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Date: 13<sup>th</sup> May 2015

Dear Councillor,

**Council**

A Meeting of the **Council** will be held in the **Council Chamber**, on **Thursday, 21 May 2015** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

Councillor Murray (Chairman) Councillor Atkin (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

**Labour Group**

Councillors Bambrick, Chahal, Dunn, Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley, and Wilkins.

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies
  
- 2** To report the election of the following Members at the elections held on 7th May 2015:-
  - Aston Ward: Neil Kenneth Atkin, Hilary Justine Coyle, Peter Watson.
  
  - Church Gresley Ward: Gordon Edgar Rhind, Trevor Southerd, Stuart Thomas Swann.
  - Etwall Ward: Lisa Brown, David Colin Muller.
  
  - Hatton Ward: Andrew Roberts
  
  - Hilton Ward: Andrew Michael John Billings, Julie Elizabeth Patten, Amy Claire Plenderleith.
  - Linton Ward: John Edwin Grant, Robert James Wheeler.
  
  - Melbourne Ward: John Patrick Harrison, James Neil Hewlett.
  
  - Midway Ward: Paul Dunn, Robert William Pearson, Peter John Wilkins.
  - Newhall and Stanton Ward: Sean Andrew Bambrick, Kevin John Richards, Linda Stuart.
  - Repton Ward: Peter Henry Smith, Michael Anthony Stanton.
  
  - Seales Ward: Margaret Elizabeth Hall, Patrick Murray.
  
  - Stenson Ward: Manjit Kumar Chahal, David Geoffrey Shepherd.

- Swadlincote Ward: Robert Coe, Neil Anthony Tilley, Sandra Elizabeth Wyatt.
- Willington and Findern Ward: Martyn Ford, Andrew David MacPherson.
- Woodville Ward: Kim Angela Coe, Gillian Ann Farrington, Stephen Taylor.

- |           |  |                |
|-----------|--|----------------|
| <b>3</b>  | To receive the Open Minutes of the Meeting of the Council held on 2nd April 2015 (Minute Nos. CL/141 - CL/153)<br>Council 2nd April 2015 CL/141-CL/153 | <b>7 - 11</b>  |
| <b>4</b>  | To note any declarations of interest arising from any items on the Agenda  |                |
| <b>5</b>  | To appoint the Leader of the Council for the ensuing year.   |                |
| <b>6</b>  | To appoint the Deputy Leader of the Council for the ensuing year.  |                |
| <b>7</b>  | To receive any announcements from the Chairman, Leader and Head of Paid Services.  |                |
| <b>8</b>  | To receive any questions by members of the public pursuant to Council Procedure Rule No.10.  |                |
| <b>9</b>  | 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> | To receive and consider the Open Minutes of the following Committees:-   |                |
|           | Planning Committee 24th March 2015 PL/179-PL/191   | <b>12 - 15</b> |
|           | Overview and Scrutiny Committee 25th March 2015 OS/51-OS/57  | <b>16 - 17</b> |
|           | Standards Sub-Committee 26th March 2015 SC/1-SC/4  | <b>18 - 21</b> |

	Enviromental and Development Services 9th April 2015 EDS/95-EDS/102	<b>22 - 26</b>
	Planning Committee 14th April 2015 PL/192-PL/205	<b>27 - 31</b>
	Housing and Community Services Committee 16th April 2015 HCS/86-HCS/95	<b>32 - 35</b>
	Finance and Management Committee 23rd April 2015 FM/123-FM/131	<b>36 - 38</b>
<b>12</b>	Political Proportionality	<b>39 - 41</b>
<b>13</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>42 - 45</b>
<b>14</b>	To appoint the Substitute Panels (to be circulated).	
<b>15</b>	To appoint or submit nominations for representatives to serve on Outside Bodies.	<b>46 - 48</b>
<b>16</b>	To appoint Member Champions.	<b>49 - 49</b>
<b>17</b>	To Appoint Chairmen of the following Area Forums:	<b>50 - 50</b>
	- Etwall Area Forum	
	- Linton Area Forum	
	- Melbourne Area Forum	
	- Newhall Area Forum	

- Repton Area Forum

- Swadlincote Area Forum

<b>18</b>	Overview and Scrutiny Committee Annual Report 2014-15	<b>51 - 60</b>
<b>19</b>	Cycle of Meetings 2015/16	<b>61 - 61</b>
	Cycle of Meetings 2015/16 - APPENDIX 1	<b>62 - 63</b>
<b>20</b>	Planning Code of Good Practice	<b>64 - 65</b>
	Planning Code of Good Practice - APPENDIX A	<b>66 - 74</b>
<b>21</b>	Temporary Appointment of District Councillors to Parish Councils	<b>75 - 76</b>
	Temporary Appointment of District Councillors to Parish Councils - APPENDIX 1	<b>77 - 77</b>

**Exclusion of the Public and Press:**

- 22** The Chairman will therefore move:-  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 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 reports of Committees.
- 23** To confirm the Exempt Minutes of the Meeting of the Council held on 2nd April 2015 (Minute Nos.CL/154 - CL/157).  
Council 2nd April 2015 CL/154-CL/157
- 24** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 25** To receive and consider the Exempt Minutes of the following

Committees:-

Environmental and Development Services 9th April 2015 EDS/103-  
EDS/104

Planning Committee 14th April 2015 PL/206-PL/207

Housing and Community Services Committee 16th April 2015  
HCS/96-HCS/97

Finance and Management Committee 23rd April 2015 FM/132-  
FM/137

MINUTES of the MEETING  
of the SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at Civic Offices, Civic Way, Swadlincote  
on 2<sup>nd</sup> April 2015  
at 6.00 p.m.

**PRESENT:-**

**Conservative Group**

Councillor Murray (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Mrs. Brown, Ford, Mrs. Hall, Harrison, Jones, Lemmon, Mrs. Patten, Mrs. Plenderleith, Roberts, Smith, Stanton, Mrs. Watson, Watson and Wheeler.

**Labour Group**

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mrs. Heath, Mrs. Mead, Mulgrew, Pearson, Rhind, Richards, Shepherd, Southerd, Stuart, Taylor and Tilley.

CL/141 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Hewlett and Mrs Hood (Conservative Group) and Councillor Wilkins (Labour Group).

CL/142 **MINUTES**

The Open Minutes of the Meeting of the Council held on 2<sup>nd</sup> March 2015 (Minutes Nos. CL/124 - CL/137) were taken as read, approved as a true record and signed by the Chairman.

CL/143 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

CL/144 **ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER AND CHIEF EXECUTIVE**

The Chairman thanked Members and Officers for their support during his term in office.

The Leader, in agreement with the Chairman, respectfully requested that a minute's silence was observed in the memory of Councillor Michael Bale who passed away recently. The Leader presented the Chairman with an award from the High Sheriff of Derbyshire.

The Chief Executive informed Council that any Members who had served in office for 25 years or more would be honoured with a Long Service Award at the Civic Council on 28<sup>th</sup> May 2015.

CL/145 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed no questions had been received.

CL/146 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed that no questions had been received.

CL/147 **SEALED DOCUMENTS**

23.07.14 10877 Transfer – 58 Lullington Road, Overseal  
26.08.14 10890 Transfer – 12 Limetree Avenue, Midway  
02.09.14 10895 Transfer – 20 Meadow View Road, Newhall  
10.09.14 10899 Transfer – 103 Lullington Road, Overseal  
16.09.14 10905 Transfer – 42 Windsor Road, Linton  
16.09.14 10906 Transfer – 3 Field Avenue, Hatton  
17.10.14 10941 Transfer – 36 New Road, Hilton  
25.11.14 10969 Transfer – 11 Station Road, Melbourne

**RESOLVED:-**

***That the Sealed Documents listed, for which there is no specific authority, be duly authorised.***

CL/148 **PAY POLICY STATEMENT 2015/16**

The Director of Finance and Corporate Services presented the 2015/16 Pay Policy Statement, which the Localism Act requires all local authorities to publish on an annual basis. He highlighted that research across all English councils showed that the multiple between the pay of the Council's highest paid employee and the lowest paid employees was below the current national average of 1:10.

**RESOLVED:-**

***That the Pay Policy Statement for the financial year 2015/16 be approved for publication.***

CL/149 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

**RESOLVED:-**

***That the open minutes of the following Committees be approved as a true record:-***

***Planning Committee, 20<sup>th</sup> January 2015 (Minute Nos. PL/138 – PL/149)***

***Housing and Community Services Committee, 5<sup>th</sup> February 2015 (Minutes Nos. HCS/59 – HCS/71)***

***Planning Committee, 10<sup>th</sup> February 2015 (Minute Nos. PL/150 – PL/165)***

***Overview and Scrutiny Committee, 11<sup>th</sup> February 2015 (Minute Nos. OS/41-OS/50)***

***Finance and Management Committee, 19<sup>th</sup> February 2015 (Minutes Nos. FM/98-FM/109)***

***Licensing and Appeals Sub Committee, 25<sup>th</sup> February 2015 (Minutes Nos. LAS/86-LAS/88)***

***Planning Committee, 3<sup>rd</sup> March 2015 (Minute Nos. PL/166-PL/176)***

***Environmental and Development Services Committee, 5<sup>th</sup> March 2015 (Minute Nos. EDS/85-EDS/94)***

***Licensing and Appeals Sub Committee, 9<sup>th</sup> March 2015 (Minute Nos. LAS/89-LAS/91)***

***Licensing and Appeals Sub Committee, 11<sup>th</sup> March 2015 (Minute Nos. LAS/92-LAS/94)***

***Housing and Community Services Committee, 12<sup>th</sup> March 2015 (Minutes Nos. HCS/75-HCS/85)***

***Finance and Management Committee, 19<sup>th</sup> March 2015 (Minute Nos. FM/115-FM/122)***

**Area Forums**

***Swadlincote, 27<sup>th</sup> January 2015 (Minute Nos. SA/24-SA/32)***

***Etwall, 28<sup>th</sup> January 2015 (Minute Nos. EA/23-EA/33)***

***Repton, 3<sup>rd</sup> February 2015 (Minute Nos. RA/22-RA/30)***

***Melbourne, 4<sup>th</sup> February 2015 (Minute Nos. MA/22-MA/30)***

***Linton, 12<sup>th</sup> February 2015 (Minute Nos. LA/22-LA/30)***

***Newhall, 17<sup>th</sup> February 2015 (NA/22-NA/30)  
(Cllr. Dunn requested an amendment be made to minute number NA/26)***

CL/150 **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

Council were informed that Councillor Wheeler would succeed Councillor Bale on the Planning Committee for the remainder of the term.

