



Ardip Sandhu
Monitoring Officer
Executive Director – Law and People
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Date: 19 June 2024

Dear Councillor

Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Thursday, 27 June 2024** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A. Sandhu'.

Monitoring Officer
Executive Director – Law and People

To:- **Labour Group**

Councillors Bambrick (Chair) and Councillor A Archer (Vice-Chair)
Councillors J Carroll, M Gee, S Harrison, A Haynes, I Hudson,
A Jones, G Jones, L Mulgrew, M Mulgrew, R Pearson, D Pegg, V Redfern, G Rhind,
D Shepherd, L Singh, K Storey, B Stuart, S Taylor, A Tilley and N Tilley.

Conservative Group

Councillors N Atkin, D Corbin, M Ford, M Gotheridge, K Haines, A Kirke, J Lowe,
S Meghani, D Muller and P Watson.

Liberal Democrats

Councillors G Andrew and J Davies.

Non-Grouped

Councillor A Wheelton.

AGENDA

Open to Public and Press

- 1 Apologies
- 2 To confirm the Open Minutes of the following Council Meetings:

Annual Council 16 May 2024 **5 - 22**

Civic Council 23 May 2024 **23 - 24**

Extraordinary Council 23 May 2024 **25 - 26**
- 3 To note any declarations of interest arising from any items on the Agenda
- 4 To receive any announcements from the Chair, Leader and Head of Paid Service.
- 5 To receive any questions by members of the public pursuant to Council Procedure Rule No. 10.
- 6 To receive any questions by Members of the Council pursuant to Council Procedure Rule No. 11.
- 7 To consider any notices of motion in order of which they have been received.
- 8 EAST MIDLANDS FREEPORT **27 - 41**
- 9 COMMUNITY GOVERNANCE REVIEW - DRAKELOW: FINAL RECOMMENDATIONS **42 - 75**
- 10 THE ECOLOGICAL EMERGENCY WORKING GROUP **76 - 81**
- 11 To receive and consider the Open Minutes of the following Committee meetings:

Overview and Scrutiny 27 March 2024	82 - 87
Environmental and Development Committee 18 April 2024	88 - 93
Housing and Community Services Committee 23 April 2024	94 - 97
Etwall Joint Management Committee 24 April 2024	98 - 101
Finance and Management Committee 25 April 2024	102 - 106
12 To review the compositions of Committees, Sub-Committees and Working Panels.	
13 To review the compositions of Substitute Panels.	
14 To review representation on Outside Bodies.	
15 To review Member Champions.	
16 The Chairman may therefore move:- That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.	
17 To confirm the Exempt Minutes of the following Council Meeting: Details 17 Annual Council 16 May 2024	
• See agenda for reasons for exemption	
18 To receive any exempt questions by Members of the Council pursuant to Council Procedure Rule No. 11. Details	

19 To receive and consider the Exempt Minutes of the following Committee meetings:

Details

Environmental & Development Committee 18 April 2024

- See agenda for reasons for exemption

Housing and Community Services Committee 23 April 2024

- See agenda for reasons for exemption

Etwall Joint Management Committee 24 April 2024

- See agenda for reasons for exemption

Finance and Management Committee 25 April 2024

- See agenda for reasons for exemption

MINUTES of the ANNUAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 16 May 2024
at 6.00pm

PRESENT:

Councillor S Bambrick (Chair) and
Councillors A Archer, J Carroll, S Harrison, A Haynes, I Hudson, J Jackson, A
Jones, L Mulgrew, M Mulgrew, D Pegg, R Pearson, V Redfern, G Rhind, D
Shepherd, L Singh, K Storey, B Stuart, S Taylor, A Tilley and N Tilley.

Conservative Group

Councillors N Atkin, D Corbin, K Haines, M Gotheridge, A Kirke, J Lowe, S
Meghani, D Muller and P Watson.

Liberal Democrats

Councillors G Andrew and J Davies

Non-Grouped

Councillor A Wheelton

AC/01 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors M Gee
G Jones, (Labour Group) and Councillor M Ford (Conservative Group).

AC/02 **ELECTION**

The election of the following Member at the Melbourne By-Election held on 2
May 2024 was reported to Council:

- Matthew John Gotheridge

AC/03 **TO CONFIRM THE OPEN MINUTES OF COUNCIL MEETINGS**

The Open Minutes of the Council Meeting held on 11 April 2024 (CL/136 to
CL/156). were approved as a true record and signed by the Chair.

AC/04 **DECLARATIONS OF INTEREST**

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

AC/05 **APPOINTMENT OF THE LEADER OF THE COUNCIL**

Pursuant to the provisions of the Local Government and Housing Act 1989, that
Councillor Pearson was Leader of the Labour Group, Councillor Corbin was

Leader of the Conservative Group and Councillor Andrew was Leader of the Liberal Democrat Group.

RESOLVED:

That Councillor Pearson be appointed Leader of the Council for the ensuing year.

AC/06 **APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

Pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor N Tilley was the Deputy Leader of the Labour Group, Councillor Meghani was the Deputy Leader of the Conservative Group and Councillor Davies was Deputy Leader of the Liberal Democrats Group.

RESOLVED:

That Councillor N Tilley be appointed Deputy Leader of the Council for the ensuing year.

AC/07 **ANNOUNCEMENTS FROM THE CHAIR**

The Chair of Council addressed Members and outlined events that he had attended during the previous few weeks which included the High Sheriff's End of Term Tea and the launch of Beat the Street in Melbourne and Swadlincote and thanked all those Councillors who had attended. The Chair informed Council of the success of the Chair's Civic Dinner and thanked all those who had attended.

AC/08 **ANNOUNCEMENTS FROM THE LEADER**

The Leader of the Council addressed Members and thanked them for the opportunity to serve as Leader for the ensuing year. The Leader of the Council welcomed the new Member, Councillor Gotheridge and reminded Members of the importance of continued training throughout the year.

AC/09 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Head of Paid Service congratulated and welcomed Councillor Gotheridge following his election as District Councillor. It was noted that following a review of the Planning Service a report would be going to the next Environmental and Development Committee for approval of a number of recommendations. Council was advised that the first stage of Housing Services review had concluded and the second stage was underway.

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

Council was informed that no questions had been received.

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

In accordance with Council Procedure Rule No.11 Councillor Corbin asked the Leader of the Council the following question:

“Please can the Leader explain how and why the Conservative vote against the council plan was circulated in a document for Let's Connect March 2024 was misrepresented by him as a unanimous vote for the council plan under the section for the Leader? This is taking liberties under the Leaders name with democracy.”

The Leader of the Council confirmed the matter had been previously raised with the Head of Paid Service and clarified that in a first draft the word ‘unanimous’ had been used and had been corrected by the Leader which had not been picked up by the officer but has since been corrected.

