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12<sup>th</sup> May 2021

Dear Councillor,

**Council**

YOU ARE HEREBY SUMMONED to attend the Annual Meeting of the **Council** to be held at the Grove Hall, Greenbank Leisure Centre, Civic Way, Swadlincote, DE11 0AD, on **Thursday, 20 May 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, Pearson, Pegg, Rhind, Richards, Shepherd, Singh, Southerd, Stuart, Taylor and Tilley.

**Conservative Group**

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

**Independent Group**

Councillors Angliss, Dawson, Fitzpatrick, MacPherson and Roberts.

**Non-Grouped**

Councillor Wheelton.

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

- 1** Apologies.
- 2** To report the election of the following Members to the District Council.

Church Gresley Ward - Roger Redfern;

Hilton Ward - Gillian Lemmon and Peter Smith;

Seales Ward - Simon Ackroyd.

- 3** To confirm the Open Minutes of Meetings of the Council held on:

14th January 2021	<b>5 - 21</b>
24th February 2021	<b>22 - 30</b>
1st March 2021	<b>31 - 33</b>

- 4** To receive any declarations of interest arising from any items on the Agenda
- 5** To appoint the Leader of the Council for the ensuing year.
- 6** To appoint the Deputy Leader of the Council for the ensuing year.
- 7** To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 8** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 9** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.

<b>10</b>	To consider any Notices of Motion in order of which they have been received.	
<b>11</b>	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2020-21	<b>34 - 43</b>
<b>12</b>	CYCLE OF MEETINGS 2021-22	<b>44 - 46</b>
<b>13</b>	OVERVIEW AND SCRUTINY – INTERNAL AUDIT REVIEW	<b>47 - 60</b>
<b>14</b>	MEMBERS ALLOWANCES SCHEME	<b>61 - 62</b>
<b>15</b>	POLITICAL PROPORTIONALITY	<b>63 - 65</b>
<b>16</b>	To appoint Members to serve on Committees and Sub-Committees for the ensuing year (including Chairmen and Vice-Chairmen), in accordance with the allocation of seats to Groups and to appoint Members to Working Panels.	
<b>17</b>	To appoint the Substitute Panels.	
<b>18</b>	To appoint or submit nominations for representatives to serve on Outside Bodies.	
<b>19</b>	To appoint Member Champions.	

**20** To appoint the Chairmen of the following Area Forums:

Etwell Area Forum;

Linton Area Forum;

Melbourne Area Forum;

Newhall Area Forum;

Repton Area Forum;

Swadlincote Area Forum.

**Exclusion of the Public and Press:**

**21** 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.

**22** To confirm the Exempt Minutes of the Meetings of the Council held on

14th January 2021

24th February 2021

**23** 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><i>Organisation</i></b>	<b><i>Representative(s)</i></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> <b>46. Derbyshire Partnership</b>	Councillor K Richards Councillor T Southerd Councillor A Churchill Head of Economic Development
<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

MINUTES of the MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held via Microsoft Teams  
on Wednesday, 24<sup>th</sup> February 2021  
at 6.00pm

**PRESENT:**

**Labour Group**

Councillors Bambrick, Dunn, Gee, Mrs. 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 and Watson.

**Independent Group**

Councillors Angliss, Dawson, Fitzpatrick, MacPherson and Roberts.

**Non-Grouped**

Councillor Mrs. Wheelton.

CL/84 **APOLOGIES**

Council was informed that apologies had been received from Councillor Mrs. Patten and Councillor Dr. Perry.

CL/85 **DECLARATIONS OF INTEREST**

On behalf of all Members, the Chairman declared a pecuniary interest in relation to Item CL/97, Council Tax Setting 2021/22, in accordance with Clause 14(4)(vi) of the Members' Code of Conduct.

CL/86 **APPOINT THE DEPUTY LEADER OF THE COUNCIL FOR THE REMAINDER OF THE MUNICIPAL YEAR**

The Council appointed Councillor Trevor Southerd as the Deputy Leader of the Council for the remainder of the Municipal Year.

The Council appointed Councillor Mrs Lisa Brown as Deputy Leader of the Opposition Group for the remainder of the Municipal Year.

CL/87 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman informed Council of the sad loss of Councillor Mrs Patten's husband and requested that on behalf of Members and all the staff at South Derbyshire District Council condolences would be sent to Councillor Mrs Patten and her family at a very sad time.

CL/88     **ANNOUNCEMENTS FROM THE LEADER**

The Leader reiterated the Chairman's wish for a letter of condolence to be sent to Councillor Mrs Patten following the family bereavement.

The Leader conveyed thanks to all staff involved in the response to Storm Christopher earlier in the year and to the CVS for their contributions in the community. The Leader informed Members he had attended Area Forum meetings and congratulated the Chairs and Officers in managing these meetings in a virtual setting. The Leader had also visited Covid-19 test centres manned by the NHS, volunteers and the Armed Forces. The Leader noted the sad news of the death of Captain Sir Tom Moore.

On behalf of the Conservative Group, Councillor Churchill welcomed the proposal to send a letter of condolence to Councillor Mrs Patten and family.

On behalf of the Independent Group, Councillor Fitzpatrick offered condolences to Councillor Mrs Patten and her family on the sad loss of her husband.

CL/89     **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive announced the resignation of Councillor Dr Jane Perry with immediate effect which would necessitate a by-election. The Chief Executive would arrange a letter of condolence to be sent to Councillor Mrs Patten on behalf of all Members.

The Chief Executive advised Members that Wards, the sub-contractor for waste recycling, had gone into liquidation and thanked Council staff for their quick action in covering the activities of the sub-contractor and ensuring all services continued.

The Chief Executive announced that a letter had been signed by all Chief Executives across the country requesting the government to consider a continuation of virtual meetings with effect from 6<sup>th</sup> May. The response was an active consideration.

The Chief Executive announced that Elections would take place on Thursday, 6<sup>th</sup> May and that he had delegated responsibility of Returning Officer to the Council's Head of Legal and Democratic Services who had served as Deputy Returning Officer with full powers in past elections.

CL/90     **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/91     **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received.

**CL/92     ANNUAL AUDIT LETTER FOR YEAR ENDING 31 MARCH 2020**

The External Auditor presented the report to Members setting out the findings of the Audit with special reference to the restrictions that the Covid 19 pandemic had imposed whilst conducting the Audit. The External Auditor wished to pass thanks to the Strategic Director (Corporate Services) and the team for working with the Auditors to make the Audit a success.

**RESOLVED:**

***Council considered and approved the Annual Audit Letter for 2019/20.***

**CL/93     EQUALITY, DIVERSITY AND INCLUSION STRATEGY AND ACTION PLAN 2021-2025**

The Head of Organisational Development and Performance introduced the new strategy to Members highlighting the numerous sources of data gathered by the internal working group that informed the key priorities in the report. The Head of Organisational Development and Performance thanked residents and all those that had provided feedback. Officers that had worked on the programme were also thanked for their exceptional efforts.

Members noted an excellent report and raised questions regarding the availability of information to residents without internet access; details of supporting groups for those who needed help with access to the housing register or universal credit and how young people can be engaged. Members were informed that several forums and groups were operating locally and nationally to provide support to residents with internet access. The Strategic Director (Service Delivery) advised Members that a Tenant Engagement Strategy which included internet access had been put out to consultation and the results would be reported to the Housing and Community Services Committee in the near future.