CL/151 **COMPOSITION OF SUBSTITUTE PANELS**

Council were informed that no changes had been made to the composition of the substitute panels since its last meeting.

CL/152 **REPRESENTATION ON OUTSIDE BODIES**

Council were informed that no changes had been made to the Council's representation on outside bodies since its last meeting

CL/153 **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 MINUTES OF THE COUNCIL**

*The Exempt Minutes of the Council, held on 2<sup>nd</sup> March 2015, (Minute Nos. CL/138-CL/140) were taken as read, approved as a true record and signed by the Chairman.*

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

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

**EXEMPT REPORTS**

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

**RESOLVED:-**

*That the Exempt Minutes of the following committees be approved as a true record:-*

*Housing and Community Services Committee, 5<sup>th</sup> February 2015 (Minute Nos. HCS/72-HCS/74)*

***Finance and Management Committee, 19<sup>th</sup> February 2015 (Minute Nos. FM/110-FM/114)***

***Planning Committee, 3<sup>rd</sup> March 2015 2015 (Minute Nos. PL/177-PL/178)***

**PREMISES AT SWADLINCOTE**

***The Committee approved proposals regarding a lease agreement for premises in Swadlincote.***

The Meeting terminated at 6:45pm

COUNCILLOR P MURRAY

CHAIRMAN OF THE DISTRICT COUNCIL

PLANNING COMMITTEE

24<sup>th</sup> March 2015

**PRESENT:-**

**Conservative Group**

Councillor Ford (Chairman), Councillor Mrs Brown (Vice-Chairman) and Councillors Mrs Hall, Jones, Stanton, Watson and Wheeler (substitute for Councillor Bale).

**Labour Group**

Councillors Bell, Dunn, Pearson, Richards, Shepherd and Southerd.

**In attendance**

The following Members also attended the Meeting and, with the approval of the Chairman, spoke on behalf of local residents; Councillor Frost (Labour Group) and Councillor Mrs Plenderleith (Conservative Group).

PL/179 Prior to commencing the official business of the Meeting, a moment of silence was observed as a gesture of respect for Councillor Bale, who had passed away recently.

PL/180 **APOLOGIES**

Apologies for absence from the Meeting were given on behalf of Councillor Bale.

PL/181 **DECLARATIONS OF INTEREST**

Councillor Mrs Brown declared an interest in application number **9/2014/1136/OM** by reason of her being a Governor at John Port School.

PL/182 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO COMMITTEE**

PL/183 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports

to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/184 **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS WITH MEANS OF ACCESS FOR APPROVAL NOW AND ALL OTHER MATTERS RESERVED FOR FUTURE APPROVAL (RESUBMISSION OF APPLICATION REF: 9/2014/0249 BUT INCLUDING THE PROVISION OF A ROUNDABOUT ON THE A516) ON LAND AT NEW HOUSE FARM ETWALL ROAD MICKLEOVER DERBY**

Derby City Councillor J Keith (objector) attended the Meeting and addressed Members on this application.

Following debate and comments from members, the Planning Services Manager advised the Committee of their duty to clearly identify the planning reasons if they were minded to make a decision contrary to the Officer recommendation. He warned the Committee that the reasons put forward were unlikely to withstand challenge in the event of an appeal.

**RESOLVED:-**

- A. That the Secretary of State be advised that the Council would have refused planning permission for the development on the grounds that it would result in a damaging intrusion into open countryside, contrary to Saved Environment Policy 1 and paragraph 17 of the NPPF, and the Council will therefore contest the appeal against the non-determination of the application;***
- B. That the Planning Services Manager commission a Landscape and Visual Impact Assessment; and***
- C. That authority be delegated to the Planning Services Manager for the final negotiations on the S106 contributions relating to education and recreation/POS facilities.***

PL/185 **THE ERECTION OF RESIDENTIAL DEVELOPMENT OF 64 UNITS WITH ACCESS PROVIDED OFF LAND AT SK2915 3206 VALLEY ROAD OVERSEAL SWADLINCOTE**

Councillor Frost addressed Members as the local ward member for Seales expressing the views of local residents.

The Planning Services Manager summarised the findings of an independent highway impact report commissioned on the instruction of the committee when the application had last been considered. Following debate and comments from members, the Planning Services Manager advised the Committee of their duty to clearly identify the planning reasons if they were minded to make a decision contrary to the Officer recommendation. He warned the Committee that the reasons put forward were unlikely to withstand challenge in the event of an appeal.

**RESOLVED:-**

- A. To refuse planning permission contrary to the recommendation set out in the Report of the Director of Community & Planning on the grounds that the proposed development would result in a damaging intrusion into open countryside contrary to Saved Environment Policy 1 and paragraph 17 of the NPPF; and**
- B. That the Planning Services Manager commission a Landscape and Visual Impact Assessment.**

PL/186 **OUTLINE APPLICATION (ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 75 DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND AT SK3126 1850 MOUNT PLEASANT ROAD REPTON DERBY**

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

M Jones (agent in support) and A Dale (objector) attended the Meeting and addressed Members on this application.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/187 **SUSPENSION OF STANDING ORDERS**

**RESOLVED:-**

***That Standing Orders be suspended and that the meeting of the Committee continue beyond 8.30pm.***

***(At 8.37pm, Councillor Mrs Brown left the meeting).***

PL/188 **THE ERECTION OF AN EXTENSION AT THORN TREE PUBLIC HOUSE 59 BRETBY ROAD NEWHALL SWADLINCOTE**

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

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/189 **RESIDENTIAL DEVELOPMENT OF 9 DWELLINGS AND CONSTRUCTION OF A VEHICULAR ACCESS ON LAND ADJACENT TO 84 DERBY ROAD HILTON DERBY**

Councillor Mrs Plenderleith addressed members as the local ward member for Hilton expressing the views of local residents.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/190 **PROPOSED EXTENSION AT 61 SWARKESTONE ROAD BARROW ON TRENT DERBY**

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

R Duesbury (objector) attended the Meeting and addressed Members on this application.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/191 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decision on application 9/2014/0385.

The meeting terminated at 8.55pm.

COUNCILLOR M. FORD

CHAIRMAN

OVERVIEW AND SCRUTINY COMMITTEE

25<sup>th</sup> March 2015

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Plenderleith (Chairman), Councillor Atkin (Vice-Chairman) and Councillor Mrs Patten

**Labour Group**

Councillors Bambrick, Mrs Heath and Pearson

OS/51 **APOLOGIES**

Apologies were received from Councillor Mrs Hood (Conservative Group) and Councillor Mrs Mead (Labour Group).

OS/52 **MINUTES**

The Open Minutes of the Meetings held on 22<sup>nd</sup> October 2014, 10<sup>th</sup> December 2014 and 21<sup>st</sup> January 2015 were taken as read, approved as a true record and signed by the Chairman.

Councillor Atkin queried the current situation with regard to Minute OS/27 22<sup>nd</sup> October 2014 NHS Dental Service provision. It was confirmed that further work was required in this area.

OS/53 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee were informed that no declarations of interest from Members of the Council had been received.

OS/54 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

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

OS/55 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

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

OS/56 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE  
2014/15**

Councillor Mrs. Plenderleith presented the Annual Report in its draft form. Amendments were suggested in relation to 2.5 NHS Dental Service Provision and 2.12 Budget Proposals 2014/15 and Financial Plan to 2020.

**RESOLVED:-**

***That the Annual Report be noted and approval given to the delegation arrangements for the Report's completion.***

OS/57 **CEMETERY SERVICE AND PROVISION OF CEMETERY SPACE**

The Culture and Community Manager presented the report, highlighting the shortage of land available for burials and the action being taken to identify new locations, the outcomes of which will be the subject of a future report to the Committee.

Councillor Atkin thanked Joanne Abassi for her assistance with the report and Councillor Mrs Patten suggested that Councillors should make enquiries relating to potential locations whilst on official duties in the District.

**RESOLVED:-**

***That the report's contents be duly considered.***

The Meeting terminated at 6.15pm

COUNCILLOR MRS. PLENDERLEITH

CHAIRMAN

STANDARDS SUB-COMMITTEE

26<sup>th</sup> March 2015

**PRESENT:-**

**Members of the Standards Sub-Committee**

Councillor Harrison (Chairman), Councillor Stanton (Conservative Group)  
and Councillor Pearson (Labour Group)

**Independent Persons**

P Purnell  
P Smith

SC/1 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received.

SC/2 **DECLARATIONS OF INTEREST**

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

SC/3 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL  
PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO SUB-COMMITTEE**

SC/4 **REPORT OF THE MONITORING OFFICER**

The Monitoring Officer submitted a report to the Sub-Committee recommending that Members consider a report by an Independent Investigator to determine whether District Councillor Martin Ford had breached the Council's Member Code of Conduct.

In the event that the Sub-Committee found a breach, Members were also asked to determine what, if any, sanction(s) should be imposed.

A set procedure was followed at the hearing allowing the Independent Investigator, Member and witness to make oral submissions and adduce evidence for consideration by the Committee. All parties also had the opportunity to ask and answer questions.

The Committee retired to make their decision at 3.10pm and returned to announce their decision at 4.35pm.

**DECISION:-**

Prior to announcing the Sub-Committee's decision the Chairman asked the Independent Persons to express their views.

