Rule 17.5 for goods and services, a tender must not be accepted unless this has been authorised by the Strategic Director (Corporate Resources). For capital expenditure, authorisation of acceptance of variations must be in accordance with the FPR Section B, B2.38 of the Finance Procedure Rules.
- 17.7. Final evaluated scores will be checked by a member of the Central Procurement Team and counter checked by a member of the Finance Team and/or the Client Department to ensure accuracy.

#### **Equality, Inclusion and Diversity**

- 17.8. In making decisions to award, the Council must consciously consider the need to: eliminate discrimination, advance equality of opportunity, and foster good relations. This should be proportionate to the service or goods being procured.
- 17.9. It is an on-going obligation and therefore should be considered during pre-procurement, the procurement itself and through contract management. Where relevant, Contractors should be required (by way of inclusion of specific contract terms) to take steps to assist the Council to comply with its duty under the Equality Act 2010.
- 17.10. All contractors will be expected to comply with national equality legislation to deliver services fairly and without unlawful discrimination. The Council's Procurement Team can provide advice on the necessary questions that are required to be raised with all contractors within the tender documents and how the responses should be evaluated.



## 18. Award of Contracts

- 18.1. Contracts may only be awarded by the Council if there has been full compliance with the Rules and the Financial Procedure Rules.
- 18.2. Tenders may be evaluated and recommended for acceptance by the following officers:

Cumulative value of contract	Acceptance by
Tender not exceeding £25,000	Head of Service
Above £25,000	Strategic Director

- 18.3. No tender can be accepted, or contract awarded unless this is on the basis of the evaluation criteria sent out with the invitation to tender.
- 18.4. Successful and unsuccessful tenderers (and, for EU Tenders, and those persons who expressed an interest in the contract) must be notified of the award of the contract for which they have submitted a tender. This notification letter must be in a form approved by the Central Procurement Team.
- 18.5. Where there has been an EU Tender, and in such other circumstances as the Strategic Director (Corporate Resources) may advise, the award of the contract must be subject to the legally required standstill period to enable unsuccessful bidders to challenge the award prior to completion of the contract (see Rule 20.1). Where there is a court challenge prior to completion of the contract then the contract must not be completed without the authorisation of the Strategic Director (Corporate Resources).
- 18.6. Where a key decision was required to authorise the entering into of the procurement process under Rule 11, the contract must not be awarded unless that decision has been complied with (for example, a new decision may be required prior to award or if any of the risk factors have changed).
- 18.7. Where a key decision was not required to authorise the entering into of the procurement process under Rule 11 but due to the price of the winning bid it has become a key decision, the requirements of Article 13 Section 13.2 of the Constitution must be complied with before the contract is awarded.

## 19. Signing and Sealing of Contracts

### 19.1. Contracts, which are not call-off Contracts

- 19.1.1. Where there has been an EU Tender, and in such other circumstances as the Strategic Director (Corporate Resources) may advise, the contract must not be entered into with the successful tenderer unless and until the mandatory standstill period has elapsed without a challenge from an unsuccessful tenderer (see also 18.5).
- 19.1.2. Contracts shall be drawn up with support of the legal team.

- 19.1.3. Heads of Service with delegated powers must sign contracts up to £25,000 in value (see Rule 8).
- 19.1.4. Save as set out in Rule 20.1.1, two authorised officers of the Council must sign all contracts which are worth £25,000 or more in value. For the purposes of contract signing authorised officers are Chief Executive and Strategic Directors. For the avoidance of doubt, no elected or co-opted Member of the Council may sign any contract for or on behalf of the Council
- 19.1.5. *Any contract requiring the additional limitation of 12 years rather than the 6 years for court proceedings in the event of default must be sealed as a deed by the Strategic Director (Corporate Resources). This is particularly relevant to construction contracts in the case of latent defects.*

## 19.2. Call-off Contracts

- 19.2.1. *Council Framework Agreement with no new terms:* Where a Call-off Contract is entered into under a Framework Agreement which has been set up by the Council and no new terms are being introduced (e.g. under a mini-competition), the Call-Off Contract does not have to be signed or sealed (unless required in accordance with the terms of the Framework Agreement) BUT the Call-off Contract must be authorised as set out in Rule 11 and under the Financial Scheme of Delegation and approved by the Central Procurement Team.
- 19.2.2. *Council Framework Agreement with new terms:* Where a Call-Off Contract is entered into under a Framework Agreement which has been set up by the Council and new terms have been introduced (e.g. following a mini-competition), the Call-Off Contract must be signed or sealed as set out in 19.1.1 to 19.1.3 (inclusive) unless otherwise agreed by the Strategic Director (Corporate Resources).
- 19.2.3. *Third Party Framework Agreements:* Where a Call-off Contract is entered into under a Framework Agreement which has been set up by a third party, the Call-Off Contract must be signed or sealed as set out in 18.1.2 to 18.1.3 (inclusive) unless otherwise agreed by the Strategic Director (Corporate Resources)