In accordance with Council Procedure Rule No.11 Councillor Corbin asked the Leader of the Council the following question:

“The Conservative Party have received complaints from Hatton Parish Council about the lack of attendance and support at Parish Council meetings from the member for Hatton. I am aware that the Leader has had an email from a party colleague, a DCC member, asking him to address this issue - yet hasn't. The complaints still come forwards despite this due to lack of attendance with no action taken. My understanding is that the member for Hatton has attended parish council once since the May 2023 elections. I am further aware that the Clerk for Hatton Parish has also addressed these issues to the leader and still nothing has changed. It has been brought to my attention that the member may live and/or work in London.”

The Leader of the Council clarified that a number of questions raised were part of an ongoing matter and therefore could not be discussed. The Leader of the Council noted the reference to Councillor J Jackson living or working in London was a false statement and sought an apology.

AC/12 **NOTICES OF MOTION IN ORDER OF WHICH THEY WERE RECEIVED**

Council was informed that no notices of motion had been received.

AC/13 **POLITICAL PROPORTIONALITY 2024/25**

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by the Local Government (Committees and Political Groups) Regulations 1990.

A report was submitted which confirmed the political composition of the Council. It also set out the requirements to review representation of the different political groups at, or as soon as practicable after, the Annual Meeting of the Council.

RESOLVED:

1.1 That Council approved and adopted the recommended allocation of seats to the Political Groups and Non-Grouped Member for the municipal year 2024/25.

1.2 That Council allocated seats between the Political Groups and Non-Grouped Member as set out at Annexe 'A' and invited Group Leaders and the Non-Grouped Member to make nominations to fill the seats.

AC/14 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022/23**

The Chair of Overview and Scrutiny addressed Council and sought approval for the Annual Report.

RESOLVED:

1.1 That Council received the Annual Report of the Overview and Scrutiny Committee for 2023/24

AC/15 **CYCLE OF MEETINGS 2024/25**

Council was asked to consider and approve for the 2024/25 Cycle of Meetings.

RESOLVED:

1.1 That, in accordance with Council Procedure Rule No. 1.1 (g) of the Council's Constitution, the cycle of Council and Committee meetings for 2024/25, attached as Appendix A to the report, be approved.

AC/16 **CONSTITUTION UPDATES**

The Monitoring Officer presented the report to Council and sought approval of the recommendations.

RESOLVED:

1.1 That the following amended Articles of the Constitution be approved to form Part 2 of the Council's Constitution.

- **Article 3 – Citizens and the Council as per Appendix 1 to the report**
- **Article 4 – Full Council as per Appendix 2 to the report**
- **Article 8A – The Standards Sub-Committee as per Appendix 3 to the report**
- **Article 10 – Joint Arrangements as per Appendix 4 to the report**
- **Article 11 – Officers as per Appendix 5 to the report**
- **Article 13 – Finance, Contracts and Legal Matters as per Appendix 6 to the report**

- **Article 15 – Suspension, Interpretation and Publication of the Constitution as per Appendix 7 to the report**

1.2 That the updated Council Procedure Rules be approved and adopted into Part 4 of the Council’s Constitution as Appendix 8 to the report.

1.3 That, in accordance with Council Procedure Rule No. 1.1 (f) of the Council’s Constitution Council approved the amended Scheme of Delegation, to form Part 3 of the Council’s Constitution as per Appendix 9 to the report.

1.4 That the updated Contract Procedure Rules, be approved and adopted into Part 4 of the Council’s Constitution as per Appendix 10 to the report.

AC/17 **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2024/25**

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2024/25.

RESOLVED:

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

AC/18 **COMPOSITION OF SUBSTITUTE PANELS**

Members reviewed the composition of the Substitute Panels for 2024/25.

RESOLVED:

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

AC/19 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2024/25**

The Leader of the Council announced a number of revisions to the Outside Bodies representation list.

RESOLVED:

Council approved the amended schedule of persons nominated to serve on Outside Bodies for 2024/25 as set out at Annexe “D” to these Minutes.

AC/20 **APPOINTMENT OF MEMBER CHAMPIONS**

The Leader of the Council announced a number revisions to the schedule of Member Champions.

RESOLVED:

Council approved the amended schedule of persons nominated to serve as Members Champions for 2024/25 as set out in Annexe “E” to these Minutes.

AC/21 **APPOINTMENT OF CHAIRS AT AREA FORUMS**

RESOLVED:

That the following Chairs be appointed to the Area Forums as indicated below:

***Etwall Area Forum – Councillor D Muller
Linton Area Forum – Councillor A Tilley
Melbourne Area Forum – Councillor N Atkin
Newhall Area Forum – Councillor K Storey
Repton Area Forum – Councillor I Hudson
Swadlincote Area Forum – Councillor M Mulgrew***

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

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting 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 Meeting held 11 April 2024 were approved as a true record.

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

Council was informed that no questions had been received.

The meeting terminated at 18:35 hours.

COUNCILLOR S BAMBRICK

CHAIR OF THE DISTRICT COUNCIL

COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS

2024/25

FINANCE AND MANAGEMENT COMMITTEE (13)

Labour Group (8)

Councillor S Harrison (Chair), Councillor L Singh (Vice-Chair)
Councillors M Mulgrew, R Pearson, G Rhind, B Stuart, S Taylor and N Tilley

Conservative Group (4)

Councillors D Corbin, M Ford, J Lowe and S Meghani

Liberal Democrats (1)

Councillor G Andrew

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13) (1 Vacancy)

Labour Group (8)

Councillor S Taylor (Chair), Councillor K Storey (Vice-Chair)
Councillors A Archer, V Redfern, B Stuart, A Tilley and N Tilley

Conservative Group (3)

Councillors M Gotheridge, K Haines and P Watson

Non-Grouped (1)

Councillor A Wheelton

Liberal Democrats (1)

Councillor G Andrew

HOUSING AND COMMUNITY SERVICES COMMITTEE (13)

Labour Group (9)

Councillor G Rhind (Chair), Councillor M Mulgrew (Vice-Chair)
Councillors J Carroll, S Harrison, A Haynes, L Mulgrew, R Pearson, D Pegg and D Shepherd

Conservative Group (3)

Councillors D Corbin, M Gotheridge and J Lowe.

Liberal Democrats (1)

Councillor J Davies.

PLANNING COMMITTEE (13)

Labour Group (8)

Councillor G Jones (Chair), Councillor D Shepherd (Vice-Chair)
Councillors I Hudson, A Jones, G Rhind, K Storey, A Tilley and N Tilley

Conservative Group (3)

Councillors K Haines, A Kirke and D Muller.