The Chief Executive informed Members that the Council was driving forward with the engagement of young people via a Youth Parliament and that local Primary School children would be invited to the Chamber.

**RESOLVED:**

- 1.1 Council approved the Equalities, Diversity and Inclusion Strategy and Action Plan for 2021-2025 as detailed in Appendix A of the report.***
- 1.2 Council endorsed Member Champions supporting and monitoring performance against the approved Equality, Diversity, and Inclusion Action plan.***
- 1.3 Council agreed that an annual report be presented to Full Council on the progress and outcomes that would be achieved and any changes or developments to the approved action plan.***

- 1.4 Council acknowledged the support provided by voluntary, community and faith-based groups, partners who worked with the Council in delivering services and individuals whose responses and support during the extensive period of consultation had enabled the completion of the Equality, Diversity and Inclusion Strategy and Action Plan for 2021-2025.**

CL/94 **COUNCIL TAX REDUCTION SCHEME REGULATIONS 2021**

The Strategic Director (Corporate Resources) presented the report informing Members that the scheme had been recommended by the Finance and Management Committee with no changes proposed to the existing scheme for the next financial year.

**RESOLVED:**

- 1.1 Council agreed that, Under Section 10 of the Local Government Finance Act 2012, a Local Council Tax Support Scheme for South Derbyshire be adopted for the financial year commencing 1 April 2021.**
- 1.2 Council agreed that regulations be approved and cited as the Council Tax Reduction Scheme Regulations (South Derbyshire District Council Local Scheme 2021) and come into force on 25 February 2021.**
- 1.3 Council agreed that these regulations amend the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013, as amended, set out in the Schedule to those Regulations for the purposes of paragraph 4 of Schedule 1A to the Local Government Finance Act 1992, by:**
- Continuing the insertion of Section 18a Class G: exempt persons who are not pensioners.**
  - Continuing the insertion of Section 18b Class H: persons who are not pensioners.**
  - Continuing the amendment to Regulation 32 to vary the maximum entitlement in prescribed cases, i.e. to give effect to the designation of war pensioners and the disabled as protected groups (in addition to pensioners under the Prescribed Requirements) and to reduce benefit entitlement in non-protected groups by 8.5% for persons on passported benefit and by 10% in all other cases.**
  - Continuing the amendment to Schedule 8 (20) to ensure the disregard of war pensions, to include other payments made under the Armed Forces Compensation Scheme.**

- ***Continuing the insertion at Part 12 Chapter 6 the provision to increase the period of extended payments (as defined in the Regulations) from 4 to 8 weeks.***

***1.4 Council agreed that the amounts of pensions, tax credits, income related and non-income related welfare benefits and allowances, component parts, applicable amounts, premiums, and deductions be uprated in accordance with the 2013 Regulations in 1.3 above as set out in Housing Benefit Circular HB A01/2021***

CL/95 **TREASURY MANAGEMENT STRATEGY AND PRUDENTIAL INDICATORS 2021-22**

The Head of Finance presented the report to the Members highlighting the key points.

**RESOLVED:**

- 1.1 Council approved the Treasury Management Strategy for 2021/22.***
- 1.2 Council approved the Prudential Indicators and Limits for 2021/22 to 2025/26.***
- 1.3 Council approved the Investment Policy for 2021/22 including the associated counterparty (lending) list.***

CL/96 **ANNUAL REPORT OF THE SECTION 151 OFFICER**

The Chief Finance Officer presented the report to the Members highlighting key points about the Council's budget situation. The Chief Finance Officer informed Council that the Housing and Community Committee would continue to review the Housing Revenue Account which was in a sustainable position. Members were advised that there were no issues with Treasury Management but there could be future pressures on Capital Management. The Chief Finance Officer added that the General Fund was reported as positive however the Fair Funding Review to be announced later in the year could affect the Council's income.

**RESOLVED:**

- 1.1 Council considered and noted the Annual Report of the Section 151 Officer.***
- 1.2 Council agreed that it would pay due regard to the Annual Report when approving the Budget for 2021/22 and when considering future proposals for new spending and the utilisation of resources.***
- 1.3 Council agreed that no new spending commitments were to be added to the Base Budget and Medium-Term Financial Plan approved by the Finance and Management Committee on 11 February 2021, pending the outcome of the Government's Fair Funding Review.***

**1.4 The Council agreed that the Medium-Term Financial Plan be reviewed and updated following details emerging from the Government's Fair Funding Review expected in autumn 2021.**

CL/97 **COUNCIL TAX SETTING 2021-22**

The Leader addressed Members and referred to the Finance and Management Committee held on 11<sup>th</sup> February 2021 which had reviewed several options for increasing Council Tax and its recommendation was for an increase of 1%. The Leader highlighted the Council's healthy financial position and acknowledged the difficult times for both residents and businesses due to the pandemic. The Leader The proposed increase of a 1% increase in Council Tax ensures that no cuts will be made to services in 2021-22. The Leader commended the Chief Executive and his staff for providing the services throughout the year.

Councillors Dr Pearson, Pegg and Southerd supported the Leader and the recommendation.

Councillor Fitzpatrick proposed an amendment of a Council Tax Setting change from 1% to a 1.5% increase to provide support to the most disadvantaged in the community, to protect services and to make a good financial decision.

The Monitoring Officer informed Members that any amendments to the resolutions would require an amended report to be ratified by Full Council.

**RESOLVED:**

***Council rejected the formal Council Tax resolutions for 2021/22 as per Appendix 1 of the report and agreed that a report should be brought back to Council to consider an increase of 1.5%.***

As required by the Council's Procedure Rules a recorded vote was taken:

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

Councillors Atkin, Angliss, Mrs Bridgen, Mrs Brown, Churchill, Corbin, Dawson, Fitzpatrick, Ford, Mrs Haines, Hewlett, MacPherson, Muller, Roberts, Watson and Mrs Wheelton

The Members who voted against the above resolution were:

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

CL/98 **TO RECEIVE AND CONSIDER THE OPEN MINUTES OF THE FOLLOWING AREA FORUMS**

<b>Committee / Area Forum</b>	<b>Date</b>
Linton Area Forum	21 <sup>st</sup> January 2020
Newhall Area Forum	22 <sup>nd</sup> January 2020
Etwall Area Forum	28 <sup>th</sup> January 2020

Swadlincote Area Forum	29 <sup>th</sup> January 2020
Melbourne Area Forum	6 <sup>th</sup> February 2020
Repton Area Forum	11 <sup>th</sup> February 2020

**RESOLVED:**

***That the above Area Forum open minutes were received and approved as a true record.***

CL/99

**TO REVIEW THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES, AND WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Members reviewed the composition of Committees, Sub-Committees and Working Panels for the remainder of the municipal year.