## 20. Commencement of Contracts

- 20.1. No supply of goods, services or works must commence until all contract documentation is duly completed (see Rule 19), except:
  - 20.1.1. In cases of emergency falling under Rule 5.3, in which case the contract must be completed at the earliest opportunity.
  - 20.1.2. Where otherwise approved by the Strategic Director (Corporate Resources)

## 21. Terms and Conditions of Contracts

- 21.1. Terms and conditions shall be drawn up with support of the legal team.
- 21.2. Terms and conditions for all contracts for goods, services and works with a value of £25,000 or more (and preferably all other contracts, particularly consultancy contracts)



must be in accordance with the Council's standard terms and conditions prepared or approved by the Strategic Director (Corporate Resources), unless otherwise agreed by the Strategic Director (Corporate Resources).

- 21.3. All contracts with a value of £25,000 or more must include a clause empowering the Council to terminate the contract for corruption and to recover from the supplier the amount of any loss resulting from such termination in a form approved by the Strategic Director (Corporate Resources).

#### **21.4. Key Performance Indicators**

- 21.4.1. ensure that relevant corporate and service level plan objectives are included in the Terms and Conditions and applicable reportable timeframes for data is in place to be sent back to the contract manager at the council.

## **22. Variations, Extensions and Renewals of Contracts**

- 22.1. Where an Authorised Officer wishes to exercise an option in a contract to extend that contract, this must be referred to the Central Procurement Team and Legal Services for advice.
- 22.2. Where an Authorised Officer wishes to re-negotiate the price payable under a contract, vary the contract materially or extend/renew a contract where there is no option to extend it in the contract, this must be referred to Legal Services and the Central Procurement Team before negotiations are entered into as there may be a new contract in these circumstances to which the Rules must be applied.
- 22.3. In determining whether to vary, extend or renew a contract, a full value for money assessment should be undertaken to determine the best option at that particular time. An option to extend a contract should not be automatically invoked without some justification. Consultation should be undertaken as appropriate with Finance and Procurement.

## **23. Contract Management**

### **23.1. Environmental and Health and Safety Management**

23.1.1. Shall have in place (as per tender and/or quotation).

- i. Health and Safety Management System.
- ii. Environmental Management System or confirmation to adhere to the Council's STEMS system (ISO 14001)
- iii. Quality Management system (as required)

A Contract maybe audited to ensure compliance to these systems to ensure compliance for undertaking

- 23.1.2. The contractor is responsible for supervising their own staff and for ensuring that they work safely. The Councils role is to ensure that they fulfil these obligations and that the contractor appointed is competent to undertake the task. Copies of the below should be available to request.



- i. Copies of competencies of all staff shall be retained by the contractor but maybe called on
- ii. RAMS (Risk Assessments and Method Statements) including COSHH assessments

23.1.3. Before commencing works on behalf of the Council, a Contractor induction shall be completed as per STEMS-10

### **23.2. Contract Delivery**

The client or commissioning Department is responsible for the proper monitoring of contracts and third parties in accordance with the terms and conditions and any performance targets. Besides the qualitative aspects, this should also include financial performance to ensure that budgets and contractual amounts are not exceeded. This should be undertaken within the Council's Budget Monitoring Framework.

### **23.3. Contract Meetings**

Contractual performance should be reviewed on a regular basis and although this could vary depending on the nature and operation of each Contract, this should be undertaken on at least an annual basis.

## **24. Non-compliance with the rules**

- 24.1. Any non-compliance with any of the Rules must be notified to the Strategic Director (Corporate Resources) (as s151 Officer)
- 24.2. If non-compliance has given rise to or is likely to give rise to illegality or maladministration, the Strategic Director (Corporate Resources) (as s151 Officer) will notify the Monitoring Officer or in the event of a conflict of interest, the Chief Executive.
- 24.3. If the Rules are not complied with, this will not invalidate any contract entered into by or on behalf of the Council, except where European or English law provides to the contrary.