The Independent Persons expressed the following view;

*'We accept the Investigator's finding that there has been a breach of the Code of Conduct in respect of 3(1) and 3(2)(b) for the reasons set out in his report.*

*We are not convinced that the evidence presented in relation to 3(1) and 3(2)(b) automatically substantiates a breach of the Code in respect of paragraph 5'.*

The Chairman announced the following decision;

**In relation to paragraph 3(1) of the Member Code of Conduct – you must treat others with respect, the Sub-Committee resolved Councillor Ford had breached paragraph 3(1) of the Code**

The reasons for this were as set out in paragraphs 158 – 161 of the Independent Investigator's report;

- Paragraph 158 – On 8<sup>th</sup> July Councillor Ford tweeted on his own Twitter account the words 'smiling assassins! The face of the enemy' accompanied by a photograph of the team at Murrays including Mr and Mrs Barke.
- Paragraph 159 – In my judgment, this is an offensive and disrespectful comment and breach of paragraph 3(1) of the Code.
- Paragraph 160 – On 8<sup>th</sup> July at 11:41 Councillor Ford commented that Murrays had probably offered those removing Campaign posters 'a deal on burial, more posters removed, more money off'. This and his comment on 11<sup>th</sup> June at 13:46 on the Save the Wheel Facebook page that 'They put cash above community, pounds above people' are both in my judgment disrespectful, particularly given the nature of Murrays business and are a breach of paragraph 3(1) of the Code.
- Paragraph 161 – On 12<sup>th</sup> August Councillor Ford 'liked' (or endorsed) a Facebook accusation that Murrays were responsible for stealing or the unauthorised removal of a number of campaign poster boards. Both the allegation and its endorsement by Councillor Ford, are, in my judgment, disrespectful and a breach of paragraph of 3(1) of the Code.

**In relation to paragraph 3(2)(b) of the Member Code of Conduct – you must not bully any person, the Sub-Committee resolved Councillor Ford had breached paragraph 3(2)(b) of the Code**

The reasons for this were as set out in paragraphs 163 - 168 of the Independent Investigator's report;

- Paragraph 163 - For the reasons set out in para 72 of this report, Councillor Ford's posting of 1st August to the Campaign Facebook Page was intended to intimidate the complainants and as such, in my judgement, amounts to bullying and a breach of paragraph 3(2)(b) of the Code.
- Paragraph 164 - For the reasons set out in para 73 of this report I also find that the post of 20<sup>th</sup> August endorsed by Councillor Ford amounts to a breach of paragraph 3(2)(b). The resident's campaign against Murrays was designed, at least in part, to intimidate them and to coerce them to relocate elsewhere. The entry of 20th August was, an example of such intimidation and was endorsed by Councillor Ford.
- Paragraph 165 - For the reasons stated in para 82 of this report I find that Councillor Ford's tweet of 8th July on his own Twitter Account is in breach of paragraph 3(2)(b) of the Code.
- Paragraph 166 - For the reasons stated in paras 92 and 93 of this report I also find that Councillor Ford's email of 18th August amounts to bullying in breach of paragraph 3(2)(b) of the Code.
- Paragraph 167 - Councillor Ford also advocated a boycott of Murrays (Page 218). On 8th May he posted a message on the Facebook Campaign Page to that effect which he confirms in his own statement (paragraph 28) was designed to persuade them to relocate elsewhere. Again, in my judgement this amounts to bullying in breach of paragraph 3(2)(b) of the Code.
- Paragraph 168 - Alternatively, if a cumulative view is taken of the postings and their endorsement of a wider campaign of intimidation, they amount to a breach of paragraph 3(2)(b) of the Code.

**In relation to paragraph 5 of the Member Code of Conduct – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. The Sub-Committee resolved Councillor Ford breached paragraph 5 of the Code; this was not a unanimous decision.**

The reasons for this were as set out in paragraph 173 of the Independent Investigator's report;

- Paragraph 173 – Given the nature and circumstances of the breaches of paragraphs 3(1) and 3(2)(b) Councillor Ford has in my judgment, conducted himself in a manner which could be reasonably regarded as bringing his office of member his authority (namely the Council) into disrepute.

**SANCTIONS**

**The Sub-Committee resolved to impose the following sanctions in relation to the above breaches of the Members Code of Conduct;**

- **Censure**
- **Recommending the Monitoring Officer arrange Members Code of Conduct training for Councillor Ford.**

The Meeting terminated at 4.50pm.

COUNCILLOR J. HARRISON

CHAIRMAN

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

9<sup>th</sup> April 2015

### PRESENT:-

#### Conservative Group

Councillor Watson (Chairman) and Councillors Roberts, Mrs Brown, Ford, Mrs Hall, Mrs Patten and Stanton

#### Labour Group

Councillors Chahal, Frost, Mulgrew, Stuart, Shepherd (substituting for Councillor Tilley) and Taylor

#### EDS/95 APOLOGIES

Apologies for absence from the meeting were received from Councillor Tilley.

The Committee were informed that with the Chairman's agreement the order of the agenda would change and agenda item 8 would be reported on first followed by item 7.

#### EDS/96 DECLARATIONS OF INTEREST

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

#### EDS/97 QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10

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

#### EDS/98 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

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

#### EDS/99 REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE

The Committee was informed that there were no Overview & Scrutiny Committee reports for it to consider.

### MATTERS DELEGATED TO COMMITTEE

**EDS/100 REPTON DETAILED AIR QUALITY ASSESSMENT**

The Environmental Health Manager delivered a report which advised Members of the outcomes and conclusion of the most recent Detailed Air Quality Assessment in Repton. This is following the previous report in November 2013, which concluded that air quality from traffic emissions were marginally above EU Air Quality Objectives at the front of a few properties on the High Street in Repton. The approved report was subsequently submitted to DEFRA who accepted the findings and recommended that an additional full calendar year (throughout 2014) of monitoring be carried out before reaching a decision.

The full year results for air quality monitoring during 2014 had now been received and the Detailed Assessment report had concluded with a high degree of certainty that air quality in Repton meets Air Quality Objectives.

**RESOLVED:**

***(1.1) That Members approved the contents and conclusions of the Detailed Air Quality Assessment in Repton (attached as Appendix 1).***

***(1.2) That Members instructed the Environmental Health Manager to issue the assessment report to DEFRA in order to meet the Council's statutory duties under the Environment Act 1995.***

**EDS/101 ASSESSMENT CONSERVATION AREA MANAGEMENT PLAN - SWADLINCOTE**

The Planning Development Manager delivered a report on the current progress of the Heritage Lottery Fund (HLF) bid for the Swadlincote Conservation Area. In 2013 the Council were informed of the first round of success in obtaining £8,000 to help develop ideas further and formulate the second bid in May for approximately £500,000 to carry out the delivery of the project. The HLF includes:

- Grants of between 50% and 95% for repairs and improvements to eligible buildings for a three year period between 2015/16 and 2017/18.
- The re-designing of Diana, Princess of Wales, Memorial Garden
- A programme to get people more involved in the town's heritage through events, activities and educational agendas.
- Improving the way that the conservation area is managed, providing advice and guidance.

As part of the bid and to follow on from the Conservation Area Character Statement, a Conservation Area Management Plan (CAMP) and an Article 4 for the Conservation Area were required. The consultation on the CAMP and Article 4 Direction ran from the 30th January to 13th March 2015, this included a drop in event in the Town Hall, letters to all of the buildings within the Conservation Area, supplemented by 20 information notices. Hard copies of the CAMP were held in Swadlincote library and in the

Council's reception along with hard copies of the questionnaires and the Article 4 Direction. Whilst there were several enquiries regarding the CAMP, many seeking clarification, there were no formal comments made to the consultation.

**RESOLVED:**

***(1.1) That Members noted the report and adopted the Swadlincote Conservation Area Management Plan.***

EDS/102 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

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

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

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

**REORGANISATION OF THE PLANNING SERVICE**

The Director of Community and Planning Services presented a report and highlighted the increase in planning applications, in particular Major applications which had more than doubled since 2012/13. The restructure aim to increase the effectiveness within the Development Management team and Performance and Administration teams, whilst provide a sustainable and appropriate structure for the delivery of these services. The restructure also provides the opportunity to build capacity and resilience in the services to recognise the increased demands placed on the Planning Service following an upturn in the economy.

**RESOLVED:**

***(2.1) That Members recommend to the Finance and Management Committee the following changes for the restructuring of the Planning Service within the Community and Planning Directorate:***

**Planning Service**

The proposals for the restructuring of the Planning Service structure of the Directorate are:

- a) *The creation of two teams within the existing Development Management Team to deal with planning applications.***

To create these new teams the following changes to the existing establishment are proposed;

- b) *The flexible retirement of one Principal Area Planning Officer and re-designation of that post to Principal Area Planning Officer (Major Developments).***
- c) *A new Graduate Planning Officer post for a two year fixed term contract.***

It is also proposed to make a change within the Performance and Administration Team as set out below;

- d) *A new Modern Apprentice post on a two year contract***

It is also proposed to make a change within the existing Policy Team as set out below;

- e) *To re-grade the Planning Policy Manager.***

Whilst not directly linked to changes in this report,

- f) *The Senior Engineer post to be deleted on the retirement of the current post-holder, the saving from this post will be used to finance the permanent changes proposed.***

**(2.2) *That guidance on organisational change to be followed to implement these changes that include formal consultation with employees and Trade Union representatives.***

**(2.3) *That the proposals outlined to appoint in the revised structure be approved in principle and subject to appropriate consultation.***

**(2.4) *That appointments into the new posts detailed above be completed in line with the Council's Assimilation Procedure***

**(2.5) *That, owing to the exigencies of the service, any adjustments to the dates as outlined in the report be delegated to the Director of Community & Planning Services in consultation with the Chief Executive, Leader of the Council, Leader of the Opposition and Chairman of the appropriate Committees.***

**(2.6) *That the appropriate employment procedures of the Council be followed to ensure that the employment implications be managed appropriately as outlined in the report.***

- (2.7) That the timescales and actions outlined in the report for the completion of the review be approved in principle.**
- (2.8) That the grades of any existing or new posts be subject to the Council's Pay and Grading Review.**
- (2.9) That subject to the completion of assimilation interviews, all changes are implemented with effect from 1st July 2015.**
- (2.10) That Planning Services income from 2014/15 be carried forward to fund the changes for the next two years.**

The meeting terminated at 6:45pm

COUNCILLOR P. WATSON

CHAIRMAN

PLANNING COMMITTEE

14th April 2015

PRESENT:-

Conservative Group

Councillor Ford (Chairman), Councillor Mrs Brown (Vice-Chairman) and Councillors Mrs Hall, Roberts (substituting for Councillor Jones), Stanton, Watson and Wheeler (substituting for Councillor Bale)

Labour Group

Councillors Bell, Dunn, Richards, Shepherd and Southerd.

In attendance

The following Members also attended the Meeting Councillor Bambrick (Labour), Smith (Conservative), Taylor (Labour) and Wilkins (Labour).