**RESOLVED:**

***Council approved the following changes to its Committees:***

**Finance and Management Committee**

***Councillor Tilley to be replaced by Councillor Pegg. Councillor Pegg to replace Councillor Richards as Vice-Chairman of the Committee.***

**Housing and Community Services**

***Councillor Pegg to be replaced by Councillor Tilley.***

**Planning Committee**

***Councillor Shepherd to replace Councillor Southerd as Vice-Chairman of the Committee.***

**Environmental and Development Services Committee**

***Councillor Heath to replace Councillor Dunn as Vice-Chairman of the Committee.***

**Audit Sub-Committee**

***Councillor Hewlett to replace Councillor Mrs. Patten.***

CL/100

**TO REVIEW THE COMPOSITION OF SUBSTITUTE PANELS**

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

**RESOLVED:**

***Council approved the following changes to its Sub-Committees:***

**Finance and Management Committee**

***Councillor Tilley to replace Councillor Pegg.***

***Housing and Community Services***

***Councillor Pegg to replace Councillor Tilley.***

**CL/101 TO REVIEW REPRESENTATION ON OUTSIDE BODIES**

Members reviewed the representation on Outside Bodies.

**RESOLVED:**

***Council approved changes to its representation on Outside Bodies:***

***Citizens Advice South Derbyshire and City (CASDAC)***

***Councillor Shepherd to replace Councillor Rhind.***

***Sharpe's Pottery Heritage & Arts Trust Ltd***

***Councillor Taylor to become the representative.***

**CL/102 TO REVIEW OF REPRESENTATION OF MEMBER CHAMPIONS**

Members reviewed the Representation of Member Champions.

**RESOLVED:**

***Council approved the following amendments to Member Champions.***

***Design (Planning)***

***Councillor Tilley***

***Environment, Waste & Recycling***

***Councillor Taylor***

***Equality & Diversity***

***Councillor Singh***

***Health & Wellbeing***

***Councillor Bambrick***

***Historic Environment***

***Councillor Southerd***

**Performance & Data Quality**

***Councillor Dr. Pearson***

**Risk Management**

***Councillor Taylor***

**Safeguarding**

***Councillor Pegg***

**Voluntary Sector**

***Councillor Rhind***

CL/103 **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.***

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

Council was informed that no questions had been received.

The meeting terminated at 20:25 hours.

COUNCILLOR D MULLER  
CHAIRMAN OF THE DISTRICT COUNCIL

MINUTES of the MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held via Microsoft Teams  
on Monday, 1<sup>st</sup> March 2021  
at 6.00pm

**PRESENT:**

**Labour Group**

Councillors Bambrick, Dunn, Gee, Mrs. 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, Dr. Perry and Watson.

**Independent Group**

Councillors Angliss, Dawson, Fitzpatrick, MacPherson and Roberts.

**Non-Grouped**

Councillor Mrs. Wheelton.

CL/105 **APOLOGIES**

Council was informed that apologies had been received from Councillor Mrs. Patten.

CL/106 **DECLARATIONS OF INTEREST**

On behalf of all Members, the Chairman declared a pecuniary interest in relation to Item CL/112, Council Tax Setting 2020/21, in accordance with Clause 14(4)(vi) of the Members' Code of Conduct.

CL/107 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council informed Members that he had no announcements to make.

CL/108 **ANNOUNCEMENTS FROM THE LEADER**

The Leader of the Council informed Members that he had no announcements to make.

CL/109 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Head of Paid Service announced confirmation of an investment from the MEG Group of circa £50million for a Lidl water bottling plant at Dove Valley Park,

which would supply the whole of the UK and Ireland and employ about 200 people.

CL/110 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/111 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received.

CL/112 **COUNCIL TAX SETTING 2021-22**

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

The Leader of the Council and Leaders of the opposition groups informed Council they had nothing further to add following the debate at the Council Meeting held on 24<sup>th</sup> February 2021.

**RESOLVED:**

***Council approved the formal Council Tax resolutions for 2021/22 as per Appendix 1 of the report.***

As required by the Council's Procedure Rules a recorded vote was taken:

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

Councillors Atkin, Angliss, Mrs Bridgen, Mrs Brown, Churchill, Corbin, Dawson, Fitzpatrick, Ford, Mrs Haines, Hewlett, MacPherson, Muller, Roberts, Watson and Wheelton.

The Members who voted against the above resolution were:

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

CL/113 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:**

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

***paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.***

CL/114 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

Council was informed that no questions had been received.

The meeting terminated at 18:15 hours.

COUNCILLOR D MULLER  
CHAIRMAN OF THE DISTRICT COUNCIL

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REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	20 <sup>th</sup> MAY 2021	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 59 5848/5722 <a href="mailto:democraticservices@southderbyshire.gov.uk">democraticservices@southderbyshire.gov.uk</a>	DOC:
SUBJECT:	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2020/21	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: N/A

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#### **1.0 Recommendation**

- 1.1 That Council receives the Annual Report of the Overview and Scrutiny Committee for 2020/21.

#### **2.0 Purpose of Report**

- 2.1 To submit the Annual Report of the Overview and Scrutiny Committee for 2020.21.

#### **3.0 Detail**

- 3.1 A copy of the Overview and Scrutiny Committee's Annual Report for 2020/21 is attached at Annexe A.

#### **4.0 Financial / Corporate / Community Implications**

- 4.1 None.

#### **5.0 Background Papers**

- 5.1 Annual Report 2020/21.

# **Overview and Scrutiny Committee Annual Report 2020/21**



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#### 1. Background

- 1.1 Purpose of the report
- 1.2 Composition of the Overview and Scrutiny Committee
- 1.3 Main Purposes of Overview and Scrutiny Committee
- 1.4 Functions of Overview and Scrutiny Committee
- 1.5 Meetings
- 1.6 Call-In of Policy Committee Decisions
- 1.7 Member Requests

#### 2. Specific Areas of Activity and Achievements

- 2.1 The Annual Report
- 2.2 Setting the Committee Work Programme

#### 3. Challenges for 2021/22

## **Acknowledgements**

I am pleased to present this year's Overview and Scrutiny Annual Report, which contains information about the Committee's activity over the past year.

It has been a demanding year for the Council which continues to face challenges in delivering services to the residents of South Derbyshire. The Overview and Scrutiny Committee has been tasked with analysing and monitoring services in order to provide constructive feedback to increase efficiency as well as, where possible, reduce costs.

This Annual Report demonstrates the wide range of issues that have been considered within the scrutiny process and providing committee members the opportunity to select areas to review. It has also been noted that the Overview and Scrutiny Committee's interest in a number of work programme areas has inspired action aimed at improving key services elsewhere in the Council's democratic structure.

The Overview and Scrutiny Committee recognises and appreciates the valuable contributions that Elected Members, Officers and representatives of organisations have made towards its work, and acknowledges that without this support and co-operation, it could not fulfil its aim to improve services for the benefit of South Derbyshire residents.

Councillor Sean Bambrick  
Chair of the Overview & Scrutiny Committee

## **1. Background**

### **1.1 Purpose of the Report**

This is the Annual Report to Council from Overview and Scrutiny, as required by Article 6 of the Council's Constitution.

Overview and Scrutiny plays an important part in local government decision-making and is a principal way of achieving open, democratic accountability for the provision of public services. The aim of Overview and Scrutiny is to improve public services and quality of life for local residents. Its main value is in holding the Council and other service providers to account, monitoring performance and in its capacity to inform and influence the actions of the Council and its partners. Overview and Scrutiny is a legal requirement, introduced by the Local Government Act 2000, extended in later legislation, and consolidated in the Localism Act of 2011. Overview and Scrutiny allows Councillors to examine, question and evaluate various functions of the Council and other providers of public services on behalf of the public in an open and effective way.

The report outlines how the Overview and Scrutiny Committee has discharged its functions during the municipal year 2020/21 and details the current position and outcomes of its activities.