## **25. Seeking advise**

Officers requiring advice on procurement practice and EU requirements should contact the Central Procurement Team at: [procurement@south-derbys.gov.uk](mailto:procurement@south-derbys.gov.uk)

Officers requiring contracts, terms and conditions or legal advice should contact Legal Services.



## 26. Associated Documentation

Description of Documentation	
Corporate Plan	2020-24
Procurement Strategy and Framework	2020-2024
SDDC – General Terms and Conditions for contact	Version: June 2019
Environment Management System	STEMS-01
Procedure forms	<ul style="list-style-type: none"> <li>• Pre-procurement analysis for contracts</li> <li>• Procurement checklist for tender exercises</li> <li>• Tender report</li> <li>• New supplier form</li> <li>• Permission to setup new supplier form</li> <li>• Quotation waiver form</li> <li>• Exemption from the Tendering Rules</li> </ul>
Guidance	<ul style="list-style-type: none"> <li>• Selling to the council – a practical guide</li> <li>• Purchase order conditions</li> </ul>

## 27. Version Control

Version	Changes	Date
1	Full review of procedures	May 2017
2	Update on procedures following Senior Management Restructure	June 2018
3	Update to include environmental aims following ISO 14001 audit and supporting update to Environmental Policy 2021. In addition, version reflects the new Equality, Inclusion and Diversity Strategy 2020 to 2024.	April 2021

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REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	15 <sup>th</sup> APRIL 2021	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR (ext.5715) <a href="mailto:ardip.kaur@southderbyshire.gov.uk">ardip.kaur@southderbyshire.gov.uk</a>	DOC:
SUBJECT:	CYCLE OF MEETINGS 2021/22	REF:
WARD(S) AFFECTED:	ALL	

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### **1.0 Recommendations**

1.1 That the cycle of Meetings for 2021/22 be approved.

### **2.0 Purpose of Report/Detail**

2.1 To consider the cycle of Meetings for 2021/22 attached at **Appendix A**.

### **3.0 Financial Implications**

3.1 None.

### **4.0 Corporate Implications**

4.1 None.

### **5.0 Community Implications**

5.1 None.

### **6.0 Background Papers**

6.1 None.

## COMMITTEE AND COUNCIL MEETINGS 2021/22

Committee	Day	Date
<b>ANNUAL COUNCIL</b>	<b>Thursday</b>	<b>13.05.21</b>
<b>CIVIC COUNCIL</b>	<b>Thursday</b>	<b>20.05.21</b>
Environmental & Development Services	Thursday	27.05.21
Planning	Tuesday	01.06.21
Housing & Community Services	Thursday	03.06.21
Finance & Management	Thursday	10.06.21
Overview & Scrutiny	Wednesday	16.06.21
Planning	Tuesday	22.06.21
<b>COUNCIL</b>	<b>Thursday</b>	<b>24.06.21</b>
Audit Sub-Committee (Special)	Monday	28.06.21
Etwall JMC	Wednesday	07.07.21
Planning	Tuesday	13.07.21
Finance and Management (Special)	Thursday	22.07.21
Planning	Tuesday	03.08.21
Environmental & Development Services	Thursday	12.08.21
Housing & Community Services	Thursday	19.08.21
Planning	Tuesday	24.08.21
Finance & Management	Thursday	26.08.21
Overview & Scrutiny	Wednesday	01.09.21
Audit Sub-Committee	Wednesday	08.09.21
Planning	Tuesday	14.09.21
<b>COUNCIL</b>	<b>Thursday</b>	<b>16.09.21</b>
Etwall JMC	Wednesday	22.09.21
Environmental & Development Services	Thursday	23.09.21
Housing & Community Services	Thursday	30.09.21
Planning	Tuesday	05.10.21
Finance & Management	Thursday	07.10.21
Overview & Scrutiny	Wednesday	13.10.21
Audit Sub-Committee (Special)	Wednesday	20.10.21
Finance & Management (Special)	Thursday	21.10.21
Planning	Tuesday	26.10.21
<b>COUNCIL</b>	<b>Thursday</b>	<b>04.11.21</b>
Environmental & Development Services	Thursday	11.11.21
Planning	Tuesday	16.11.21
Housing & Community Services	Thursday	18.11.21
Overview & Scrutiny	Wednesday	24.11.21
Finance & Management	Thursday	25.11.21
Planning	Tuesday	07.12.21
Audit Sub-Committee	Wednesday	08.12.21
Environmental & Development Services (Special - Budget)	Monday	03.01.22
Housing & Community Services (Special – Budget)	Tuesday	04.01.22
Etwall JMC	Wednesday	05.01.22
Finance & Management (Special – Budget)	Thursday	06.01.22