Non-Grouped (1)

Councillor A Wheelton

Liberal Democrats (1)

Councillor J Davies

LICENSING AND APPEALS COMMITTEE (15)

Labour Group (10)

Councillor A Jones (Chair)
Councillors S Bambrick, M Gee, A Haynes, M Mulgrew, V Redfern, G Rhind,
S Taylor, A Tilley, and N Tilley

Conservative Group (4)

Councillors N Atkin, M Ford, A Kirke and P Watson

Liberal Democrats (1)

Councillor G Andrew

OVERVIEW AND SCRUTINY COMMITTEE (8)

Labour Group (5)

Councillor S Bambrick (Chair), Councillor A Jones (Vice-Chair)
Councillors M Gee, I Hudson and G Jones

Conservative Group (3)

Councillors N Atkin, A Kirke and D Muller

STANDARDS COMMITTEE (6) (1 Vacancy)

Labour Group (4)

Councillors L Singh, S Taylor and N Tilley

Conservative Group (2)

Councillor K Haines and S Meghani

AUDIT SUB-COMMITTEE (5)

Labour Group (3)

Councillor J Carroll (Chair) and Councillor D Shepherd (Vice-Chair)
Councillor A Jones

Conservative Group (1)

Councillor N Atkin

Non-Grouped (1)

Councillor A Wheelton

HERITAGE GRANTS SUB-COMMITTEE (4) (EDS)

Labour Group (3)

Councillors M Mulgrew, S Taylor and N Tilley

Conservative Group (1)

Councillor P Watson

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)

Labour Group (2)

Councillors D Shepherd and I Hudson

Conservative Group (1)

Councillor D Muller

JOINT CONSULTATIVE COMMITTEE (5)

Labour Group (3)

Councillors R Pearson and N Tilley

Conservative Group (2)

Councillor M Ford and S Meghani

SOUTH DERBYSHIRE COMMUNITY GRANT FUND GRANTS PANEL (5) (H&CS)

Labour Group (3)

Councillors R Pearson, G Rhind and S Taylor

Conservative Group (2)

Councillor D Corbin and K Haines

LOCAL PLAN WORKING GROUP (5) (EDS)

Labour Group (3)

Councillors S Taylor and A Tilley

Non-Grouped

Councillor A Wheelton

Conservative Group (2)

Councillors K Haines and A Kirke

EMPLOYEE HEALTH AND SAFETY COMMITTEE (2)

Labour Group (1)

Councillor S Taylor

Conservative Group (1)

Councillor P Watson

ASSETS OF COMMUNITY VALUE PANEL (2) (F&M)

Labour Group (1)

Councillors L Singh

Conservative Group (1)

Councillor M Ford

HOUSING SERVICES WORKING GROUP (5) (H&CS)

Labour Group (3)

Councillors G Rhind, A Haynes and M Mulgrew

Conservative Group (2)

Councillors D Corbin and J Lowe

ECOLOGY WORKING GROUP

Labour Group (3)

Councillors S Taylor and A Archer

Non-Grouped

Councillor A Wheelton

Conservative Group (2)

Councillors K Haines and P Watson

RECRUITMENT AND SELECTION PANEL (F&M)

Labour Group

Councillors S Harrison, G Rhind, S Taylor and N Tilley

Conservative Group (2)

Councillors D Corbin and S Meghani

DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP FORUM

Labour Group

Councillor R Pearson

Councillor N Tilley (substitute)

PARKING AND TRAFFIC REGULATIONS (OUTSIDE LONDON) ADJUDICATION JOINT COMMITTEE (PATROL)

Labour Group

Councillor D Pegg

SUBSTITUTE PANELS 2024/25

FINANCE AND MANAGEMENT COMMITTEE (13)

Labour Group (8)

Councillors K Storey, V Redfern, A Tilley, J Jackson, A Haynes, L Mulgrew, A Archer and J Carroll

Conservative Group (4)

Councillors M Gotheridge, K Haines and P Watson

Liberal Democrats (1)

Councillor J Davies

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13)

Labour Group (8)

Councillors G Rhind, M Mulgrew, R Pearson, A Jones, S Harrison, D Pegg, D Shepherd and L Mulgrew

Conservative Group (3)

Councillors D Corbin, M Ford and S Meghani

Liberal Democrats (1)

Councillor J Davies

HOUSING AND COMMUNITY SERVICES COMMITTEE (13)

Labour Group (9)

Councillors S Taylor, K Storey, B Stuart, V Redfern, A Tilley, N Tilley, A Archer, J Jackson and L Singh

Conservative Group (3)

Councillors K Haines, S Meghani and P Watson

Liberal Democrats (1)

Councillor G Andrew

PLANNING COMMITTEE (13)

Labour Group (8)

Councillors S Bambrick, S Harrison, M Mulgrew, R Pearson, V Redfern, B Stuart and S Taylor,

Conservative Group (3)

Councillors N Atkin, D Corbin and J Lowe

Liberal Democrats (1)

Councillor G Andrew

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)

Labour Group (2)

Councillors I Hudson

Conservative Group (1)

Councillor A Kirke

JOINT CONSULTATIVE COMMITTEE

Labour Group (2)

Councillors G Rhind and S Taylor

Conservative Group (2)

Councillors A Kirke and J Lowe

HERITAGE GRANTS SUB-COMMITTEE (4)

Labour Group (3)

Councillors G Rhind and D Shepherd

Conservative Group (1)

Councillor D Muller

ASSETS OF COMMUNITY VALUE PANEL (2)

Labour Group (1)

Councillors G Rhind

Conservative Group (1)

Councillor A Kirke

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS
REPRESENTATIVES OF THE COUNCIL
ON OUTSIDE BODIES FOR 2024/25**

Organisation	Representative(s)
1. Acre Lane, Shardlow Sand & Gravel Site Liaison Committee	Opposition Group
2. Active Derbyshire	Councillor A Haynes
3. Association of Retained Council Houses Ltd. (ARCH)	Councillor G Rhind Strategic Director (Service Delivery)
4. Central Midlands Audit Partnership Board	Councillor J Carroll (sub) Audit Sub-Committee Vice-Chair, Councillor D Shepherd
5. Citizens Advice Mid Mercia (South Derbyshire)	Councillor G Rhind
6. Community Arts Project (“People Express”) Management Committee	Councillor A Archer
7. Community Transport (Swadlincote) Management Committee	Councillor N Tilley
8. Derby Airfield Consultative Committee	Councillor I Hudson
9. Derby and Derbyshire Strategic Leadership Forum	Councillor R Pearson (sub) Councillor N Tilley Chief Executive Monitoring Officer (sub)
10. Derby and Sandiacre Canal Trust Ltd	Councillor P Watson
11. Derbyshire Hate Crime Practitioners Network Meeting	Councillor L Singh
12. Derbyshire Health and Wellbeing Board	Councillor A Archer
13. Derbyshire Police and Crime Panel	Councillor S Taylor (sub) Councillor M Mulgrew
14. East Midlands Airport Independent Consultative Committee	Councillor S Taylor (sub) Councillor K Storey
15. East Midlands Airport Information Meeting	Councillor Taylor (Chair of EDS) Councillor Storey (VC of EDS) Councillor J Carroll Councillor D Muller
16. East Midlands Arts	Councillor K Storey
17. East Midlands Councils	Councillor R Pearson
18. East Midlands Freeport Limited	Councillor S Taylor
19. Environmental Education Project Steering Group	Councillor A Tilley
20. Goseley Community Centre Committee	Councillor S Taylor Councillor A Archer
21. Heart of the Forest Forum	Councillor S Taylor