### **1.2 Composition of Overview and Scrutiny Committee**

From May 2020 until January 2021 the Committee consisted of eight Members: five Members of the Conservative Group and three Members of the Labour Group, in accordance with the political balance of the Council.

*For the period of May 2020 to July 2020, the following Members were appointed to the Committee:*

#### **Conservative Group**

Councillor Hewlett (Chair), Councillor Brady (Vice-Chair), Councillor Atkin, Councillor Corbin and Councillor Dawson

#### **Labour Group**

Councillor Bambrick, Councillor Gee and Councillor Stuart

*For the period of July 2020 to January 2021, the following Members were appointed to the Committee:*

#### **Conservative Group**

Councillor Hewlett (Chair), Councillor Roberts (Vice-Chair), Councillor Atkin, Councillor Brady and Councillor Corbin

#### **Labour Group**

Councillor Bambrick, Councillor Gee and Councillor Stuart

From January 2021 until May 2021 the Committee consisted of eight Members: three Members of the Labour Group, three Members of the Conservative Group, one Member of the Independent Group and one vacancy in accordance with the political balance of the Council.

*For the period of January 2021 to May 2021, the following Members were appointed to the Committee:*

### **Labour Group**

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

### **Conservative Group**

Councillor Atkin, Councillor Hewlett and Councillor Muller

### **Independent Group**

Councillor Roberts

## **1.3 Main Purposes of Overview and Scrutiny Committee**

The main purposes of the Committee are as follows:

- (a) Write reports and/or make recommendations to Council, Policy Committees or Area Forums in connection with the formulation of policy and the discharge of any functions.
- (b) Consider any matter affecting the District or its residents.
- (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- (d) Exercise the Call-In procedure in respect of decisions made, but not yet implemented, by any Policy Committee or Area Forum.
- (e) Oversee the appropriate processes and report findings to the relevant Policy Committee.

## **1.4 Functions of Overview and Scrutiny Committee**

- (a) Holding the Council and its statutory partners to account in the public interest, enabling transparent and effective decision-making. This includes the power to 'call-in' a decision made by any policy committee that has not yet been implemented. (See 1.6)
- (b) Supporting effective policies and initiatives, which have a beneficial impact on the community through policy review and development.

- (c) Contributing to continuous improvement in services through monitoring quarterly departmental performance reports and the implementation of improvement plans.
- (d) Having a positive impact on the work and outcomes of external agencies and providers of public services.
- (e) Aiding Councillors in engaging with their communities and playing the role of community representatives and leaders.

## **1.5 Meetings**

The Overview and Scrutiny Committee usually meets every six weeks, on Wednesday evenings at the Council's Civic Offices. In order to engage on a more direct level with residents, meetings can also be taken out into the community. Meetings are held in Open session unless there are Exempt items for consideration by the Committee. Additional task groups can be set-up to undertake work on the Committee's behalf, which usually happens when there is a need to review a topic in greater depth.

## **1.6 Call-In of Policy Committee Decisions**

The Overview and Scrutiny Committee has the power to determine 'call-in' requests of any policy committee decision made but not implemented. During the year 2020/21 the Committee was not required to deal with any 'called in' decisions or requests from Policy Committees for specific investigations.

## **1.7 Member Requests**

Any Member of the Council is able to request an item, relevant to the functions of the Committee, to be included in the Work Programme for review. During the 2020/21 municipal year the Chair and Members requested that Procurement be added to the Work Programme.

# **2. Specific Areas of Activity**

## **2.1 The Annual Report**

In May 2021, the Chair and Vice-Chair considered the draft Annual Report for the 2020/21 municipal year, which looks at each of the priorities in turn and provides an overview of some of the outcomes achieved by the Committee and how it has discharged its function throughout the year.

## **2.2 Setting the Committee Work Programme**

Due to Covid 19 in October 2020 the Committee outlined suggestions and agreed possible issues to form the basis of its Work Programme during the remainder of the municipal year. Members considered a range of potential areas for the Committee to review and the specific focus of their attention.

The key areas identified were:

- (a) Regulation of Investigatory Powers Act (RIPA) 2000
- (b) The Budget 21/22
- (c) Procurement
- (d) Vision Derbyshire
- (e) Update on Cycling Provision
- (f) Drs Surgery Provision in South Derbyshire
- (g) Covid-19 Impact on Universal Credit and Council Tax
- (h) Update on Tourism and Regeneration

*A short summary of the Committee's work during the year is set out below.*

**(a) Regulation of Investigatory Powers Act 2000 (RIPA)**

The Committee has a standing function to monitor the Council's use of Regulation of Investigatory Powers (RIPA) on a quarterly basis, following the Council's Inspection by the Office of Surveillance Commissioners. The Committee noted the Council's use of Regulation of Investigatory Powers Act 2000 Policy and Guidance during the municipal year 2020/21

**(b) The Budget 20/21**

The Committee has a responsibility to assist the Finance and Management Committee to review the budget proposals. The Committee considered the Budgets the General Fund and Housing Revenue Accounts at a meeting in February 2021. The Committee supported budget and policy development..

**(c) Procurement**

Following the annual scrutiny of the Council's Budget proposals for 2020/21 and its medium-term spending plans to 2025 in January, the Committee agreed to review the current arrangements for Procurement across the Council. In particular, to review the business case for current service provision, together with an overview of regulations and procedures governing procurement activity across the Council.

The Strategic Director (Corporate Resources) delivered an overview of the report highlighting the support services provided by Derbyshire Support and Facilities Services Limited and set out the business case as to why the Council agreed to go into a Shared Service arrangement for procurement. The Committee noted the report and proposed any additional work within the scope of the review.

**(d) Vision Derbyshire**

In response to the central Government drive towards unitary councils the Committee was asked to review and consider the Programme towards collaborative working with other local authorities across Derbyshire. The Committee noted the report and

recommended that the Leader and Chief Executive continued involvement with the Vision Derbyshire process but that no commitment be made at that time. Vision Derbyshire was referred to Full Council in January 2021 where the decision was made that South Derbyshire District Council should no longer pursue the formal collaborative working programme of Vision Derbyshire.

**(e) Update on Cycling Provision**

The Committee was updated on completed cycle routes and reviewed the proposed cycle routes. The Committee was informed how key cycle network routes would be linked with Staffordshire and Leicestershire to connect to the national network. The Planning Policy Officer confirmed that the Woodville Regeneration programme would be completed in summer 2021. The Committee welcomed the updated report.

**(f) Drs Surgery Provision in South Derbyshire**

An NHS representative, Clive Newman, delivered a presentation to the Committee regarding how General Practice had responded to the Covid-19 pandemic. Members raised questions about local surgeries and the processes for replacing and extending services in South Derbyshire. Members were informed that a process for Section 106 funding had been developed. NHS representative agreed that contact details would be made available to all Members to enable local concerns to be raised information regarding the complaint's procedure would be provided.

**(g) Covid-19 Impact on Universal Credit and Council Tax**

At a meeting in March 2020 the Strategic Director (Corporate resources) provided a briefing to the Committee about the impact of Universal Credit and the recovery of Council Tax during the Covid-19 pandemic. The Committee considered the position regarding the impact of Universal Credit and Council Tax recovery and provided feedback to inform policy and service improvement.