PL/192 APOLOGIES

Apologies for absence from the Meeting were received on behalf of Councillors Bale, Jones and Pearson.

PL/193 MINUTES

The Open Minutes of the meeting held on the 20th January 2015 (PL/138 – PL/149), 10th February 2015 (PL/150 – PL/165) and 3rd March 2015 (PL/166 – PL/176) were taken as read, approved as a true record and signed by the Chairman.

PL/194 DECLARATIONS OF INTEREST

The Chairman declared a prejudicial interest in application number **9/2014/1140/OS** by reason of knowing the applicant.

The Vice-Chairman declared a personal interest in applications number **9/2014/1137/BMS** and **9/2015/0071/U** by reason of being a Governor at the local Schools.

Councillor Richards declared a personal interest in applications number **9/2014/0886/OS**, **9/2014/0887/OS** and **9/2014/0888/OS** by reason of being a Governor at the local School.

Councillor Stanton declared a prejudicial interest in application number **9/2015/0176/FH** by reason of being the applicant.

Councillor Wheeler declared a personal interest in application **9/2014/1140/OS** by reason of him knowing the applicant.

PL/195 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO COMMITTEE**

PL/196 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Chairman informed the Committee of the change of order to the agenda moving application number 9/2014/1140/OS to the top of the agenda of Matters Delegated to Committee. The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/197 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT (CLASS C3), PUBLIC OPEN SPACE, GREEN INFRASTRUCTURE, SCHOOL CAR PARK AND ASSOCIATED WORKS ON LAND AT SK3221 6215 TICKNALL LANE, HARTSHORNE, SWADLINCOTE**

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

Councillor Taylor addressed Members as the local ward member for Woodville expressing the views of local residents.

Mr. A Thomas (objector) and Mrs K Davies (agent in support) attended the Meeting and addressed Members on this application.

***RESOLVED:-***

***That planning permission be refused due to the reasons set out in the report of the Director of Community & Planning Services.***

(Councillor Ford and Councillor Wheeler left the meeting and took no part in the debate during the consideration and determination thereof).

PL/198 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 60 DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE, LANDSCAPING, ASSOCIATED DRAINAGE**

**INFRASTRUCTURE AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2720 7907 (SITE A) PARK ROAD, CADLEY PARK, SWADLINCOTE**

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

The Planning Services Manager advised that insufficient information was available to advise the committee on highway mitigation contributions payable under S106 agreements. As such he recommended to the members that the three related applications be deferred to the next committee to allow for further research/information from the County Highway Authority.

**RESOLVED:-**

***That the recommendation be accepted and application be deferred***

- PL/199 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR UP TO 110 DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2719 2370 (SITE B) WOODLANDS ROAD, STANTON, SWADLINCOTE**

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

The Planning Services Manager advised that insufficient information was available to advise the committee on highway mitigation contributions payable under S106 agreements. As such he recommended to the members that the three related applications be deferred to the next committee to allow for further research/information from the County Highway Authority.

**RESOLVED:-**

***That the recommendation be accepted and application be deferred***

- PL/200 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR UP TO 400 DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE TO INCLUDE CHILDREN'S PLAY SPACE, SPORTS PITCHES AND CHANGING FACILITIES, NEW URBAN PARK, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE (INCLUDING SUDS) AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2819 1873 (SITE C) WILLIAM NADINE WAY, SWADLINCOTE**

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

The Planning Services Manager advised that insufficient information was available to advise the committee on highway mitigation contributions payable under S106 agreements. As such he recommended to the members that the three related applications be deferred to the next committee to allow for further research/information from the County Highway Authority.

**RESOLVED:-**

***That the recommendation be accepted and application be deferred***

PL/201 **THE VARIATION OF CONDITION 11 OF PLANNING PERMISSION 9/2013/0733 TO FACILITATE THE USE OF 80 FURTHER EXISTING LEISURE MOORINGS FOR UNRESTRICTED RESIDENTIAL OCCUPATION (TOTALLING 260 MOORINGS) AT MERCIA MARINA, FINDERN LANE, WILLINGTON, DERBY**

Mr. R Neff (applicant) attended the Meeting and addressed Members on this application.

**RESOLVED:-**

***(a) That planning permission be granted subject to the Planning Services Manager completing a Section 106 Agreement to secure financial contributions towards education provision and waste & recycling as set out in the planning assessment.***

***(b) That planning permission be granted subject to recommendation (a) and conditions as set out in the report of the Director of Community and Planning Services.***

PL/202 **THE ERECTION OF ONE DWELLING ON LAND AT SK3824 3395 WEST OF LAMBERT HOUSE, ASHBY ROAD, MELBOURNE, DERBY**

The Planning Services Manager reminded the Committee that although a similar application had previously been refused and dismissed at appeal, the agent had revised the scheme to address the Appeal Inspectors concerns.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/203 **THE ERECTION OF AN EXTENSION AT KNOWLE HILL BUNGALOW, KNOWLE HILL FARM, INGLEBY LANE, TICKNALL, DERBY**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

(Councillor Stanton left the meeting and took no part in the debate during the consideration and determination thereof).

PL/204 **THE CONTINUED USE OF LAND FOR THE OPERATION OF A PLANT HIRE BUSINESS AT BLAKEMERE FARM, BACKACRE LANE, FINDERN, DERBY**

Recommendation was made to members that application be deferred to the next Committee to allow for a site visit.

**RESOLVED:-**

***That the recommendation be accepted and application be deferred***

PL/205 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:-**

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

**EXEMPT MINUTES**

***The Exempt minutes of the meeting held on the 3rd March 2015 (PL/177 – PL/178) were taken as read, approved as a true record and signed by the Chairman.***

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

***The Committee was informed that no questions had been received.***

The meeting terminated at 6:50p.m.

COUNCILLOR M. FORD

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

16<sup>th</sup> April 2015

**PRESENT:-**

**Conservative Group**

Councillor Smith (Chairman), Councillor Lemmon (Vice-Chairman for the Meeting) and Councillors Ford, Mrs Hall (substitute for Councillor Mrs Hood), Harrison, Murray and Stanton (substitute for Councillor Hewlett).

**Labour Group**

Councillors Bell (substitute for Councillor Frost), Dunn, Frost, Mulgrew, Rhind, Richards and Shepherd.

HCS/86 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Hewlett, Mrs Hood (Conservative Group) and Frost (Labour Group).

HCS/87 **MINUTES**

The Open Minutes of the Meeting held on 5<sup>th</sup> February 2015 and 12<sup>th</sup> March 2015 were taken as read, approved as a true record and signed by the Chairman.

HCS/88 **DECLARATION OF INTEREST**

Councillor Ford declared an interest in the Community Partnerships Scheme item by virtue of his approval of funding to Willington Church in his capacity as a County Councillor. Councillor Shepherd declared an interest in the Community Partnerships Scheme item by virtue of his involvement with South Derbyshire Citizens Advice Bureau.

HCS/89 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

HCS/90 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

HCS/91 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

**MATTERS DELEGATED TO COMMITTEE**

HCS/92 **COMMUNITY PARTNERSHIPS SCHEME**

The Community Partnership Officer summarised the report to Committee, confirming that 11 of the 13 grant applications had been processed for approval, the remaining two deferred for further information.

Queries relating to match funding and the deferred applications were responded to and noted.

**RESOLVED:-**

***That the recommendations of the Community Partnerships Scheme Assessment Panel be approved and grants awarded as follows;***

***£15,600 to 107<sup>th</sup> Aston Scouts – Grant to contribute to a replacement mini-bus that is used by five sections of this organisation.***

***£19,890 to South Derbyshire Citizens Advice Bureau – Grant towards the costs associated with extending the building to house additional volunteer advice workers.***

***£12,500 to Egginton Parish Council – Grant towards a project that will engage the community in providing improvements to community spaces within the village.***

***£7,279 to Etwall George V Playing Field Charity – Grant towards the installation of play equipment for teenagers from within the community.***

***£11,550 to Friends of Newhall Park – Grant towards a community based project that will improve the area around the War Memorial gates, improving both the appearance and usability of the area.***

***£4,834 to Gresley PCC (Gresley Church Hall) – Grant towards the reconfiguration of the storage area of the hall to provide office and meeting area to act as a base to support voluntary activity in the parish.***

***£25,000 to Overseal Parish Council – Grant to contribute to major improvement works of the village recreation ground.***

***£4,200 to Rosliston Village Hall – Grant to support the investment in energy efficiency technologies that will reduce costs to the hall leading to increased sustainability.***

***£8,000 to Ticknall Church – Grant to support the cost of installing toilet facilities within the building.***

***£7,000 to Ticknall Cricket Club – Grant to support the improvement and extension of practice facilities that will improve safety and increase usage.***

***£15,000 to Willington Church - Grant to support the cost of installing toilet facilities and improving kitchen facilities to increase the capacity of the building to be used by the local community for a range of activities.***

HCS/93 **HOME ENERGY CONSERVATION ACT (HECA) PLAN – PROGRESS REPORT**

The Strategic Housing Manager presented the update report to Committee, highlighting the work undertaken to date and that planned for 2015-17.

**RESOLVED:-**

***That the Committee considered and approved the 2015 Home Energy Conservation Act (HECA) Plan and submission to the Secretary of State for Energy and Climate Change Plan.***

HCS/94 **HOUSING CAPITAL INVESTMENT PROGRAMME 2012-2017 – PROGRESS REPORT**

The Housing Asset Manager presented the report to Committee, making specific reference to future update reports, the Decent Homes Standard, the New Build and Acquisition Programme and Garage Site improvements.

Queries relating to insulation upgrades being available to private households, central heating upgrades, future works tendering, building apprentices, non-traditional properties expenditure and sprinkler system installations were responded to and noted.