22. Family Support Derbyshire (previously Homestart)	Councillor V Redfern
23. Local Government Association (London)	Councillor R Pearson (General Assembly) Councillor A Tilley (Rural Commission) Councillor S Taylor (Urban Commission)
24. Local Government Information Unit	Councillor N Tilley (sub) Councillor Pearson
25. Melbourne Sporting Partnership	Executive Director – Environment and Communities
26. New Albion Revised Liaison Committee	Councillor S Taylor
27. Relate	Councillor A Archer
28. Rosliston and Caldwell Village Hall Management Committee	Councillor A Tilley
29. Rosliston Forestry Centre Management Executive	Councillor S Taylor
30. Rosliston Forestry Community Group	Councillor A Wheelton
31. South Derbyshire Community Safety Partnership	Councillor N Tilley (sub) Councillor R Pearson
32. Shardlow Heritage Trust Council of Management	Councillor P Watson
33. Sharpe's Pottery Heritage & Arts Trust Ltd.	Councillor S Taylor Project Liaison Officer
34. Sir John Port and John Osbourne Almshouses Charitable Trust	Councillor I Hudson
35. Social Care Forum	Councillor G Rhind
36. South Derbyshire CVS	Councillor G Rhind
37. South Derbyshire Music Trust Management Committee	Councillor S Taylor
38. South Derbyshire Partnership	Councillor R Pearson Councillor G Rhind Councillor D Corbin Strategic Director (Service Delivery)
39. South Derbyshire Strategic Sports Group	Councillor A Haynes (sub) Councillor N Tilley
40. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee	Councillor D Shepherd

41. Toyota Community Liaison Committee	Councillor I Hudson
42. Willshee's Skip Hire Ltd Site Liaison Committee	Councillor A Tilley
43. Central Building Control Partnership – Partnership Advisory Board	Councillor G Jones

ANNEXE E

MEMBER CHAMPIONS 2024/25

Armed Forces Covenant	Councillor G Jones
Arts & Culture	Councillor Storey
Consultation, Communication & Engagement	Councillor Pearson
Corporate Plan	Councillor Pearson Councillor Corbin
Design (Planning)	Councillor G Jones
Engagement	Councillor N Tilley
Environment, Waste & Recycling	Councillor Taylor
Equality & Diversity	Councillor Singh
Health & Safety	Councillor Taylor Councillor Watson
Health & Wellbeing	Councillor Archer
Historic Environment	Councillor Taylor
Information Technology	Councillor Harrison
Older People	Councillor Rhind
Performance & Data Quality	Councillor Pearson
Procurement & Business Improvement	Councillor N Tilley
Risk Management	Councillor N Tilley
Safeguarding	Councillor Harrison
Training	Councillor N Tilley Councillor Kirke
Voluntary Sector	Councillor Shepherd
Young People	Councillor Harrison

MINUTES of the CIVIC MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Town Hall, The Delph, Swadlincote
on Thursday 23 May 2024
at 6.00pm

PRESENT:

Councillor S Bambrick (Chair) and Councillor A Archer (Vice-Chair) and Councillors J Carroll, S Harrison, A Haynes, I Hudson, A Jones, G Jones, L Mulgrew, M Mulgrew, D Pegg, R Pearson, V Redfern, G Rhind, D Shepherd, L Singh, K Storey, B Stuart, S Taylor, A Tilley and N Tilley.

Conservative Group

Councillors N Atkin, D Corbin, M Ford, M Gotheridge, K Haines, A Kirke, J Lowe, S Meghani, D Muller and P Watson.

Liberal Democrats

Councillors G Andrew

Non-Grouped

Councillor A Wheelton

CC/01 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors M Gee, D Pegg and S Taylor (Labour Group) and Councillor J Davies (Liberal Democrats Group).

CC/02 **TO ELECT THE CHAIR OF THE COUNCIL**

It was proposed and seconded that Councillor Sean Bambrick be elected as Chair of the Council for the 2024/25 local government year.

RESOLVED:

That Councillor Sean Bambrick be elected Chair of the Council for the ensuing year.

(Councillor Bambrick then made the Declaration of Acceptance of Office of Chair, thanking the Members for the honour conferred upon him).

CC/03 **TO ELECT THE VICE-CHAIR OF THE COUNCIL**

It was proposed and seconded that Councillor Angela Archer be elected as Vice-Chair of the Council for the 2024/25 local government year.

RESOLVED:

That Councillor Angela Archer be elected Vice-Chair of the Council for the ensuing year.

(Councillor Archer then made the Declaration of Acceptance of Office of Vice-Chair, thanking the Members for the honour conferred upon her).

CC/04 **CHAIR'S COMMUNICATIONS AND OTHER ANNOUNCEMENTS**

The Chair addressed Council and thanked Members for the nomination and noted that the Chair's Charity would be confirmed at a future date.

CC/05 **LONG SERVICE AWARD TO MEMBERS OF STAFF**

The Chair presented a Long Service Award to Martin Buckley, who had completed 20 years of service as of 31 March 2023.

It was also noted that a long service award had been made to Carl Glover, Anita Huges and Jemma Richards as they were not able to attend the meeting in person.

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

RESOLVED:

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

The meeting terminated at 18:15 hours.

COUNCILLOR S BAMBRICK

CHAIR OF THE DISTRICT COUNCIL

MINUTES of the EXTRAORDINARY MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Town Hall, The Delph, Swadlincote
on Thursday 23 May 2024
at 6.30pm

PRESENT:

Councillor S Bambrick (Chair) and Councillor A Archer (Vice-Chair) and Councillors J Carroll, S Harrison, A Haynes, I Hudson, A Jones, G Jones, L Mulgrew, M Mulgrew, D Pegg, R Pearson, V Redfern, G Rhind, D Shepherd, L Singh, K Storey, B Stuart, S Taylor, A Tilley and N Tilley.

Conservative Group

Councillors N Atkin, D Corbin, M Ford, M Gotheridge, K Haines, A Kirke, J Lowe, S Meghani, D Muller and P Watson.

Liberal Democrats

Councillors G Andrew

Non-Grouped

Councillor A Wheelton

CL/01 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors M Gee, D Pegg and S Taylor (Labour Group) and Councillor J Davies (Liberal Democrats Group).

CL/02 **DECLARATIONS OF INTEREST**

Council was informed that Councillor B Stuart declared a personal interest by virtue that Trevor Southerd was his father in-law.

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

Council was informed that no questions had been received.