**(h) Update on Tourism and Regeneration**

The Chief Executive delivered a verbal update to Committee at a meeting in March 2020. The Committee noted that regeneration had not slowed during the pandemic and supported the work carried out by the Council to be ready for future tourism following the Pandemic. The Committee was reassured regarding grants offered to small businesses during Covid-19 as well as the support available to encourage employment opportunities going forward.

**3 Challenges for 2021-22**

- To build on, and update, the achievements of Overview & Scrutiny.
- To ensure that Overview and Scrutiny continues to make a positive contribution to the development of policy and the continuous improvement of the Council's operations.
- To continue to ensure the Overview and Scrutiny work programme reflects concerns of service users, community and the public.

- To continue to ensure Overview and Scrutiny works with the community and key partners to respond to local concerns.
- To continue to ensure that the work of Overview and Scrutiny has a positive effect on decision-makers and provides evidence that it has made a real difference.
- To ensure Overview and Scrutiny takes a more active, appropriate role in respect of the work of the Policy Committees and their decisions.
- To balance the focus of the Overview and Scrutiny Committee both inward on existing and proposed Council services, and outward to other areas of the community and partner organisations.
- To build on the existing scoping procedure to make it more robust, to ensure the original scope is used as a point of reference for each work programme item and a tool to measure progress and the value being added by the committee as it completes its work.

Chair, Vice-Chair and Members of the Overview and Scrutiny Committee  
May 2021

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REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 12
DATE OF MEETING:	20 <sup>th</sup> MAY 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, in accordance with Council Procedure Rule No. 1.1 (g) of the Council's Constitution, the cycle of Council and Committee meetings for 2021/22 (**Appendix A** to this report) be approved.

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

- 2.1 To consider the cycle of Council and Committee 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)	Tuesday	04.01.22
Etwall JMC	Wednesday	05.01.22
Housing & Community Services (Special – Budget)	Thursday	06.01.22
Planning	Tuesday	11.01.22
Overview & Scrutiny	Wednesday	12.01.22

## COMMITTEE AND COUNCIL MEETINGS 2021/22

Finance & Management (Special – Budget)	Thursday	13.01.22
<b>COUNCIL</b>	Thursday	20.01.22
Environmental & Development Services	Tuesday	25.01.22
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>

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REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 13
DATE OF MEETING:	20 <sup>th</sup> MAY 2021	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP KAUR <a href="mailto:Ardip.Kaur@southderbyshire.gov.uk">Ardip.Kaur@southderbyshire.gov.uk</a> EXT. 5715	DOC:
SUBJECT:	OVERVIEW AND SCRUTINY – INTERNAL AUDIT REVIEW	REF:
WARD(S) AFFECTED:	ALL	

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## 1.0 Recommendations

- 1.1 That Council considers the report at **Appendix 1**.
- 1.2 That Council considers the 'Conclusions' and 'Suggested Actions' outlined in the report at **Appendix 1**.

## 2.0 Purpose of Report

- 2.1 To advise Council of the outcome of the audit carried out by Central Midlands Audit Partnership (CMAP) regarding the function and work of the Council's Overview and Scrutiny Committee.

## 3.0 Detail

- 3.1 As part of the Council's Internal Audit Plan for 2020/21, a review of the function and work of the Council's Overview and Scrutiny Committee was undertaken to consider to what degree the Committee is being effective in "improving public services and quality of life for local residents".
- 3.2 The audit was scoped and based on four objectives which captured the principles set out in "The Good Scrutiny Guide" (published by the Centre for Public Scrutiny in June 2019).
- 3.3 The four principles were as follows:
  - Provide constructive "critical friend" challenge
  - Amplify the voices and concerns of the public
  - Be led by independent people who take responsibility for their role
  - Drive improvement in public services.
- 3.4 The work undertaken involved the review of Overview and Scrutiny Committee minutes, and documents that were available in the public domain on the Council's

Committee Management Information System (CMIS). The audit compared their content against the four principles, mentioned above, in order that the Council could consider and make an informed decision about whether it should choose to continue with its current overview and scrutiny arrangements.

#### **4.0 Financial Implications**

4.1 None.

#### **5.0 Corporate Implications**

5.1 The Localism Act in 2011 (the 'Act') brought change and permitted all Councils in England to govern with a committee system. The Act also removed the obligation for Councils using the committee system to have an Overview & Scrutiny Committee.

#### **6.0 Community Implications**

6.1 None.

#### **7.0 Background Papers**

7.1 Localism Act 2011



# South Derbyshire DC – Overview & Scrutiny

Final Audit Report

## Our Vision

To bring about improvements in the control, governance and risk management arrangements of our Partners by providing cost effective, high quality internal audit services.

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# 1 Executive Summary

## 1.1 Scope of Audit

- 1.1.1 This audit focused on the function and work of the Council's Overview & Scrutiny Committee and sought to provide assurance that its function and work reflected the principles set out in "*The Good Scrutiny Guide*" published by the Centre for Public Scrutiny in June 2019.

## 1.2 Background

- 1.2.1 As part of the Council's Internal Audit Plan for 2020/21, a review of the function and work of the Council's Overview & Scrutiny Committee has been undertaken to consider to what degree the Committee is being effective in "*improving public services and quality of life for local residents*". The audit was scoped and based on four objectives which captured the principles set out in "*The Good Scrutiny Guide*" referred to above. For clarity, those four principles were as follows:

- Provide constructive "critical friend" challenge
- Amplify the voices and concerns of the public
- Be led by independent people who take responsibility for their role
- Drive improvement in public services

Before going any further, it is important to mention the background to Overview & Scrutiny Committees being established. The concept of these committees was introduced by the Local Government Act 2000 with the intention to provide a scrutiny function to the new political management systems of executive Cabinet structures that the Act created. The committee's role and purpose was to develop and review policy and make recommendations to the Council.

Since its introduction in 2000, the legislative provision has diverged and in England, the main provisions are now found in the Localism Act 2011. However, initial legislation allowed district Councils in England with a population of less than 85,000 to govern with a "*streamlined committee system*". Councils who adopted this system were still required to establish an Overview & Scrutiny Committee which was expected to scrutinise the decision-making policy committees.

The introduction of the Localism Act in 2011 brought further change and permitted all Councils in England to govern with a committee system. The Act also went a step further and removed the obligation for Councils using the committee system to have an Overview & Scrutiny Committee at all. This was primarily because decision-making policy committees should already function with sufficient scrutiny and challenge on a business as usual footing given the existing political balance within these committees. This should therefore negate the need for a separate Overview & Scrutiny Committee.

At this point, it is worth highlighting that the Council operates with a committee system with the following decision-making committees being in operation and reporting to Full Council:

- Environmental and Development Services Committee.
- Finance and Management Committee.
- Housing and Community Services Committee.
- Planning Committee.
- Licensing and Appeals Committee.

As the Council operates with a committee system, but has also opted to run a separate Overview & Scrutiny Committee, the remit of our work has become one of a consultancy/advisory role rather than one of identifying control weaknesses. The crux of this report is around the effectiveness of the Overview & Scrutiny Committee in its current form and whether it is providing any benefit to the Council and local residents through its work.

The work we have undertaken has involved review of Overview & Scrutiny Committee minutes and documents that were available in the public domain on the Council's Committee Management Information System (CMIS). We have compared their content against the four principles, mentioned above, in order that the Council can consider and make an informed decision should it choose to continue with its current overview and scrutiny arrangements or not.