**RESOLVED:-**

***That the Committee considered and approved the year end 2014/2015 progress report for the Housing Capital Investment Programme which includes both the Improvement Programme to current stock and the New Build and Acquisition Programme.***

***Approval also given to future progress reports being presented to the respective June and November Committee meetings to ensure actual completions for end of year and half yearly milestones (31 March and 30 September).***

HCS/95 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be***

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

**MINUTES**

*The Exempt minutes of the Meeting held on 5<sup>th</sup> February 2015 were received.*

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

*The Committee was informed that no questions had been received.*

The Meeting terminated at 6.30pm

COUNCILLOR P SMITH

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

23<sup>rd</sup> April 2015

**PRESENT:-**

**Conservative Group**

Councillor Mrs Watson (Chairman), Councillor Jones (Vice-Chairman) and Councillors Mrs Hall (substitute for Councillor Murray), Hewlett, Stanton (substitute for Councillor Smith), Watson and Wheeler

**Labour Group**

Councillors Bell, Mulgrew (substitute for Councillor Taylor), Rhind, Richards, Southerd and Wilkins

**In Attendance**

Councillor Harrison

FM/123 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Murray, Smith (Conservative Group) and Taylor (Labour Group).

FM/124 **MINUTES**

The Open minutes of the Meetings held on 19<sup>th</sup> February 2015 and 19<sup>th</sup> March 2015 were taken as read, approved as a true record and signed by the Chairman.

FM/125 **DECLARATIONS OF INTEREST**

Councillors Stanton and Wheeler declared a personal interest in the Discretionary Rate Relief Schemes item: Sharpe's Pottery Heritage Visitor Centre by virtue of their position as Trustees. Councillor Southerd also declared a personal interest in the same item: Our Monkey Club (Church Gresley) CIC by virtue of his position as a County Councillor.

FM/126 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

FM/127 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

FM/128 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no reports of the Overview & Scrutiny Committee to consider.

**MATTERS DELEGATED TO COMMITTEE**

FM/129 **AUDIT SUB-COMMITTEE**

The Minutes of the Audit sub-Committee held on 18<sup>th</sup> February 2015 and 1<sup>st</sup> April 2015 were submitted.

**RESOLVED:-**

***That the Minutes of the Audit Sub-Committee Meetings held on 18th February 2015 and 1<sup>st</sup> April 2015 be received and any recommendations contained therein approved.***

FM/130 **NEIGHBOURHOOD PLANNING GRANT**

The Director of Community and Planning Services summarised the report, referring to the grant applications, as approved by the Housing and Community Services Committee on 16<sup>th</sup> April 2015.

**RESOLVED:**

***That Members noted the grant support available for the development of neighbourhood development plans from the Department for Communities and Local Government and agreed to pass on the element of grant support that relates to the designation of a neighbourhood area.***

FM/131 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

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

**MINUTES**

***The Exempt minutes of the Meeting held on 19<sup>th</sup> February 2015 were received.***

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

***The Committee was informed that no questions had been received.***

**REORGANISATION OF THE PLANNING SERVICE (Paragraph 1)**

***The Committee agreed proposals for the reorganisation of the Planning Service.***

**DISCRETIONARY RATE RELIEF SCHEMES (Paragraph 3)**

***The Committee approved the recommendations relating to Discretionary Rate Relief.***

**LAND AND PREMISES IN SWADLINCOTE (Paragraph 3)**

***The Committee agreed proposals for land and premises in Swadlincote.***

**HOUSING BENEFITS PROCESSING AND CUSTOMER SERVICES (Paragraph 3)**

***The Committee agreed the recommendations put forward in relation to Housing Benefits processing and Customer Services.***

The meeting terminated at 6.45pm

COUNCILLOR MRS A WATSON

CHAIRMAN

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<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>21<sup>ST</sup> MAY 2015</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@south-derbys.gov.uk">Ardip.Kaur@south-derbys.gov.uk</a> <b>EXT. 5715</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>POLITICAL PROPORTIONALITY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	

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### **1.0 Recommendations**

- 1.1 That, in accordance with Council Procedure Rule No. 1.1(e), the Council appoints the Committees and Sub-Committees as set out at Annexe 'A' together with the six Area Forums detailed in Article 9 of the Council's Constitution.
- 1.2 That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2015/16.
- 1.3 That the Council allocates seats between the Political Groups as set out at Annexe 'A' and invites the two Groups to make nominations to fill the seats.

### **2.0 Purpose of Report**

- 2.1 To consider the Council's political proportionality for the municipal year 2015/16.

### **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 Following the District Council elections on 7<sup>th</sup> May 2015, the political composition of the Council is currently as follows:-
  - Conservative Group 24
  - Labour Group 12
- 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 two Groups, this gives 65 seats to the Conservative Group and 33 seats to the Labour Group, 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

## ANNEXE 'A'

### POLITICAL PROPORTIONALITY 2015/16

<b>Committee</b>	<b>Membership</b>	<b>Conservative Group</b>	<b>Labour Group</b>
Finance & Management	13	9	4
Environmental & Development Services	13	9	4
Housing & Community Services	13	9	4
Planning	13	9	4
Licensing & Appeals	15	9	6
Overview & Scrutiny	8	5	3
Standards	6	4	2
Joint Consultative	5	3	2
Etwell Leisure Centre Joint Management	3	2	1
Audit Sub	5	3	2
Heritage Grants Sub	4	3	1
Seats available for allocation	98	65 (65.33)	33 (32.67)
Total number of seats on Council	36 (100%)	24 (66.67%)	12 (33.33%)

# **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

## **2015/16**

### **FINANCE AND MANAGEMENT COMMITTEE (13)**

#### **Conservative Group (9)**

Councillor Harrison (Chairman), Councillors Mrs Plenderleith (Vice-Chairman) and Councillors Billings, Mrs Coyle, Hewlett, MacPherson, Smith, Watson and Wheeler.

#### **Labour Group (4)**

Councillors Rhind, Richards, Southerd and Wilkins.

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

#### **Conservative Group (9)**

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Mrs. Brown, Coe, Roberts, Mrs. Hall, MacPherson, Mrs. Patten and Stanton.

#### **Labour Group (4)**

Councillors Chahal, Southerd, Taylor and Tilley.

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

#### **Conservative Group (9)**

Councillor Hewlett, (Chairman), Councillor Smith (Vice-Chairman) and Councillors Billings, Mrs Coe, Coe, Mrs Coyle, Harrison, Muller and Mrs Wyatt.

#### **Labour Group (4)**

Councillors Dunn, Rhind, Richards and Taylor.

### **PLANNING COMMITTEE (13)**

#### **Conservative Group (9)**

Councillor Roberts (Chairman), Councillor Mrs. Brown (Vice-Chairman) and Councillors Atkin, Mrs Farrington, Ford, Grant, Mrs. Hall, Stanton and Watson.

#### **Labour Group (4)**

Councillors Dunn, Pearson, Shepherd and Southerd.

## **LICENSING AND APPEALS COMMITTEE (15)**

### **Conservative Group (9)**

Councillor Stanton (Chairman) and Councillors Atkin, Mrs Coyle, Harrison, Muller, Mrs. Patten, Plenderleith, Watson and Wheeler.

### **Labour Group (6)**

Councillors Dunn, Pearson, Richards, Mrs Stuart, Southerd, and Taylor.

## **OVERVIEW AND SCRUTINY COMMITTEE (8)**

### **Conservative Group (5)**

Councillor Mrs. Farrington (Chairman), Councillor Swann (Vice-Chairman) and Councillors Atkin, Mrs Coe and Mrs. Patten.

### **Labour Group (3)**

Councillors Bambrick, Mrs Stuart and Pearson.

## **STANDARDS COMMITTEE (6)**

### **Conservative Group (4)**

Councillors Harrison (Chairman), Stanton (Vice-Chairman), Atkin and Murray.

### **Labour Group (2)**

Councillors Mrs Stuart and Pearson.

## **JOINT CONSULTATIVE COMMITTEE (5)**

### **Conservative Group (3)**

Councillors Harrison, Mrs. Coyle and Wheeler.

### **Labour Group (2)**

Councillors Richards and Southerd.

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

### **Conservative Group (2)**

Councillors Billings and Plenderleith.

### **Labour Group (1)**

Councillor Shepherd

## **AUDIT SUB-COMMITTEE (5)**

### **Conservative Group (3)**

Councillor Grant (Chairman), Councillor Ford (Vice-Chairman) and Councillor Stanton.

### **Labour Group (2)**

Councillors Dunn and Shepherd.

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

### **Conservative Group (3)**

Councillors Hewlett, Smith, Mrs Coyle

### **Labour Group (1)**

Councillor Taylor.

## **SINGLE STATUS STEERING GROUP (3)**

### **Conservative Group (2)**

Councillors Harrison and Wheeler.

### **Labour Group (1)**

Councillor Wilkins.

## **COMMUNITY PARTNERSHIP SCHEME ASSESSMENT PANEL (5)**

### **Conservative Group (3)**

Councillors Mrs Coyle, Watson and Wheeler.

### **Labour Group (2)**

Councillors Southerd and Taylor.

## **CORE STRATEGY WORKING PANEL (5)**

### **Conservative Group (3)**

Councillors Hewlett, Smith and Watson.

### **Labour Group (2)**

Councillors Rhind and Richards.

### **CORPORATE SERVICES STRATEGIC PARTNERSHIP BOARD (3)**

#### **Conservative Group (2)**

Councillors Mrs Coyle and Wheeler.

#### **Labour Group (1)**

Councillor Richards.

### **LOCAL PLAN OFFICER/MEMBER WORKING GROUP (6)**

#### **Conservative Group (4)**

Councillors Watson (Chairman) and Councillors Mrs. Plenderleith, Stanton and Wheeler.

#### **Labour Group (2)**

Councillors Shepherd and Southerd.

### **SERVICE AND FINANCIAL PLANNING WORKING GROUP (5)**

#### **Conservative Group (3)**

Councillors Mrs Coyle, Harrison and Wheeler

#### **Labour Group (2)**

Councillors Richards and Wilkins.