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

Council was informed that no questions had been received.

CL/05 **APPOINTMENT OF HONORARY ALDERMAN OF THE DISTRICT**

The Leader of the Council referred to the report before Council and sought approval of the recommendations. Council was informed of the significant service and contributions by former Councillor Trevor Southerd and former Councillor Kevin Richards.

RESOLVED:

That the title of Honorary Alderman be conferred upon former Councillors Kevin John Richards and Trevor Southerd for their eminent service to the District and its Council whilst serving as Councillors.

The Chair of the Council presented Alderman Kevin Richards and Alderman Trevor Southerd with their Alderman Scrolls.

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

RESOLVED:

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

CL/07 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

Council was informed that no questions had been received.

The meeting terminated at 18:35 hours.

COUNCILLOR S BAMBRICK

CHAIR OF THE DISTRICT COUNCIL

REPORT TO:	COUNCIL	AGENDA ITEM: 8
DATE OF MEETING:	27 JUNE 2024	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	CATEGORY: OPEN
MEMBERS' CONTACT POINT:	MIKE ROYLANCE HEAD OF ECONOMIC DEVELOPMENT AND GROWTH mike.roylance@southderbyshire.gov.uk	DOC:
SUBJECT:	EAST MIDLANDS FREEPORT	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM

1.0 Recommendations

- 1.1 Members approve the Council becoming a member of the East Midlands Freeport (EMF).
- 1.2 Members authorise the Chief Executive, in consultation with the Leader, to finalise and approve the EMF Members' Agreement, Articles of Association and other documents necessary to facilitate the incorporation of the EMF Company.
- 1.3 Council appoints the Chair of the Environmental and Development Services Committee as a Director of the EMF Company.
- 1.4 Members approve the Council's East Midlands Freeport Business Rates Relief Policy (Appendix 1) and to authorise the Executive Director – Resources and Transformation, to finalise the Policy.

2.0 Purpose of the Report

- 2.1 This report seeks Member's approval for the District Council to become a member of the Freeport, agreeing to the associated governance and operating arrangements and approval of the East Midlands Freeport Business Rates Relief Policy.

3.0 Detail

Background

- 3.1 In November 2020, the Government launched the Freeport bidding prospectus, setting out plans to provide the designated areas with special tariff and duty status to fuel economic growth, 'level up' underperforming regions, and promote innovation and regeneration.
- 3.2 At the 21 January 2021 Environment and Development Committee, Members endorsed the submission of a Freeport proposal for the East Midlands to Government, including a site within South Derbyshire.

- 3.3 In March 2021, the Government announced that, subject to completing the necessary authorisation processes, bids from eight locations in England had been successful, including the East Midlands.
- 3.4 In September 2021, an Outline Business Case for an East Midlands Freeport was submitted to Government. This was assessed positively, and work progressed to develop a Full Business Case for appraisal by Government.
- 3.5 At the 14 April 2022 Council meeting, Members endorsed the recommendations for Officers to contribute to the development of the Full Business Case, and for the Leader to sign a letter of support.
- 3.6 On 30 March 2023 the Government approved the Full Business Case and the East Midlands Freeport achieved final Government sign off. The next step is for the public and private organisations involved to incorporate the Freeport by seeking approval to become members of the Freeport.

What is a Freeport?

- 3.7 Freeports are special areas within the UK's borders where different economic regulations apply. Freeports in England are centred around one or more air, rail or seaport, but can extend up to 45km beyond the port(s). The Freeport model envisages a package of measures, comprising tax reliefs, customs, business rates retention, planning, regeneration, innovation and trade and investment support.
- 3.8 Eligible businesses in Freeports can enjoy a range of tax incentives, such as enhanced capital allowances, relief from stamp duty and employer national insurance contributions for additional employees. These tax reliefs are designed to encourage the maximum number of businesses to open, expand and invest in Freeports which in turn will boost employment.
- 3.9 Freeports can benefit from a range of customs measures, allowing imports to enter the Freeport custom sites with simplified customs documentation and delay paying tariffs. This means that businesses operating inside designated areas in and around the port may manufacture goods using these imports, before exporting them again without paying the tariffs and benefit from simplified customs procedures.
- 3.10 Each Freeport will be granted seed capital funding, primarily to be used to address infrastructure gaps in tax and/or customs sites that are holding back investment.
- 3.11 Freeports encompass both opportunities and implications for the treatment of Business Rate relief, uplift and recycling. Much like an Enterprise Zone, billing authorities have the scope to retain Business Rates and recycle receipts, including for borrowing to fund infrastructure or other upfront costs. Government anticipate that Business Rate relief will be available for the successful sites which acts as a further incentive for inward investment.
- 3.12 There is no deregulatory agenda in Freeports, with respect to security, health and safety, workers' rights, data protection, biosecurity, tax avoidance and the environment. Freeports – in the same way as every other business in the UK – will have to adhere to the UK's regulatory standards. Moreover, Freeports will be subject to an annual audit, by HMRC and Border Force, to make sure security measures

continue to meet the high standards expected from Freeport operators to mitigate security risks across physical, personnel and cyber domains.

East Midlands Freeport

3.13 East Midlands Freeport is the UK's only inland and air-connected Freeport, aiming to drive economic regeneration across the East Midlands. Underpinning this is a unique combination of partners focused on creating jobs, boosting skills and accelerating the region's commitment to decarbonisation and Net Zero through low carbon energy investments.

3.14 East Midlands Freeport aims to deliver value to the East Midlands across ten distinct focus areas:

- Increase local and regional economic activity - by incentivising new innovative, high-value, low carbon investment in the manufacturing and logistics sectors.
- Boost international trade in high-value manufacturing goods.
- Boost skills levels and opportunities - linking research capabilities with universities and colleges to provide training programmes and support a diverse labour pool.
- Support the regeneration of local areas by creating sustainable employment.
- Reduce greenhouse gas emissions in industrial and energy production.
- Develop innovation and enterprise - positioning the region as a centre of excellence for alternative energy sources and green technologies to drive new market opportunities.
- Improve physical and digital regional, national and international connectivity and integration.
- Enhance labour productivity in key sectors - such as manufacturing and logistics.
- Support the levelling up of a region with industrial strengths in manufacturing and logistics that has been disproportionately impacted by COVID-19 and mitigating the uncertainty of recovery.
- Ensure synergy with key strategic initiatives underway in the region - including High Speed 2 and the work of the East Midlands Development Corporation, to form part of an ambitious levelling up package for the region.

East Midlands Intermodal Park

3.15 The East Midlands Freeport is made up of three proposed sites, based upon East Midlands Airport in North-West Leicestershire, Ratcliffe power station in Rushcliffe, Nottinghamshire, and East Midlands Intermodal Park, in South Derbyshire. East Midlands Intermodal Park is located immediately to the south-west of the A38/A50 interchange at Burnaston.