### 1.3 Distribution & Communication

- 1.3.1 The draft version of this report was issued to Ardip Kaur, Head of Legal and Democratic Services for comment.

This final version will be issued to Frank McArdle, Chief Executive with copies to:

- Kevin Stackhouse, Strategic Director (Corporate Resources).
- Allison Thomas, Strategic Director (Service Delivery).
- Ardip Kaur, Head of Legal and Democratic Services.

This report was produced by Lynne Parkin, Principal Auditor, and Adrian Manifold, Audit Manager. Any enquiry concerning the content of this report or associated issues may be made to Lynne Parkin, Principal Auditor on 01332 643258.

## 2 Findings

### 2.1 “Critical Friend” Challenge

#### Call-in of Decisions

- 2.1.1 In accordance with the Council's Constitution, the Overview & Scrutiny Committee had the power to exercise the *"Call-In procedure in respect of decisions made but not yet implemented by any Policy Committee or Area Meeting"*. Despite the Council's 5 Policy Committee's making decisions which would result in significant spends, affecting the public and impacting on local communities, some which could have the potential to be seen as controversial, we could find no evidence that the Committee had exercised its power and “Called-in” any decisions that had been made by any of the Policy Committee's during 2018/19 and 2019/20.

That said, having reviewed minutes from the Committee meetings that took place during 2018/19 and 2019/20, we could find no suggestion that the Committee had been provided with any agenda's or Work Programmes for forthcoming Policy Committee's in order that members of Overview & Scrutiny could identify any potential key decisions that were due to be made and which they then may wish to select for additional scrutiny. Whilst it's acknowledged that the need to Call-In decisions should be in exceptional circumstances as a last resort, it was considered unusual not to see any exercise of these powers which in effect allowed the Overview & Scrutiny Committee to consider whether a Policy Committee should review its decision.

This was considered a crucial role of the Overview & Scrutiny Committee in being an effective “Critical friend, amplifying the voices and concerns of the public and driving improvement in public services”

#### Making Recommendations

- 2.1.2 We reviewed minutes from the meetings of the Overview & Scrutiny Committee to ascertain what, if any, recommendations had been made to *"Full Council, Policy Committee, Area Meeting or officer on any matter affecting the District or its inhabitants"*. We observed that in the main, committee sought only to *"note"* the information presented to it and although we did identify 3 instances whereby Committee had sought to make recommendations this was in the capacity of referring their support back to the relevant Policy Committee. We did note one instance whereby, at its meeting in January 2019, Committee had received a report on Street Scene services. This was as a result of a scrutiny review during 2017 and visit in December 2017 to North Warwickshire Borough Council to compare performance. However, despite the review and results of the visit, the minutes recorded that *"Committee noted the information provided in the report"*.

It should be noted that one of the main purposes of the committee listed in their Annual Report for both years 2018/19 and 2019/20 was to *"Write reports and/or make recommendations to Council, Policy Committees or Area Forums in connection with the formulation of policy and the discharge of any functions"*.

The Centre for Public Scrutiny's *"Good Scrutiny Guide"* states that *"Scrutiny's engagement in an issue should always be with recommendations in mind. Inquiring into an issue formally only to "note" is not an effective use of time or resources"*.

#### Powers to Scrutinise Partners

- 2.1.3 In 2009, Councils were given powers to scrutinise their local Community Safety Partnerships (CSP) through a provision made in the Police and Justice Act 2006. The Centre for Public Scrutiny's *"Good Scrutiny Guide"* produced in June 2019, advised that these powers remained in force.

Furthermore, within the Council's Constitution, Section 4 of the Overview & Scrutiny Procedure Rules stated that *"at least one meeting each year would be dedicated to crime and disorder matters"* whilst the Annual Reports for 2018/19 and 2019/20 also identified *"Having a positive impact on the work and outcomes of external agencies and providers of public services"* as a

function of the committee. As such, we sought to determine whether the Council's Overview & Scrutiny Committee had exercised those powers and subjected the South Derbyshire CSP to a review. We could find no evidence, at least during 2018/19 and 2019/20 that any such review had taken place.

Whilst we acknowledge that the committee had received updates from some external agencies in respect of S106 Health Allocations and Rural Broadband and that minutes recorded questions being asked, the overall outcomes were that the committee *"Noted the information provided"*.

## 2.2 Voice of the Public

### Profile in the Wider Community

We observed that the Council held four Area Forums each year across six areas of the district. These were seen as an opportunity for local residents to raise issues of concern. The agenda packs included a schedule of Committee meetings taking place at the Council during the year, including the scheduled Overview & Scrutiny Committee meetings, in order that members of the public were made aware of and could attend any of those public meetings timetabled to take place. However, on review of minutes from meetings of the Overview & Scrutiny Committee during 2018/19 and 2019/20, we observed that "No questions from members of the Public had been received".

### Work Programmes and Concerns of the Public

- 2.2.1 As part of the process to establish the Committee's work programme for the year and fulfil its role of being the "voice of the public", we looked to see if the Committee had actively engaged with people outside of the Council with, for example the public, partners, such as the NHS, voluntary sector, contractors and commissioning partners, Town and Parish Councils and others with a stake and interest in the local area.

From minutes of the Overview & Scrutiny Committee meetings that took place during 2019, we observed members requesting topics for scrutiny. However, in so doing, we noted that members appeared to be requesting at least four topics that had also been subject to review in the previous year. Whilst it was not apparent as to whether these areas reflected particular concerns raised by the public and that it could be feasibly argued that members were maintaining a *"Watching brief"* over these areas, it could also be reasonably argued that if the Committee was providing a robust and effective challenge, the need to duplicate topics year on year only to *"Note the information provided"* was not an effective use of resources.

It is also worth mentioning that the Annual Reports for 2018/19 and 2019/20 also recorded *"Contributing to continuous improvement in services through monitoring quarterly departmental performance reports and the implementation of improvement plans"* as a main function of the committee. With that in mind, we reviewed the committees work programmes for 2018/19 and 2019/20 to determine whether monitoring of performance information was being conducted. We could only locate *"Performance measures and benchmarking"* as a topic for review being included in the 2019/20 work programme, tabled in for February 2020. From the minutes of the meeting held on 20<sup>th</sup> February 2020, we confirmed that the Strategic Director (Corporate Resources) had delivered a report to the committee with the outcome recorded that the committee *"Noted the report and agreed to include further analysis of specific performance indicators in the Committee's work programme for 2020/21"*.

### Councillor Surgeries

- 2.2.2 The Council currently had 34 councillors across the district and as a means of determining the extent to which they were accessible to the public; we reviewed the general details for each one that had been published on the Council's Committee Management Information System. Whilst contact details in the format of addresses, phones numbers and emails were provided for each, we observed that only 5 councillors offered regular surgeries to meet with local residents in their wards. Although it is accepted that councillors were readily contactable should residents wish to contact them, given that our review of minutes from meetings of the Overview & Scrutiny Committee meetings did not identify any questions being received from members of the public or for that matter

Members of the Council on residents behalf, it would be considered unusual that no issues or concerns had been raised by either which could warrant being put forward to the Committee for scrutiny and challenge. This in turn raises the question as to how effective Overview & Scrutiny Committee were in "Amplifying the voices and concerns of the public".