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS  
REPRESENTATIVES OF THE COUNCIL  
ON OUTSIDE BODIES FOR 2015/16**

Organisation	Representative(s)
<b>1. Acre Lane, Shardlow Sand &amp; Gravel Site Liaison Committee</b>	Councillor P Watson Councillor Mrs H Coyle (sub)
<b>2. Adult Care Services Board(Supporting People).</b>	Chairman of Housing and Community Services Committee
<b>3. Arts Derbyshire</b>	Councillor J Hewlett
<b>4. Association of Retained Council Houses Ltd. (ARCH)</b>	Councillor J Hewlett Director of Housing and Environmental Services
<b>5. Building Control Joint Working Project Board.</b>	Chairman of Environmental & Development Services Committee
<b>6. Burton Hospitals NHS Foundation Trust Governors</b>	Councillor Mrs G Farrington
<b>7. Central Midlands Audit Partnership Board</b>	Chairman of Audit Sub-Committee Vice-Chairman of Audit Sub-Committee (sub)
<b>8. Community Arts Project (“People Express”) Management Committee</b>	Councillor Mrs M Hall Councillor Mrs K Coe
<b>9. Community Transport (Swadlincote) Management Committee</b>	Councillor M Hall
<b>10. Derby Airfield Consultative Committee</b>	Councillor M Ford
<b>11. Derbyshire Economic Partnership Board</b>	Councillor R Wheeler
<b>12. Derby and Derbyshire Strategic Leadership Forum</b>	Councillor R Wheeler Councillor Mrs H Coyle(sub) Chief Executive Monitoring Officer (sub)
<b>13. Derby and Sandiacre Canal Trust Ltd</b>	Councillor M Stanton
<b>14. Derbyshire Hate Crime Panel</b>	Councillor J Patten
<b>15. Derbyshire Partnership Forum</b>	Councillor R Wheeler
<b>16. Derbyshire Police and Crime Panel</b>	Councillor Mrs G Farrington Councillor S Swann (sub)
<b>17. Derbyshire Sport</b>	Councillor P Smith
<b>18. Donington Park Racing Circuit Liaison Committee</b>	Councillor P Watson Councillor N Atkin (sub) Councillor J Harrison (sub)
<b>19. East Midlands Airport Independent Consultative Committee</b>	Councillor J Harrison Councillor N Atkin (sub)
<b>20. East Midlands Airport Liaison Committee</b>	Aston, Melbourne and Repton Ward Members

<b>21. East Midlands Arts</b>	Councillor J Patten
<b>22. East Midlands Councils</b>	Councillor R Wheeler
<b>23. Elvaston Quarry Waste Disposal Site Liaison Committee</b>	Councillor P Watson Councillor Mrs H Coyle (sub)
<b>24. Environmental Education Project Steering Group</b>	Councillor J Hewlett
<b>25. Goseley Community Centre Committee</b>	Councillor Mrs K Coe Councillor S Taylor
<b>26. Heart of the Forest Forum</b>	Councillor M Stanton
<b>27. Hilton Harriers Mease Management Committee</b>	Councillor J Patten
<b>28. Homestart</b>	Councillor P Smith
<b>29. Local Government Association (London)</b>	Councillor R Wheeler (General Assembly) Councillor Mrs H Coyle (Rural Commission) Councillor P Watson (Urban Commission)
<b>30. Local Government Information Unit</b>	Councillor R Wheeler Councillor Mrs H Coyle (sub)
<b>31. Melbourne Sporting Partnership</b>	Director of Community and Planning
<b>32. New Albion Revised Liaison Committee</b>	Councillor P Watson
<b>33. Next Step Against Domestic Abuse</b>	Councillor J Patten
<b>34. Parking and Traffic Regulations (outside London) Adjudication Joint Committee</b>	Councillor P Watson
<b>35. Pingle Artificial Turf Pitch Management Group</b>	Councillor P Smith
<b>36. Relate</b>	Councillor J Patten
<b>37. Rosliston and Caldwell Village Hall Management Committee</b>	Councillor R Wheeler
<b>38. Rosliston Forestry Centre Management Executive</b>	Councillor J Hewlett
<b>39. Rosliston Forestry Community Group</b>	Councillor J Grant
<b>40. Rural Action Derbyshire</b>	Councillor M Stanton
<b>41. Safer South Derbyshire Partnership Strategic Group</b>	Councillor R Wheeler Councillor J Hewlett (sub)
<b>42. Shardlow Heritage Centre Museum Working Group</b>	Councillor M Stanton
<b>43. Sharpe's Pottery Heritage &amp; Arts Trust Ltd.</b>	Councillor Mrs H Coyle Councillor P Murray Councillor M Stanton Councillor R Wheeler
<b>44. Sir John Port and John Osbourne Almshouses Charitable Trust</b>	Councillor D Muller
<b>45. Social Care Forum</b>	Councillor P Smith
<b>46. South Derbyshire Citizens'</b>	Councillor J Hewlett

<b>Advice Bureau</b>	Councillor Mrs K Coe
<b>47. South Derbyshire CVS</b>	Councillor M Hall Councillor R Coe
<b>48. South Derbyshire Partnership</b>	Councillor R Wheeler Councillor Mrs H Coyle Councillor K Richards Councillor T Southerd (sub) Chief Executive
<b>49. South Derbyshire Mental Health Association</b>	Councillor J Hewlett
<b>50. South Derbyshire Music Trust Management Committee</b>	Councillor P Murray
<b>51. South Derbyshire Strategic Sports Group</b>	Councillor P Smith Councillor J Hewlett (sub)
<b>52. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee</b>	Councillor P Watson Councillor Mrs H Coyle (sub)
<b>53. Toyota Community Liaison Committee</b>	Councillor R Wheeler Councillor D Muller
<b>54. Visit Peak District and Derbyshire</b>	Councillor M Stanton

## **MEMBER CHAMPIONS 2015/16**

Arts & Culture	Councillor Hewlett
Consultation, Communication & Engagement	Councillor Murray
Design (Planning)	Councillor Mrs Brown
Equality & Diversity	Councillor Mrs. Patten
Health & Safety	Councillor Watson Labour nominee
Historic Environment	Councillor Watson
Information Technology	Councillor Harrison Labour nominee
Older People	Councillor Mrs Farrington
Performance & Data Quality	Councillor Harrison
Procurement & Business Improvement	Councillor Mrs Plenderleith
Risk Management	Councillor Watson
Safeguarding	Councillor Mrs Farrington
Training	Councillor Wheeler and Councillor Southerd
Voluntary Sector	Councillor Hewlett
Young People	Councillor Mrs Coyle

## **AREA FORUM COMPOSITIONS 2015/16**

### **ETWALL**

(Comprising Members from Etwall, Hatton and Hilton Wards)

#### **Conservative Group**

Councillor Mrs. Brown (Chairman) and Councillors Billings, Muller Mrs. Patten, Mrs. Plenderleith and Roberts.

### **LINTON**

(Comprising Members from Linton and Seales Wards)

#### **Conservative Group**

Councillor Murray (Chairman) and Councillors Grant, Mrs Hall and Wheeler.

### **MELBOURNE**

(Comprising Members from Aston and Melbourne Wards)

#### **Conservative Group**

Councillor Harrison (Chairman) and Councillors Atkin, Mrs Coyle, Hewlett, and Watson.

### **NEWHALL**

(Comprising Members from Midway and Newhall & Stanton Wards)

#### **Labour Group**

Councillors Bambrick, Dunn, Pearson, Richards, Mrs Stuart and Wilkins.

### **REPTON**

(Comprising Members from Repton, Stenson and Willington & Findern Wards)

#### **Conservative Group**

Councillor Smith (Chairman) and Councillors Ford, MacPherson and Stanton.

#### **Labour Group**

Councillors Chahal and Shepherd.

### **SWADLINCOTE**

(Comprising Members from Church Gresley, Swadlincote and Woodville Wards)

#### **Conservative Group**

Councillors Mrs Farrington, Mrs Coe, Coe, Swann and Mrs Wyatt.

#### **Labour Group**

Councillors Rhind, Southerd, Tilley and Taylor.



**South  
Derbyshire**  
District Council

# Overview and Scrutiny Annual Report 2014/2015



**South  
Derbyshire  
District Council**

## **1. Background**

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

Overview and scrutiny plays an important and active part in local government's decision making process. It acts as a critical friend to Council by challenging decisions where appropriate, and helping to improve services through policy development, service reviews and working in alignment with the Council's performance management structure. The scrutiny function has helped the Council to continue to improve services for the local population, and continues do to so through these more challenging times.

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

The report outlines how the Overview and Scrutiny Committee has discharged its functions during the municipal year 2014/15 and details the current position and outcomes of its activities.

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

The Committee consists of eight Members, being four Members of the Conservative Group and four Members of the Labour Group in accordance with the political balance of the Council. For 2014/15, the following Members were appointed to the Committee:-

**Conservative Group**

Councillor Mrs. Plenderleith (Chair), Councillor Atkin (Vice-Chair) Councillor Mrs. Hood and Councillor Mrs. Patten.

**Labour Group**

Councillor Bambrick, Councillor Mrs. Heath, Councillor Mrs. Mead and Councillor Pearson.

**1.3 Main Purposes of Committee**

The main purposes of the Committee are as follows:-

- (a) Write reports and/or make recommendations to Full 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 inhabitants.
- (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 Best Value process and report findings to the relevant Policy Committee.

#### **1.4 Officer Support**

The Overview and Scrutiny Committee is supported by four Heads of Service and two Democratic Services Officers. Other Officers attend meetings to contribute to specific reviews.

#### **1.5 Meetings**

The Overview and Scrutiny Committee usually meets every six weeks, on Wednesday evenings at the Council's Civic Offices. Meetings are held in Open session, unless there are Exempt items for consideration. Additional task groups have taken place for certain review areas.

#### **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 2014/2015, the Committee was not required to deal with any 'called in' decisions or requests from Policy Committees for specific investigations. This meant that the Committee was able to focus on the coordination of work across the overview and scrutiny function within the Council and the wider community.

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

### **2.1 The Annual Report**

In March 2015 the Committee considered the draft Annual Report for the 2014/15 Local Government 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

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

The Committee received a report in May 2014 outlining suggestions on how the Committee might identify and agree possible issues to form the basis of its Work Programme during the new Local Government Year. Members considered a range of possible topics for the Committee to consider, the Councillors responsible for each initial scoping exercise and in particular what lines of enquiry they would like to cover. The key issues that the Committee looked at were:

- Co-operating with Other Scrutiny Bodies
- Individual Electoral Registration
- NHS Dental Service Provision
- Customer Services & Payment Facilities
- Regulation of Investigatory Powers Act (RIPA) 2000
- Review on Leisure Services
- Housing Revenue Account Budget
- Cemetery Provision

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

## **2.3 Co-operating with Other Scrutiny Bodies**

The Committee met with an officer from the Centre for Public Scrutiny (CfPS) who helped to set out the role of different agencies in holding to account various public service providers. It was discussed how joint projects could be organised that would be mutually beneficial to various scrutiny bodies.