## COMMITTEE AND COUNCIL MEETINGS 2021/22

Planning	Tuesday	11.01.22
Overview & Scrutiny	Wednesday	12.01.22
<b>COUNCIL</b>	<b>Thursday</b>	<b>13.01.22</b>
Environmental & Development Services	Thursday	20.01.22
Housing & Community Services	Thursday	27.01.22
Planning	Tuesday	01.02.22
Overview & Scrutiny	Wednesday	09.02.22
Finance & Management	Thursday	10.02.22
Planning	Tuesday	22.02.22
<b>COUNCIL</b>	<b>Wednesday</b>	<b>23.02.22</b>
Environmental & Development Services	Thursday	03.03.22
Housing & Community Services	Thursday	10.03.22
Planning	Tuesday	15.03.22
Audit Sub-Committee	Wednesday	16.03.22
Finance & Management	Thursday	17.03.22
Overview & Scrutiny	Wednesday	30.03.22
Planning	Tuesday	05.04.22
Etwall JMC	Wednesday	06.04.21
<b>COUNCIL</b>	<b>Thursday</b>	<b>14.04.21</b>
Housing & Community Services	Tuesday	19.04.22
Environmental & Development Services	Wednesday	20.04.22
Planning	Tuesday	26.04.22
Finance & Management	Thursday	28.04.22
<b>ANNUAL COUNCIL</b>	<b>Thursday</b>	<b>12.05.22</b>
<b>CIVIC COUNCIL</b>	<b>Thursday</b>	<b>19.05.22</b>

PLANNING COMMITTEE

25<sup>th</sup> June 2019

PRESENT:-

**Conservative Group**

Councillor Mrs Brown (Chairman), Councillors Angliss, Brady, Mrs Bridgen (Vice-Chairman), Ford, Muller, Watson and Mrs. Wheelton.

**Labour Group**

Councillors Dunn (substituting for Councillor Tilley), Gee, Dr. Pearson, Shepherd, Southerd.

PL/26 **APOLOGIES**

Apologies for absence were received from Councillor Tilley (Labour Group).

PL/27 **DECLARATIONS OF INTEREST**

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

PL/28 **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.

**MATTERS DELEGATED TO COMMITTEE**

PL/29 **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 them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/30 **CHANGE OF USE OF PART OF AGRICULTURAL Paddock FOR THE EXERCISING OF DOGS ALONG WITH THE ERECTION OF BUILDINGS FOR BOARDING KENNELS AND ASSOCIATED STORAGE AND THE CREATION OF A PARKING AREA ON LAND ADJACENT TO GREENACRE BENT LANE CHURCH BROUGHTON DERBY**

The Planning Delivery Team Leader outlined the application, updating the Committee on amendments received for a revised scheme and fresh

information provided recently. Members were informed that the information provided on noise was not sufficient.

Councillor Watson proposed the application be deferred.

**RESOLVED:-**

***That planning permission be deferred to allow for the updating of the noise report.***

PL/31 **THE VARIATION OF CONDITION 2 OF PLANNING PERMISSION REF. 9/2015/0992 (RELATING TO DEVELOPMENT THE ERECTION OF 38 DWELLINGS, ACCESS AND ASSOCIATED INFRASTRUCTURE) ON LAND AT SK2919 4487 YARD CLOSE SWADLINCOTE**

The Planning Delivery Team Leader outlined the application, updating the Committee on comments from local services and explained that changes in the conditions of works had been carried out in accordance with permission.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the amendments.***

PL/32 **CONTINUED USE OF FORMER SUBSTATION LAND AS RESIDENTIAL GARDEN (USE CLASS C3) AND THE ERECTION OF A DETACHED GARAGE AT 65 GEORGE STREET CHURCH GRESLEY SWADLINCOTE**

The Planning Delivery Team Leader outlined the application, advising the Committee on all aspects of the plan including the amendments.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the amendments.***

Councillors Patten and Billings left the meeting at 6.06 pm.