## 2.3 Independence

### Training

- 2.3.1 In the Statutory Guidance produced by the Ministry of Housing, Communities and Local Government (MHCLG) in May 2019, it stated that *"Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions"*.

In the Committee minutes from the meeting of 19 June 2019, we noted it had been recorded that *"Some members had queried the remit of the Committee and requested that training provision be explored"*. This suggested that Committee members were not clear on their role, remit and function of the Committee. The minutes recorded that in response, members had been advised that *"the Annual Report outlined the main purpose and function of the Committee by providing a summary of how the Committee had discharged its functions"*. We did undertake a review of Members "Training History" which was publicly recorded in the Council's Committee Management Information System. Our review revealed that only one Member, who had been the Chair of the Overview & Scrutiny Committee during 2018/19, had undertaken training in respect of their role on the Committee, albeit that had taken place in October 2015.

### Independent Mind-set

- 2.3.2 We sought to ensure that Members of the Committee carried out their roles with an independent mind-set, putting aside party politics to aid effective discussion on issues affecting the district and residents. As per the Overview & Scrutiny Procedure Rules, the Committee *"may require any Member of a Policy Committee, Head of Paid Service and/or Chief Officer or Heads of Service to attend before it...."* Our review of the Committee minutes revealed no instances in which any Members of the Council's decision-making Policy Committees had attended an Overview & Scrutiny Committee in a capacity of:
- *"explaining a decision;*
  - *the extent to which the actions taken implement Council policy;*
  - *their performance"*.

Given the above, our opportunity to provide assurance, that Committee Members were performing their role with an independent mind-set, putting aside party politics to scrutinise members from the same political party was limited.

However, we did note an instance which implied that members were perhaps influenced by their political views albeit this was not directly related to the discussion of a topic. The minutes of 19<sup>th</sup> June 2019 recorded that both the Chair and Vice-Chair were not in attendance and had sent their apologies. This resulted in 3 Conservative and 3 Labour Group Members being in attendance. In appointing a Chair for the meeting to take place, proposals to appoint one of the Conservative Members was not carried by a majority. Likewise, a proposal to appoint one of the Labour Members as Chair for the meeting was also not carried by a majority. It was finally resolved that the Strategic Director (Corporate Resources) (in attendance to present a report) would Chair the meeting. The Centre for Public Scrutiny's Good Scrutiny Guide states that *"Councillors sitting on scrutiny committees should not, at those committees, act in an overtly party political way. Scrutiny is meant to be a forum for the evidence-based discussion of issues affecting local people. This will involve discussion of politically contentious issues, which are likely to include disagreements, but these discussions shouldn't be framed by party political viewpoints"*.

## 2.4 Improvement in Public Services

### Methods of Scrutiny

- 2.4.1 We sought to establish whether the Committee made use of the different methods in which to scrutinise topics, whether this be via Committee meetings, establishing Task and Finish Groups (either short or long term reviews) or establishing a "standing panel" (virtually a sub-committee established where it may be necessary to maintain a watching brief over a local issue). Our review of the minutes from the Overview & Scrutiny Committee meetings during 2018/19 and 2019/20 suggested that, in the main, topics were presented for discussion at Committee meetings, usually as a verbal update/presentation or as a report provided to the Committee. This was further supported by the Committee Work Programmes which recorded the project and method of review. This could either be *"Report to Committee, Report to Task Group, Verbal Update/Presentation or Public Meeting"*. We observed that only *"Report to Committee and Verbal Update/Presentation"* was being utilised as methods for review.

We did however note in the minutes from 4<sup>th</sup> September 2019, that the Chair had updated Committee following guidance received that *"any Task and Finish Group set up by this Committee would need to be composed of Members of the Overview & Scrutiny Committee"* although from the minutes and agendas we reviewed, we could find no suggestion or mention of a proposal to establish a Task & Finish Group. Whilst topics simply discussed at Committee meetings on the basis of a report or verbal update could be appropriate for some issues, this would not always lend itself to being an effective scrutiny mechanism for more complex topics, which may require a more in-depth review resulting in Members reaching conclusions and making recommendations.

## 2.5 Challenges for Overview & Scrutiny

- 2.5.1 Within the Annual Report for 2018/19 referred to earlier in this report, a series of *"Challenges for 2019/20"* had been identified for the Overview and Scrutiny Committee. These were as follows:
- *"To build on, and update, the achievements of Overview and Scrutiny"*
  - *"To ensure that Overview and Scrutiny continues to make a positive contribution to the development of policy and the continuous improvement of the Council's operations"*
  - *"To continue to ensure the Overview and Scrutiny work programme reflects concerns of service users, community and the public"*
  - *"To continue to ensure Overview and Scrutiny works with the community and key partners to respond to local concerns"*
  - *"To continue to ensure that the work of Overview and Scrutiny has a positive effect on decision-makers and provides evidence that it has made a real difference"*
  - *"To ensure Overview and Scrutiny takes a more active, appropriate role in respect of the work of the Policy Committee and their decisions"*
  - *"To balance the focus of the Overview and Scrutiny Committee both inward on existing and proposed Council services, and outward to other areas of the community and partner organisations"*
  - *"To build on the existing scoping procedure to make it more robust, to ensure the original scope is used as a point of reference for each work programme item and a tool to measure progress and the value being added by the committee as it completes its work"*.

As these challenges had been recorded in the 2018/19 Annual Report and identify with the four principles set out in *"The Good Scrutiny Guide"*, we expected that the Committee would have established an Action Plan to help it address these challenges to improve its overall effectiveness. We could find no such Action Plan had been put in place. It is also worth noting that the content list of *"Challenges for 2020/21"*, recorded in the Annual Report for 2019/20 contained the same as those for 2019/20.

As we seek to conclude our review, it seems apparent that the Council had gone some way to identifying challenges that the Committee faced in seeking to have an effective Overview and Scrutiny Committee, and which also supported the four principles set out in *"The Good Scrutiny*

*Guide*". However, whilst identifying these challenges, we can find no evidence that the Council or indeed the Committee had taken any appropriate actions to address those challenges.

## 3 Conclusion

### 3.1 Summary

- 3.1.1 On the basis of our review of Overview & Scrutiny Committee minutes and other relevant documents from 2018/19 and 2019/20, we are of the opinion that the Council's Overview & Scrutiny Committee is not providing an effective mechanism for scrutiny when considering the four principles set out by the *Good Scrutiny Guide*.

In the two years examined, the Overview & Scrutiny Committee:

- Has not “*Called-in*” any decisions made by any of the Council's Policy Committees.
- Has not made any recommendations of any substance. Topics that were subject to review only resulted in the Committee “*noting*” the outcome.
- Has undertaken limited scrutiny and review of external agencies. Where this has happened to some degree, the result has been the Committee “*noting*” the outcome.
- Has not subjected the South Derbyshire CSP to an annual review, despite the powers afforded to the Committee to do this and this being specifically recorded in Section 4 of the Overview & Scrutiny Procedure Rules.
- Has demonstrated little evidence of being the voice of the public. Duplicate topics for work programmes have been requested year on year with outcomes simply being “*noted*”. There has also been limited monitoring of topic areas identified as being a key function of the committee.
- Has received little training to allow members to fully understand their role and that of the committee.
- Has not clearly set aside the influence of party politics. This was evidenced when appointing a temporary chair for a meeting in the absence of the Chair and Vice-Chair.
- Has not utilised the various methods of scrutiny to their full potential. Methods have been limited to reports to committee and verbal updates/presentations.
- Has not established an Action Plan to address the series of challenges listed in the Annual Reports for both 2018/19 and 2019/20.