#### **2.4 Individual Electoral Registration**

The Committee looked into the new IER system (Individual Electoral Registration), and what work had been undertaken in the district. The key change with IER is that Electors were now able to register online, which is a straight forward procedure that has been proven successful, and over 1,300,000 applications nationally had so far been made this way. South Derbyshire had achieved a match rate of 91% (IER records matching the information held by DWP and the Council) and were hoping that with the use of the IER online option numbers would increase.

An IER campaign had been launched with articles in Burton Mail, Swadlincote Times and Swadlincote Post , leaflets and posters sent to local businesses such as Toyota, Colleges, Doctor's Surgeries and Housing Associations. There is also a link on the two computers in the reception area at the Civic Offices for the public to use.

#### **2.5 NHS Dental Service Provision**

The Committee had been made aware how people in the district had been forced to travel some distance to reach a dentist as they were unable to register with a local dentist. The Committee resolved that they would send a formal letter to Derbyshire County Council, passing on the findings asking for a response on why there had been no commissioning since 2006.

## **2.6 Customer Services & Payment Facilities**

The Committee had been asked to undertake a review of payment facilities in the Civic Offices, together with a review of the Customer Services operation to enable people to pay bills and money owing to the Council. A task and finish group was set up to visit Derby City Council where this service is being offered, and also spent time with the Customer Service team at South Derbyshire District Council, speaking with team members and customers alike to gauge their impressions of the current facilities. The Committee suggested that the Council should consider the need to provide a better experience for people contacting the Council and visiting the offices with queries and looking for information.

## **2.7 Regulation Of Investigatory Powers Act 2000 (RIPA)**

The Committee had been asked to review, and approved the report regarding the Council's Inspection by the Office of Surveillance Commissioners and the Council's Regulation of Investigatory Powers Act 2000 Policy and Guidance document.

## **2.8 Review of Leisure Services**

The Committee reviewed Leisure Services Provision in the District on current facility provision. There were commercially driven programmes with local objectives built on a Needs Surveys and a good level of Outreach Provision with items such as, 'Get Active In The Forest', 'Village Games', 'Playschemes', 'Sport and Health' and 'Active Nation', however the Council would make efforts to try and involve elderly people more in the future. A Survey will be conducted with both elderly and young people that will drive the new 2015 Leisure Provision Programme.

## **2.9 Housing Revenue Account Budget**

The Committee had a specific role to assist the Finance and Management Committee with the Business Plan for the HRA (Housing Revenue Account budget) and subjected it to a detailed review. This was to consider the resources available for 'New Build Housing' and to update the financial projection following the first 2 years of "self-financing" together with the impact of changes to the national rent setting guidelines, which are to be implemented in April 2015.

## **2.10 Cemetery Service and Provision of Cemetery Space**

The Overview and Scrutiny Committee initially became interested in cemetery provision due to the reduction in cemetery space in the urban core and Gresley cemetery in particular. Initial exploration was done into the availability of Council owned land but problems were encountered with size, access, legal issues, cost and alternative uses that meant nothing suitable could be found. After the initial work and on the back of local intelligence from outside the urban core, the Committee decided additional work was required to ascertain the scale of the issue across the whole of the district. The Council do not have a statutory duty to make provision for burials, but it became apparent that this was a service that was expected.

## **2.11 Budget Proposals 2014/15 and Financial Plan to 2020**

The Committee had a specific role to assist the Finance and Management Committee to develop the budget proposals. The Committee considered the budget at two of its meetings, in January and February 2015, looking at the General Fund, Capital, the proposals for Council Tax and the Housing Revenue Account. Members

of Overview and Scrutiny were also invited to attend the policy committee meetings and Area Forums, where detailed presentations were provided on each aspect of the budget. The Committee was satisfied with all recommendations made as part of the budget response and that the level of Council Rent be increased by 2.2% and Council Tax be frozen for 2015/16.

### **3. Concluding Comments and Acknowledgements**

This report had aimed to demonstrate the tangible effect that Overview and Scrutiny can make towards improving and delivering quality services to the residents of South Derbyshire. The Overview and Scrutiny Committee recognised and appreciated immensely the valuable contribution that elected Members, Officers and representatives from partner organisations make 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.

Chairman, Vice-Chairman and Members  
of the Overview and Scrutiny Committee  
March 2015

## Obtaining alternative versions of this document

If you would like this document in another language, or if you require the services of an interpreter, please contact us. This information is also available in large print, Braille or audio format upon request.

Phone: 01283 595795

email: [customer.services@south-derbys.gov.uk](mailto:customer.services@south-derbys.gov.uk)

Jeśli chcieliby Państwo otrzymać ten dokument w innym języku lub potrzebują Państwo usług tłumacza, prosimy o kontakt. Informacje te są również dostępne na życzenie w wydaniu dużym drukiem, w alfabecie brajla lub w wersji audio.

如果你需要这份文件的中文翻译·或者需要传译员的帮助·请联系我们。这些数据也各有大字体印本·盲人点字和录音带，欢迎索取。

ほかの言語でこの文書をご希望の場合、もしくは通訳サービスをご希望の場合にご連絡ください。またこの情報は、ご要望により大きなプリント、点字版、また音声形式でも承っております。

यदि आपको ये दस्तावेज किसी दूसरी भाषा में चाहिये, या किसी दुभाषिये की सेवाओं की जरूरत है तो हमें सम्पर्क की कृपया करें। ये जानकारी माँग करने पर बड़े अक्षरों, ब्रेल या आडिओ के रूप में भी उपलब्ध करवाई जा सकती है।

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿੱਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ਮੰਗ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਊ ਦੇ ਰੂਪ ਵਿੱਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہیں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ، بریل یا آڈیو فارمیٹ میں بھی دستیاب ہیں۔

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REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 19
DATE OF MEETING:	21 <sup>ST</sup> MAY 2015	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP KAUR <a href="mailto:Ardip.Kaur@south-derbys.gov.uk">Ardip.Kaur@south-derbys.gov.uk</a> EXT.5715	DOC:
SUBJECT:	CYCLE OF MEETINGS 2015/16	REF:
WARD(S) AFFECTED:	ALL	

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### **1.0 Recommendations**

1.1 That the cycle of Meetings for 2015/16 be approved.

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

2.1 To consider the cycle of Meetings for 2015/16 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 2015/2016

<b>Committee</b>	<b>Date</b>
<b>ANNUAL COUNCIL</b>	<b>Thursday 21.05.15</b>
<b>CIVIC COUNCIL</b>	<b>Thursday 28.05.15</b>
Planning	Tuesday 02.06.15
Environmental & Development Services	Thursday 04.06.15
Housing & Community Services	Thursday 11.06.15
Audit Sub	Wednesday 17.06.15
Finance & Management	Thursday 18.06.15
Planning	Tuesday 23.06.15
Overview & Scrutiny	Wednesday 24.06.15
Finance & Management (Special – Final Accounts)	Thursday 25.06.15
<b>COUNCIL</b>	<b>Thursday 02.07.15</b>
Etwall JMC	Monday 13.07.15
Planning	Tuesday 14.07.15
Planning	Tuesday 04.08.15
Environmental & Development Services	Thursday 20.08.15
Planning	Tuesday 25.08.15
Housing & Community Services	Thursday 27.08.15
Finance & Management	Thursday 03.09.15
Overview & Scrutiny	Wednesday 09.09.15
Planning	Tuesday 15.09.15
Audit Sub	Wednesday 23.09.15
Finance & Management (Special - Final Accounts) 5pm	Thursday 24.09.15
<b>COUNCIL</b>	<b>Thursday 24.09.15</b>
Etwall JMC	Monday 28.09.15
Environmental & Development Services	Thursday 01.10.15
Planning	Tuesday 06.10.15
Housing & Community Services	Thursday 08.10.15
Finance & Management	Thursday 15.10.15
Overview & Scrutiny	Wednesday 21.10.15
Planning	Tuesday 27.10.15
<b>COUNCIL</b>	<b>Thursday 05.11.15</b>
Planning	Tuesday 17.11.15
Environmental & Development Services	Thursday 19.11.15
Housing & Community Services	Thursday 26.11.15
Finance & Management	Thursday 03.12.15
Overview & Scrutiny	Wednesday 09.12.15
Planning	Tuesday 15.12.15
Audit Sub	Wednesday 16.12.15

## COMMITTEE AND COUNCIL MEETINGS 2015/2016

<b>Committee</b>	<b>Date</b>
Environmental & Development Services (Special - Budget)	Thursday 07.01.16
Etwall JMC	Monday 11.01.16
Housing & Community Services (Special – Budget)	Tuesday 12.01.16
Finance & Management (Special – Budget)	Thursday 14.01.16
Planning	Tuesday 19.01.16
Overview & Scrutiny	Wednesday 20.01.16
<b>COUNCIL</b>	<b>Thursday 21.01.16</b>
Finance & Management (Special - NNDR)	Monday 25.01.16
Environmental & Development Services	Thursday 28.01.16
Housing & Community Services	Thursday 04.02.16
Planning	Tuesday 09.02.16
Overview & Scrutiny	Wednesday 10.02.16
Audit Sub	Wednesday 17.02.16
Finance & Management	Thursday 18.02.16
<b>COUNCIL</b>	<b>Monday 29.02.16</b>
Planning	Tuesday 01.03.16
Environmental & Development Services	Thursday 03.03.16
Housing & Community Services	Thursday 10.03.16
Finance & Management	Thursday 17.03.16
Planning	Tuesday 22.03.16
Overview & Scrutiny	Wednesday 23.03.16
Audit Sub	Wednesday 30.03.16
<b>COUNCIL</b>	<b>Thursday 07.04.16</b>
Etwall JMC	Monday 11.04.16
Planning	Tuesday 12.04.16
Environmental & Development Services	Thursday 14.04.16
Housing & Community Services	Thursday 21.04.16
Finance & Management	Thursday 28.04.16
<b>ANNUAL COUNCIL</b>	<b>Thursday 19.05.16</b>
<b>CIVIC COUNCIL</b>	<b>Thursday 26.05.16</b>

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<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>	<b>AGENDA ITEM: 20</b>
<b>DATE OF MEETING:</b>	<b>21<sup>ST</sup> MAY 2015</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR</b> <a href="mailto:Ardip.Kaur@south-derbys.gov.uk">Ardip.Kaur@south-derbys.gov.uk</a> <b>EXT. 5715</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>PLANNING CODE OF GOOD PRACTICE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 That subject to any amendments by Council, the Planning Code of Good Practice (Appendix A) be approved and adopted.
- 1.2 That the Planning Code of Good Practice is included within Part 5 of the Council's Constitution and replaces the existing Code.