3.16 The development of the East Midlands Intermodal Park site would be considered through the planning process. The scale and nature of the proposals means that the development would be classed as a Nationally Significant Infrastructure Project and be considered by the Planning Inspectorate. Officers understand that there is no real progress on this development at present.

4.0 Financial Implications

Implications of joining the East Midlands Freeport

- 4.1 The Council will directly benefit from being able to retain all Business Rates growth above an agreed baseline, free from any Government levy or reset, for a period of 25 years. A 'no detriment' arrangement is in place which was designed and agreed to ensure the Council receives the same level of retained Rates that it would have received had no Freeport existed. The remaining Business Rates gain will be available to the Freeport. Financial projections for the Business Rates to be generated in South Derbyshire are beyond the Council's current medium-term financial plan period.
- 4.2 South Derbyshire plays an active role within the Freeport Section 151 Officer Sub-Committee, which is responsible for reviewing seed capital funding decisions, ensuring that projects are fully financed and include sufficient funds to deal with any infrastructure requirements, together with the allocation of Business Rates Relief.
- 4.3 The Members' Agreement makes the EMF Company members liable to each other in respect of breaches of the agreement to a maximum of £750,000. The Council will therefore be liable to that maximum to other members of the EMF Company should it breach the Members' Agreement. Officers cannot foresee such liability arising and will ensure compliance with the Members' Agreement. The Council's liability to third parties is limited to £1 as the company is structured as a Company Limited By Guarantee.

Business Rates Relief Policy

- 4.4 South Derbyshire District Council will be the accountable body for administering Business Rates for the parts of the Freeport in its area. This means that the Council will also grant relief to companies moving to the Freeport in accordance with a Business Rates Relief Policy. The Government will reimburse the Council for all relief granted.
- 4.5 The Council will allocate incentives through the East Midlands Freeport Business Rates Relief scheme, which will be refunded to the Council by Central Government via the Business Rates Retention System (BRRS).
- 4.6 The East Midlands Freeport Business Rates Relief Policy attached at **Appendix 1**, is a technical document, that will be utilised by the Council's Revenues and Benefits team to operate and apply the reliefs. The Policy has been developed in line with the guidance issued under Central Government's Freeports Subsidy Control Scheme and provides for five years of 100% relief for businesses moving into (or expanding, where certain conditions are met) within the Freeport designated areas. Eligibility requirements around those businesses providing additionality to the East Midlands and avoiding displacement are included.
- 4.7 Freeport Business Rates Relief is subject to the UK's domestic and international Subsidy Control obligations. As such, businesses located in the designated area will therefore need to fulfil any requirements in place to ensure compliance with those obligations in advance of, during, and after claiming relief. The Freeport Subsidy Scheme guidance states that billing authorities, when awarding relief, will need to meet the conditions of the stated legacy subsidy scheme, the Freeports Subsidy Control Scheme. This operates in a similar manner to other Council Business Rates relief schemes, with Government reimbursing the billing authority for relief awarded as long as it is consistent with the Scheme.

4.8 Freeport Business Rates Relief is available for five years from the date it is first claimed, with a criteria for granting the relief from the establishment of the Freeport area until 30 September 2031. This means that if a business first received relief on 30 September 2026, the relief may be applied up to 29 September 2031. Where a business first receives relief on 30 September 2031, the relief may be applied up to 29 September 2036. This has been reflected in the East Midlands Freeport Business Rates Relief Policy.

5.0 Corporate Implications

Legal Implications

Joining the East Midlands Freeport Company

- 5.1 The Council has power to join the EMF Company under the General Power of Competence s1 of the Localism Act 2011. This Act gives the Council the power to do anything an individual might do with the exception of doing something for a commercial purpose. If the Council intends to do something for a commercial purpose it must set up a company to do so. The purpose of the freeport is not for commercial purposes and is consistent with the Council's functions of Economic Development in the District and as Billing Authority.
- 5.2 The incorporation of the EMF Company will involve the Council, as a founding member, agreeing to two company governance documents.
- 5.3 The first being the Articles of Association which is the legal constitutional document of the EMF Company, which sets out how the company is constituted and the basic rules around how the company will be run.
- 5.4 The second is a Members Agreement, which is a "private" contract between the members to the EMF Company and the EMF Company itself that regulates the relationship between them.
- 5.5 The key points to note from the documents are as follows:

Articles:

- The EMF Company will be established as a company limited by guarantee, which means that the Council will only be liable for the amount of the guarantee (being £1) should the company be wound up.
- The board of directors shall be 13, made up of six public sector directors (one from each Council that is a member), six private sector directors (one from each private sector member) and an independent chair. Each founding member has the right to appoint a director and remove that director. The independent chair will be an independent director and will not have a casting vote.
- The quorum for board meetings requires the Lead Authority's director to be present, along with two public sector directors and three private sector directors.
- Decisions made by directors will first be made on a unanimous basis. Where unanimity is not achieved, it will be decided on a 'Public Private Sector Majority', which requires a majority of the public sector directors agreeing and a majority of the private sector directors agreeing.
- Member decisions will be made at EMF Company general meetings. The quorum for those general meetings mirrors the board meeting requirements and requires

the Lead Authority to be present, along with two public sector members and three private sector members.

Members Agreement:

- The Agreement confirms that the EMF Company's day to day working capital and expenditure is to be funded by: Capacity funding provided by Department for Levelling Up, Housing and Communities; A member loan from Leicestershire County Council as Lead Authority; and, Retained Business Rates. There is no requirement for other members to contribute to the day to day working capital and/or expenditure of the EMF Company.
- Capital projects and infrastructure projects may be funded by the EMF Company but the Agreement is clear that the entity or public sector body that will ultimately own or have responsibility for the capital asset or infrastructure will be primarily responsible for procuring, commissioning and funding that project.
- The EMF Company's board will set the strategy for retained Business Rates. There will be a 'Public Sector Directors' Group' which consists of all the directors of the public sector members and that group will be responsible for making decisions on the use and allocation of retained Business Rates.
- Certain decisions are reserved to members (rather than the board of directors) and those are contained in the Reserved Matters schedule. Some of those decisions require all of the members to agree and some decisions require only a Public Private Majority. The Reserved Matters schedule also contains some decisions that are reserved to the board of directors and some decisions that require the consent of the Lead Authority.
- The Council may make a request to withdraw from the EMF Company, which will be subject to certain company decisions, depending on its status in the Freeport at the time of the request.
- There will be an annual business plan that will be approved by the board of directors each year. The business plan will set out how the EMF Company anticipates delivering its objectives over the following four years, including funding considerations.
- The scheme delivery period extends to 30 September 2031 in two discrete five year delivery periods (22 March 2022 to 30 September 2026, and 1 October 2026 to 30 September 2031) (previous drafting was only to 2026 with a potential to extend).
- Each party's (including the Council's) liability to other parties under or in connection with the Members' Agreement is capped in aggregate at £750,000 for each five year delivery period.