## 4 Suggested Actions

- 4.1.1 We suggest that the Council considers undertaking a review into the work and function of its Overview & Scrutiny Committee. The review should involve an honest appraisal of the committee's work against the four principles of effective scrutiny set out by the Centre for Public Scrutiny's *The Good Scrutiny Guide, June 2019* (written to complement the Government's Statutory scrutiny guidance published in May 2019 by the MHCLG).

As the Localism Act 2011 removed the obligation for Council's using the committee system to have an Overview & Scrutiny Committee at all, the Council should consider its options and assess whether the Overview & Scrutiny Committee, in its current format, is truly having a positive impact on “*improving public services and quality of life for local residents*”. If the Council reaches an opinion that there is adequate scrutiny in place with its existing committee system and the political balance within those committees, it should consider taking advantage of the Localism Act 2011 and disband the Overview & Scrutiny Committee.

Should the Council opt to continue with the existence of an Overview & Scrutiny Committee, the Council should consider whether its focus and methods of scrutiny need to change, perhaps with the emphasis being more on where it can add value through the robust scrutiny of external partners and agencies in the community. These organisations, sometimes working alongside the Council to deliver services to local residents and making decisions which impact on public services, potentially lacks the challenge and scrutiny that a politically balanced, effective scrutiny committee can and should bring. Also, should the Overview & Scrutiny Committee continue, an Action Plan should be developed to address the series of challenges listed in the last two Annual Reports.

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<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>	<b>AGENDA ITEM: 14</b>
<b>DATE OF MEETING:</b>	<b>20<sup>th</sup> MAY 2021</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN PARAGRAPH NO: N/A</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR</b> <a href="mailto:Ardip.Kaur@southderbyshire.gov.uk">Ardip.Kaur@southderbyshire.gov.uk</a> <b>EXT. 5715</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>MEMBERS ALLOWANCES SCHEME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	

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## **1.0 Recommendations**

- 1.1 That Council considers amendment to the Members' Allowance Scheme, following advice received from the Chair of the Independent Remuneration Panel regarding payment of a Special Responsibility Allowance to the Leader and Deputy Leader of a second Opposition Group.

## **2.0 Purpose of Report**

- 2.1 To inform Council of advice received from the Chair of the Independent Remuneration Panel regarding Special Responsibility Allowances (SRA's) to the Leader and Deputy Leader of a second Opposition Group.

## **3.0 Detail**

- 3.1 Following a request from an Elected Member, advice was sought from the Chair of the Council's Independent Remuneration Panel regarding payment of SRA's to the Leader and Deputy Leader of a second Opposition Group.
- 3.2 SRA's are paid to a number of Members at South Derbyshire District Council in addition to the Basic Allowance that every member of the Council receives. These payments are in recognition of additional responsibilities and workload that results from being an office holder appointed by the Council.
- 3.3 Currently, there is no provision in the Member's Allowances Scheme for the payment of SRAs to the Leader and Deputy Leader of a second Opposition Group. In other local authorities where there is a second Opposition Group, it is practice for no payment to be made or, if it is considered appropriate, payment is based on the number of Members in the second Opposition Group relative to the numbers in the main Opposition Group
- 3.4 The Chair of the Independent Remuneration Panel advises, as follows.

*'My advice is that if the Council decides to pay SRAs to the Leader and Deputy Leader of the Independent Group in 2021 the payments should be set at £4,625 (50% of the SRA paid to the Leader of the Main Opposition Group) and £2,315 (50% of the SRA paid to the Deputy Leader of the Main Opposition Group) respectively.'*

#### **4.0 Financial Implications**

- 4.1 The implementation of SRA's for the second Opposition Group will create an additional cost to the General Fund of £6,940 per annum. This cost is not budgeted and therefore not included in the Medium-Term Financial Plan as reported to the Finance and Management Committee in March 2021.

#### **5.0 Corporate Implications**

- 5.1 Any amendment would remain in compliance with the provisions of The Local Authorities (Members' Allowances) (England) Regulations 2003.

#### **6.0 Community Implications**

- 6.1 None.

#### **7.0 Background Papers**

Members Allowances Scheme

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<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>	<b>AGENDA ITEM: 15</b>
<b>DATE OF MEETING:</b>	<b>20<sup>th</sup> MAY 2021</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>MONITORING OFFICER</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR</b> <a href="mailto:Ardip.Kaur@southderbyshire.gov.uk">Ardip.Kaur@southderbyshire.gov.uk</a> <b>EXT. 5715</b>	<b>PARAGRAPH NO: N/A</b>
<b>SUBJECT:</b>	<b>POLITICAL PROPORTIONALITY</b>	<b>DOC:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>REF:</b>

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## **1.0 Recommendations**

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

## **2.0 Purpose of Report**

- 2.1 Taking account of the amended composition of the Conservative Group, following District Council By-Elections in the wards of Church Gresley, Hilton and Seales, to consider the Council's political proportionality for the municipal year 2021/22.

## **3.0 Detail**

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

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

• Labour Group	15
• Conservative Group	15
• Independent Group	5
• Non-Grouped	1

- 3.3 The Council is required to review the representation of the different political groups on Committees and Sub-Committees at, or as soon as practicable after, the Annual Meeting of the Council; or where notice is received of a change in the composition of Political Groups.

3.4 The principles of determination are as follows:-

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

3.5 The total number of Committee seats on the District Council for allocation is 98. After calculating the proportionality for the three Groups, and the Non-Grouped Member, this gives 41 seats to the Labour Group, 41 seats to the Conservative Group, 13 seats to the Independent Group and 3 seats to the Non-Grouped Member, as indicated on the schedule attached at Annexe 'A'.

#### **4.0 Financial Implications**

4.1 None.

#### **5.0 Corporate Implications**

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

#### **6.0 Community Implications**

6.1 None.

#### **7.0 Background Papers**

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

## Annex 'A'

### Political Proportionality 2021/22

Committee	Membership	Labour Group	Conservative Group	Independent Group	Non - Grouped	Vacant
Finance & Management	13	5	5	2		1
Environmental & Development Services	13	5	5	2		1
Housing & Community Services	13	5	5	2		1
Planning	13	5	5	2		1
Licensing & Appeals	15	6	6	2	1	
Overview & Scrutiny	8	3	3	1	1	
Standards	6	3	3	0		
Joint Consultative	5	2	2	1		
Etwell Leisure Centre JMC	3	1	1	1		
Audit Sub	5	2	2	1		
Heritage Grants Sub	4	2	2	0		
Seats available for allocation	98	41 (40.8)	41 (40.8)	13 (13.6)	3 (2.7)	4
Total number of Members on Council	36 (100%)	15 (41.7%)	15 (41.7%)	5 (13.9%)	1 (2.8%)	

In accordance with the proportionality, as calculated, please note:

- 4 vacant seats require allocation,
- The Independent Group have 14 seats in the table above, where their entitlement is 13 seats. 1 seat of this allocation needs to be vacated by the Independent Group.

The 5 vacant seats will need to be allocated as follows - 2 seats to the Labour Group  
2 seats to the Conservative Group  
1 seat to the Non-Grouped Member