## **2.0 Purpose of Report**

- 2.1 To seek the approval of the Council's Planning Code of Good Practice which is based on the Model Code. The Model Code has been produced by the national body 'Lawyers in Local Government (LLG)'.

## **3.0 Detail**

- 3.1 A 2014 Model Code has been produced by the national body 'Lawyers in Local Government (LLG)', (formerly known as Association of Council Secretaries and Solicitors (ACSeS)). The Code takes into account the update to the Seven Principles of Public Life (the 'Nolan Principles') and commentary from the Committee on Standards in Public Life, the changes in approach to codes of conduct, predetermination introduced by the Localism Act 2011, and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.
- 3.2 It is necessary to produce a new revised document based on the Model Code produced by LLG.
- 3.3 Consultation has been undertaken with the Planning Services Directorate, who have responded as follows;

*The Model Code has been compiled on a sound and robust basis as described in its introduction. As such it is incumbent on the Local Planning Authority to review its current Code in the light of this advice. The proposal around the compulsory attendance of committee site visits and the subsequent entitlement to take part in the committee proceedings has been an issue at the planning committee before but has*

*not been reviewed as a principle of decision making for some time. It would appear sensible to be guided by the Model Code in this regard and therefore ensure that Members who have not taken part in the organised site visit cannot then play a part in the determination of the case at the subsequent Planning Committee. Abiding by the Code would ensure that any subsequent challenge to a decision taken by Members would be more robustly defensible in court on the basis of an informed decision having been made.*

## **5.0 Financial Implications**

5.1 There are no financial implications arising directly from this report.

## **6.0 Legal Implications**

6.1 The Code takes account of best practice and assists the Council to fulfil its statutory duty to promote and maintain high standards of conduct for both Members and Officers.

## **7.0 Corporate Implications**

7.1 The Code builds on the Council's good governance arrangements and promotes transparency and integrity within the Planning decision making process.

## **8.0 Community Implications**

8.1 The Code seeks to maintain the ability for the community to witness the practices and procedures employed by the Council in its function as the Local Planning Authority.

## **9.0 Background Papers**

9.1 Planning Code of Good Practice.

## SOUTH DERBYSHIRE DISTRICT COUNCIL

### PLANNING CODE OF GOOD PRACTICE

#### **Background**

The Members' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges concerning themselves with local planning authorities and the Members' conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time.

The drafting of the model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG – Lawyers in Local Government), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

This 2014 update takes into account the update to the Seven Principles of Public Life (the “Nolan principles”) and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on “Openness and Transparency on Personal Interests” published by the Department for Communities and Local Government 2013.

For further reading please refer to “Probity in Planning” issued by the Local Government Association.

#### **Introduction**

**The aim of this Code:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgment and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

**When the Code applies:** this Code applies to Members at all times when involving themselves in the planning process (this includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place.**

## **1. Relationship to the Members' Code of Conduct**

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by your Authority, and the general rules and obligations giving effect to the Seven Principles of Public Life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- **Do** then apply the rules in this Members' Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the Police to consider criminal proceedings.

## **2. Development Proposals and Personal Interests (includes pecuniary and non-pecuniary interests, as defined by the Code of Conduct)**

- **Do** disclose the existence and nature of your interest as required by your Authority's Member Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that *"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. **They must declare and resolve any interests and relationships"**.*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think that you are receiving preferential treatment, because of your position as a councillor. This would

include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.
- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a Disclosable Pecuniary Interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

### **3. Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and after often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all side;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
  - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and

- are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating that proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a District and County Councillor), provided:
  - the proposal does not substantially affect the well-being or financial standing of the consultee body;
  - you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
  - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the seating area for members of the Committee for the duration of that item; and
  - ensure that your actions are recorded.

#### **4. Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Planning Services Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
  - follow the Authority's rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Planning Services Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the Planning Authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

**5. Lobbying of Councillors**

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward/division and, taking account of the need to make

decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Head of Planning or Planning Manager at the earliest opportunity.
- **Do** promptly refer to the Planning Services Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** declare that you have been lobbied on any particular matter at the Planning Committee when the application is being considered under the Declaration of Interests item of the agenda.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - Listening or receiving viewpoints from residents or other interested parties;
  - Making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a ward/division Member.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby or promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
- **Do** join general interest groups which reflect your area of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits/Inspections

- **Do** attend site visits organised by the Council, otherwise you will NOT be permitted to sit on the Committee for those items.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- The Chairman will open the formal site visit and invite Officers to point out relevant features of the site and its surroundings. There will be no discussion of the merits of the case, and any questions from Councillors must be put through the Chairman.
- The visiting Planning Committee party will stay together as a group. No lobbying by applicants or objectors will be allowed at the site visit. If an applicant or objector(s) persist(s) in attempting to lobby, all Councillors and Officers will leave the site.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit.
  - you have first spoken to the Head of Planning or Planning Manager about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chairman, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the Head of Planning or Planning Manager, which may be incorporated into any committee report.
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Corporate Director or Head of Planning or those officers who are authorised by their Corporate Director or Head of Planning to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendation will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are openminded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient

information before you. Request that further information. If necessary defer, or refuse.

- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present at the entire debate, including the officers introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's proposal on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11. Training

- Members that have been nominated by their Group Leaders can act as a designated substitute member of the Planning or Local Plan Committees. Any member of a political group is eligible to be a designated substitute member providing that they have received training in relation to planning matters under a continuing programme arranged by the Council.
- The Council provides training for Councillors on development control, local plan making and/or other planning matters at least once a year. The Council also aims to provide more specialist training to update knowledge, cover particular topics or to look at matters in greater depth. Training events are open to all Councillors and where places are limited, current members and named substitutes of the Planning and Local plan Committees will take priority.
- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations

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<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>	<b>AGENDA ITEM: 21</b>
<b>DATE OF MEETING:</b>	<b>21<sup>ST</sup> MAY 2015</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR</b> <a href="mailto:Ardip.Kaur@south-derbys.gov.uk">Ardip.Kaur@south-derbys.gov.uk</a> <b>EXT. 5715</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>TEMPORARY APPOINTMENT OF DISTRICT COUNCILLORS TO PARISH COUNCILS</b>	<b>REF: AC</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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### **1.0 Recommendations**

- 1.1 That the Chief Executive be authorised to appoint District Councillors to Parish Councils in accordance with the procedure set out in Appendix 1 to this report.
- 1.2 The Chief Executive to report any such appointments to the next meeting of Council.

### **2.0 Purpose of Report**

- 2.1 To ensure Parish Councils can continue to operate in the event they become inquorate.

### **3.0 Detail**

- 3.1 A Parish Council must be quorate in order to operate. A quorate is one third of its membership, but no less than three.
- 3.2 Section 91(1) of the Local Government Act 1972 provides that the Principal Authority, in this case the Council, can make an Order to appoint a sufficient number of Parish Councillors on a temporary basis to the Parish Council until such time as the vacancies on the Parish Council have been filled by election.
- 3.3 The procedure at Appendix 1 outlines the process to ensure Parish Councils can continue to operate until vacancies are appointed by way of the electoral process. The procedure is only to be used where the Parish Council cannot continue its business until it is quorate.
- 3.4 South Derbyshire has 31 Parish Councils. Elections to Parish Councils take place every four years alongside the elections to the District Council.
- 3.5 Following the recent election, two Parish Councillors were elected to Linton Parish Council, making the Parish Council inquorate. One Parish Councillor was elected to Dalbury Lees Parish Council, also making it inquorate. There were no nominations to

Burnaston Parish Council. A Notice of Election has been republished for these Parish Councils, in line with election legislation.

- 3.6 The procedure at Appendix 1 proposes that all District Ward Members that cover the area of the parish are offered the appointment of temporary Parish Councillor. This should mean that there are sufficient persons available to ensure that the Parish Council becomes quorate. Where a Parish Council falls into more than one District Ward all District Ward councillors covering the appropriate component ward(s) of the parish where the vacancies exist would be given the opportunity to become a temporary Parish Councillor.
- 3.7 All temporary appointments should end either when permanent Parish Councillors are appointed sufficient to make the Parish Council quorate, or after six months beginning from the date on which the Order is signed, whichever is the earlier.

## **5.0 Financial Implications**

- 5.1 There are no financial implications arising directly from this report.

## **6.0 Corporate Implications**

- 6.1 To ensure continuation of local democracy.

## **7.0 Community Implications**

- 7.1 Parish Councils can continue to operate having become inquorate.

## **8.0 Background Papers**

- 8.1 Procedure for making temporary appointments to Parish Councils.

## APPENDIX 1

### Procedure for making temporary appointments to Parish Councils

This procedure allows South Derbyshire District Council to make an Order to appoint persons to Parish Councils in accordance with section 91 of the Local Government Act 1972.

1. The Parish Clerk advises the Council that the Parish Council is unable to operate due to being inquorate.
2. Elections verifies the number of seats on the Parish Council.
3. All District Ward Members for the area in which the parish is located will be offered the temporary appointment of Parish Councillor until such time as the vacancies are filled by election.
4. For parishes falling into two different district Wards the District Ward Members applicable to the parish ward(s) where the vacancies have arisen will all be approached.
5. Where the relevant Ward Members are unable to be appointed and the Parish Council remains inquorate the Chief Executive, in consultation with the Leader will consider the way forward which may involve adjacent District Ward Members.
6. All appointments must be made by Order under Section 91(1) of the Local Government Act 1972.
7. A report detailing the action taken will be submitted to the next Council meeting.
8. In accordance with section 91(3) of the Local Government Act 1972 the Chief Executive will forward two copies of the Order to the Secretary of State. A copy for information will also be sent to the Clerk of the Parish Council.
9. The Order will stipulate the names of the appointed persons and the latest date their appointment will expire.