5.6 In addition, there are further governance documents that the Council will be party to by joining the EMF Company.

5.7 Officers are content with the current draft governance documents and have commissioned external legal advice to finalise the drafts before signing.

Appointment

5.8 The East Midlands Freeport is a Council Outside Body and the Chair of Environmental and Development Services was appointed to the Outside Body. The Chair has attended shadow board meetings since his appointment.

- 5.9 By joining the EMF Company, the Council will need to appoint a Director, in order for them to attend meetings of the Board and participate in the decision making. It is proposed that the Chair of the Environmental and Development Services Committee be appointed as Director.

Business Rates Relief Policy

- 5.10 Officers have taken external legal advice regarding the Policy and compliance with Subsidy Control. That advice confirms that any legal risk arising from adoption of the Policy has in theory passed. The Subsidy Control Act 2022, introduces new legal considerations, including legacy subsidy schemes. It is improbable that the Freeport Subsidy Scheme will face legal challenges. If the Council adheres to the Scheme's conditions, which the Business Rates Relief Policy does, and maintains proper records, the risk of any challenge is minimal.

Local Planning Authority

- 5.11 The Council joining the EMF Company will not fetter its function as Planning Authority in relation to planning decisions regarding the East Midlands Intermodal Park site.

Council Plan Implications

- 5.12 The East Midlands Freeport has the potential to contribute to the following Council Plan Priority: Drive our Economy - A thriving economy and place that has jobs, skills, education, infrastructure, and opportunity. This includes the key aim to 'Create an environment where a diverse range of new and existing businesses may maximise their potential'.

Risk Impact

- 5.13 The East Midlands Freeport has the potential to generate significant economic benefits for the region. If the District Council were not to join the EMF Company, the East Midlands Intermodal Park site would not have the potential to be part of the Freeport. This could limit the potential benefits for the District in terms of, for example, investment, international trade and job creation.

6.0 Community Impact

Consultation

- 6.1 The developer of the East Midlands Intermodal Park site would undertake public consultation as part of the planning process.

Equality and Diversity Impact

- 6.2 East Midlands Freeport prepared a diversity statement as part of the Full Business Case.

Social Value Impact

- 6.3 There are no social value impacts at this time.

6.4 The developer of the East Midlands Intermodal Park site would consider the environmental impact of the proposals as part of the planning process.

7.0 Conclusions

7.1 The East Midlands Freeport would bring additional powers and tools to develop the economy of the District and the region.

8.0 Background Papers

Freeport Bidding Prospectus – HM Treasury/HM Government (November 2020)

Draft East Midlands Freeport Members' Agreement - available on request to Elected Members of the Council

Draft East Midlands Freeport Articles of Association - available on request to Members of the Council

Appendices

Appendix 1 - Draft East Midlands Freeport Business Rate Relief Policy

Business Rates Relief Policy for the East Midlands Freeport

Adopted by North West Leicestershire District Council, Rushcliffe Borough Council and South Derbyshire District Council

South Derbyshire District Council adoption date [] [] 2024

1. Purpose of the Policy

- 1.1. The purpose of this policy is to determine the level of discretionary relief which may be granted to certain defined ratepayers within the tax site located within the East Midlands Freeport area. The policy takes account of the criteria for granting the relief from the establishment of the Freeport area until 30 September 2031¹ for a five year period (**Last Relief Commencement Date**) and takes account of the '[Freeports business rates relief: local authority guidance](#)' published on 26 April 2024. A map of the Freeport area is available at the following link: [Map of East Midlands Freeport customs site - GOV.UK \(www.gov.uk\)](#)
- 1.2. Central Government is not changing the legislation relating to the reliefs available to businesses and has produced guidance for local billing authorities to use their discretionary powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant business rate relief in relation to Freeport tax sites to those ratepayers who are eligible. This policy follows the principles in the government guidance.
- 1.3. Where relief is granted correctly, the government will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme for the local share of the discretionary relief, using a grant under section 31 of the Local Government Act 2003.
- 1.4. This policy outlines the eligibility criteria, operation and delivery of this discretionary business rates relief within the East Midlands Freeport area. It aligns with the Freeports Subsidy Control Scheme, that government guidance states was made on 19 November 2021². This policy has been jointly developed and adopted by all three billing authorities that cover the area of the Freeport - North West Leicestershire District Council, Rushcliffe Borough Council and South Derbyshire District Council (collectively known as the "EM Freeport Billing Authorities").
- 1.5. This policy only applies to sites within this area, provided that the Applicant also meets the other requirements in this policy.

¹ Relief will be available to all new businesses, and certain existing businesses where they expand, until 30 September 2031. Relief will apply for five years from the point at which each beneficiary first receives relief. This means that if a business first received relief on 30 September 2026, the relief may be applied up to 29 September 2031. Where a business first receives relief on 30 September 2031, the relief may be applied up to 29 September 2036.

² prior to the Subsidy Control Act 2022 coming into full force and effect from 4 January 2023. This is therefore regarded to be a legacy scheme and the subsidy control requirements set out in the Act do not apply except for the requirements as to transparency in Chapter 3 of Part 2 of the Subsidy Control Act 2022. This policy shall not be inconsistent with the terms of the legacy scheme.

2. Discretionary Relief – Legislative Background

- 2.1. The original purpose of discretionary relief was to provide assistance where the property did not qualify for mandatory relief or to top up cases where ratepayers already receive mandatory relief.
- 2.2. Over recent years and particularly since 2011, the discretionary relief provisions as defined by section 47 of the Local Government Finance Act 1988 (as amended) have been used by government to provide assistance to certain specified categories of business ratepayers without the need to change the legislation. However, whilst government provides general guidance, it is for the Billing Authority to ensure that all relief is granted strictly in line with the primary legislation and the Non-Domestic Rating (Discretionary Relief) Regulations 1989.
- 2.3. Unlike mandatory relief, ratepayers are obliged to make a written application to the Billing Authority. The Billing Authority will carefully consider every application on its merits, taking into account Government guidance and legislation.
- 2.4. The decision to grant or not to grant relief is a matter purely for the Billing Authority, however an unsuccessful applicant has the right to request a review. Please see Section 14 regarding the review process.