PL/33 **THE VARIATION OF CONDITION 4 OF PLANNING PERMISSION REF. 9/2013/0759 (RELATING TO THE DEVELOPMENT OF A F.A. COMPLIANT 7V7 ARTIFICIAL TURF PITCH WITH ASSOCIATED FENCING, FLOODLIGHTING AND ACCESS PATHWAY) AT MELBOURNE SPORTS PAVILION COCKSHUT LANE MELBOURNE DERBY**

The Planning Delivery Team Leader outlined the application, updating the Committee on the amendment requesting an extra two hours of lighting at the site and that no complaints had been received relating to the lighting.

A member of the public attended the meeting to speak in support of the application.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/34 **THE REPLACEMENT OF MODERN ROOF WITH GLASS ROOF AT 15 POTTER STREET MELBOURNE DERBY**

The Planning Delivery Team Leader outlined the application and advised Members due to Councillor Hewlett, no objections had been received from Conservation.

Proposer Councillor Watson  
Seconder Councillor Muller

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/35 **LISTED BUILDING CONSENT FOR THE REORDERING OF THE GROUND FLOOR LAYOUT OF THE REAR RANGES TO RELOCATE KITCHEN AND THE REPLACEMENT OF THE REAR LINK TILED ROOF WITH A GLASS ROOF AT 15 POTTER STREET MELBOURNE DERBY**

The Planning Delivery Team Leader outlined the application, updating the Committee on the content.

Proposer Councillor Watson  
Seconder Councillor Muller

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/36 **THE PRUNING OF A SYCAMORE AND YEW TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 131 AT 28 WILLOW PARK WAY ASTON ON TRENT DERBY**

The Planning Delivery Team Leader outlined the application, updating the Committee that these works are desirable for the continuing maintenance and safety in the area.

Proposer Councillor Dunn  
Seconded

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/37 **PLANNING AND OTHER APPEALS**

The Committee was informed of the following appeals and decisions.

Appeal reference APP/TPO/F1040/7065 Land to the rear of 45 – 49 Manchester Lane, Hartshorne, Swadlincote  
The Appeal is allowed and consent is granted.

As a consequence of the Appeal decision, the Planning Delivery Team Leader will review the status of the Tree Preservation Order and bring to Committee.

PL/38 **TREE PRESERVATION ORDER 505: THE LAWNS, 82 MAIN STREET, ETWALL**

The Planning Delivery Team Leader explained how the Tree Preservation Order would assist with the management of trees.

***RESOLVED:-***

***That this tree preservation order should be confirmed without modification. The Tree Preservation Order to be reviewed following the completion of the necessary works.***

PL/39 **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 6.20 pm.

COUNCILLOR MRS L BROWN

CHAIRMAN

PLANNING COMMITTEE

16<sup>th</sup> July 2019

**PRESENT:-**

**Conservative Group**

Councillor Mrs Brown (Chairman), Councillors Angliss, Mrs Bridgen (Vice-Chairman), Dawson (substituting for Councillor Brady), Ford, Muller, Watson and Mrs. Wheelton.

**Labour Group**

Councillors Gee, Dr. Pearson, Shepherd, Southerd, Tilley.

**In Attendance**

Councillor Billings.  
Councillor Patten.

PL/40 **APOLOGIES**

Apologies for absence were received from Councillor Brady (Conservative Group).

PL/41 **DECLARATIONS OF INTEREST**

Councillor Ford declared a pecuniary interest to Item PL/50 on the Agenda by virtue of being Chairman of the Derbyshire County Council Planning Committee.

PL/42 **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.

**MATTERS DELEGATED TO COMMITTEE**

PL/43 **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 them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/44 **APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF OUTLINE PERMISSION REF. 9/2017/1293 ON LAND AT SK2430 7995 DERBY ROAD HILTON DERBY**

The Planning Delivery Team Leader outlined the application, updating the Committee on amendments including a revised drawing schedule.

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

The Planning Delivery Team Leader addressed the Committee in response to the Speaker's comments, explaining that the landscape buffer would be dealt with under condition 3 and the tree retention policy was fully referenced within the outline planning permission.

Councillor Patten informed the Committee that this was a good application and was pleased to hear the parking issues had been addressed but raised concerns regarding the width of the hedges, the speed limit and pedestrian crossing.

The Head of the Planning and Strategic Housing informed Members that the Section 106 Traffic Regulation Order assumes the speed and the requirement for a crossing, which was yet to be determined. The Head of Planning and Strategic Housing added that there are advantages in protecting the hedgerows, to which the width will be beneficial.

Members raised queries regarding garages on site and the Head of Planning and Strategic Housing explained confirmed that some garages were integral which could be removed but parking was not included on the Neighbourhood Plan.

Councillor Ford expressed concern about the loss of trees encouraging a boost in tree planting and to preserve hedgerows.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), with the addition of 2 conditions requiring a noise assessment and the removal of PD rights on plots with integral garages.***

PL/45 **THE ERECTION OF A LIGHT INDUSTRIAL AND STORAGE/DISTRIBUTION UNIT (USE CLASSES B1(C) AND B8) ON LAND AT SK2828 2357 THE CASTLE WAY WILLINGTON DERBY**

The Planning Delivery Team Leader outlined the application updating the Committee of changes to the previous application.

Members raised concerns regarding the application and considered it to be different from what had been approved previously and therefore, requested that the decision be deferred to allow for a site visit to be undertaken by Members.

**RESOLVED:-**

***That planning permission be deferred pending a site visit***

PL/46

**CHANGE OF USE FROM OFFICE (USE CLASS B1) TO SPORTS THERAPY (USE CLASS D1) AT EAST MIDLANDS CHAMBER GEORGE HOLMES BUSINESS CENTRE GEORGE HOLMES WAY SWADLINCOTE**

The Planning Delivery Team Leader outlined the application to Members.

Councillor Watson felt that the application would promote good health in the area. Councillor Tilley added that he was very pleased that this would be a business to improve health but raised concerns regarding parking facilities.

The Planning Delivery Team Leader confirmed that two areas had been identified for dedicated car parking.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/47

**THE ERECTION OF A REPLACEMENT DWELLING WITH DETACHED GARAGE AND ASSOCIATED WORKS AT 2 TOWER FARM SWARKESTONE ROAD WESTON ON TRENT DERBY**

The Planning Delivery Team Leader outlined the application to the Committee and informed Members of the site visit that had been undertaken.

Councillor Muller welcomed the designs as they would greatly improve the site.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/48

**THE ERECTION OF A FIRST FLOOR EXTENSION AT 15 VICARAGE WALK ROSLISTON SWADLINCOTE**

The Planning Delivery Team Leader presented the application, updating the Committee on all amendments.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/49

**APPLICATION TO MODIFY THE SECOND SCHEDULE 'AFFORDABLE HOUSING' OF THE SECTION 106 AGREEMENT FOR THE SITE DATED THE 7TH SEPTEMBER 2007 RELATED TO PERMISSION REF. 9/2006/0885 AT THE FORMER CALDER ALUMINIUM WORKS REPTON ROAD WILLINGTON DERBY**

The Planning Delivery Team Leader outlined the modification of the application in relation to affordable housing.

The Head of Planning and Strategic Housing advised Members the homes would be too small and therefore, it would be preferable to get a sum commuted to be spent on better sites.

Councillor Watson raised concern that the sum to be commuted was not yet known.

**RESOLVED:-**

***That planning permission be deferred to enable the outcome of negotiation to be reported to the Committee***

PL/50

**CONSTRUCTION OF AN ALL-PURPOSE SINGLE CARRIAGEWAY ROAD WITH VERGES, CYCLEWAYS AND FOOTWAYS ALONG WITH THREE NEW ROUNDABOUTS AND ASSOCIATED INFRASTRUCTURE AND THE PARTIAL DEMOLITION OF WOODHOUSE BUSINESS CENTRE (WOODVILLE REGENERATION ROUTE PHASE 2) (DERBYSHIRE COUNTY COUNCIL REF. CD9/0519/20) AFFECTING DERBY ROAD, SWADLINCOTE ROAD, WOODHOUSE STREET AND KILN WAY AND ACROSS LAND AT THE FORMER DYSON SITE OCCUPATION LANE WOODVILLE SWADLINCOTE**

The Planning Delivery Team Leader outlined the application, updating the Committee on amendments.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the amendments to conditions relating to percolation test results, roofing materials and bin storage.***

PL/51 **THE ERECTION OF A PAIR OF SEMI-DETACHED HOUSES AND THE FORMATION OF A VEHICULAR ACCESS TO ADJACENT LAND ON LAND ADJACENT TO 29 PENKRIDGE ROAD CHURCH GRESLEY SWADLINCOTE**

The Planning Delivery Team Leader outlined the application, updating the Committee on amendments.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the amendments to conditions relating to percolation test results, roofing materials and bin storage.***

PL/52 **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 7.45 pm.

COUNCILLOR MRS L BROWN

CHAIRMAN