3. Provision of Relief

- 3.1. The purpose of providing this relief is to incentivise investment into the EM Freeport. An Applicant will therefore only be eligible for relief where they can demonstrate that they will be committing to investment on the relevant property of at least an equivalent amount to the relief to be provided under this scheme. A pre requisite to be eligible for the relief will be that the applicant has been accepted into the EM Freeport through the TSIGR process.
- 3.2. Applicants will be asked to disclose as part of the application process any other subsidies that they are in receipt of (or likely to be in receipt of in the near future) that will contribute towards investment in the relevant property and to keep the relevant EM Freeport Billing Authority informed of any potential subsidies in relation to investment in the relevant property during the period of the relief. Any such subsidies will be taken into account when the relevant EM Freeport Billing Authority is determining the application for discretionary relief and whether there are circumstances that could result in withdrawal of reduction or relief.
- 3.3. Discretionary relief under this policy will apply for a maximum of 5 years from the date on which each beneficiary receives the relief for the first time on or after the date on which the Tax Site is designated (and on or before the Last Relief Commencement Date). This means that if a business first received relief on 1 July 2024. The relief may be applied up to 1 July 2029. Where a business first receives relief on 30 September 2031, the relief may be applied up to 29 September 2036. This will be subject to any changes in circumstances as set out in Section 13 below.

4. Eligibility Principles – Awarding relief to new businesses locating to tax sites within the Freeport

- 4.1. Freeport business rates relief is available to new businesses moving into designated Freeport sites in the East Midlands Freeport area after the date on which the Tax Site has been formally designated and on or before the Last Relief Commencement Date, and occupying existing or new hereditaments on the rating list.
- 4.2. Existing businesses within a Tax Site that seek to relocate within the East Midlands Freeport area are unlikely to be eligible for the relief, subject to consideration of the following:
 - The business must occupy the hereditament – both existing and any new hereditaments must be shown on the local rating list.
 - New businesses which expand after moving into the Freeport area (whether into new or existing buildings) will, in addition to any existing relief, be eligible for relief on any additional hereditaments they occupy in the Tax Site.
- 4.3. In considering what is a new business, the Billing Authority will lift the corporate veil and consider groups of companies to be single businesses.
- 4.4. The Billing Authority will retain discretion to apply additional tests for discretionary relief in order to avoid or not incentivise displacement of business activity from within the freeport or the surrounding area. This may include reducing the award of relief in cases where a ratepayer's occupation of a space arises in whole or in part from them vacating another space in the Freeport or surrounding area.

5. Eligibility Principles – Awarding relief to existing businesses within the Freeport tax sites

- 5.1. Subject to 5.3 to 5.7 below, full relief is available on a hereditament where a person has occupied the property comprising that hereditament for the first time on or after the date on which the Tax Site is designated (22 September 2022) and on or before the Last Relief Commencement Date. This, for example, would include existing businesses expanding into a further property.
- 5.2. Subject to 5.3 to 5.7 below, partial relief is available on a hereditament where a person has occupied a room or similar within a hereditament for the first time on or after the date the Tax Site is designated (22 September 2022) and on or before the Last Relief Commencement Date. For example, where an existing business builds an extension or takes on new rooms or floors in their building leading to an expansion of the hereditament.
- 5.3. Ratepayers cannot generally claim Freeport Relief merely by expanding their use of an existing room or similar within a hereditament. However, partial relief is available to a person in respect of part of a hereditament on which they were already the occupier or owner prior to the date on which the Tax Site is designated, provided that the space is within an existing room of a building and has become useable for the first time following development commenced on or after the date on which the Tax Site is designated (and on or before the Last Relief Commencement Date), e.g.

installation of a mezzanine or access/fire control improvements to bring an existing space into use.

- 5.4. General refurbishment improvements to space already or previously in use by the person prior to the date on which the Tax Site is designated are not eligible for discretionary relief.
- 5.5. Service improvements (e.g. heating and air conditioning) to space already or previously in use by the person prior to the date on which the Tax Site is designated are not eligible for discretionary relief.
- 5.6. The relevant EM Freeport Billing Authority will need to determine the value of any part of the hereditament where partial relief is to be granted. Where the relevant EM Freeport Billing Authority is unable to reasonably ascertain the increase in rates liability attributable to these factors, no relief shall be awarded.
- 5.7. The relevant EM Freeport Billing Authority will retain the discretion to apply additional tests for discretionary relief in order to avoid or not incentivise displacement of business activity from within the freeport or the surrounding area. This may include reducing the award of relief in cases where a ratepayer's occupation of a space arises in whole or in part from them vacating another space in the Freeport or surrounding area.

6. Principles for establishing the value of the Freeports Business Rates Relief

- 6.1. Subject to 6.3 below, the value of full relief for hereditaments falling within 5.1 above is 100% of the bill.
- 6.2. Subject to 6.3 below, the value of partial relief should be 100% of that part of the rates bill attributable to the part of the hereditament falling within 5.2 above where that increase is reasonably ascertainable. In establishing the part of the rates bill attributable to the part of the hereditament falling within 5.2 above, the Billing Authority may have regard to:
 - the survey and rating valuation of the hereditament provided by the ratepayer if available (e.g., for hereditaments valued by area on the rental comparison basis).
 - a change to the rateable value where it is clear that the change is solely due to the addition to the valuation of the parts of the hereditament falling within 5.2 above.
 - any other information the Billing Authority deems appropriate to determine the extent of the parts of the hereditament falling within 5.2 above.
- 6.3. The Billing Authority may withhold or reduce the discretionary relief in cases of displacement (see 5.7 above)

7. Sequence of Reliefs

- 7.1. The relief will be applied after mandatory reliefs and other discretionary reliefs have been applied, excluding those where the relevant EM Freeport Billing Authority has

used its wider discretionary relief powers introduced by the Localism Act 2011. The relevant EM Freeport Billing Authority may use its discretionary powers to offer further discounts outside this scheme but where the Billing Authority applies a locally funded relief, this will be applied after the Freeport relief scheme.

8. Financing Reliefs

- 8.1. The government has indicated that it will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme for the local share of the discretionary relief, using a grant under section 31 of the Local Government Act 2003. However, this is not automatic, and the Billing Authority will ensure that relief is only granted strictly in line with government guidance.

9. Subsidy Control

- 9.1. The EM Freeport Billing Authorities will use the Freeports Subsidy Control Scheme, which was made on 19 November 2021.
- 9.2. Businesses located within the Tax Site will be required to provide information to evidence that they meet the eligibility criteria and the terms and conditions of the Scheme.

10. Administration of Discretionary Relief - Applications and Evidence

- 10.1. Relief must be applied for in writing by the ratepayer to the relevant EM Freeport Billing Authority. The EM Freeport Billing Authorities will ensure that the application forms for discretionary rate relief are made available to ratepayers upon request as well as through their respective websites. Reliefs will be administered by each EM Freeport Billing Authority's revenue and benefits function.
- 10.2. Ratepayers are required to provide a completed application form plus any evidence, documents, accounts, financial statements, etc. necessary to allow the relevant EM Freeport Billing Authority to make a determination. Application forms and guidance notes will set out the evidence requirements that need to be met for a decision to be made. Failure to provide the necessary evidence will delay the decision-making process and/or could result in no relief being granted.
- 10.3. Business rate payments remain legally due and payable in accordance with the most recent bill until such time as any relief is awarded. Written applications will be required for each individual property.
- 10.4. The Billing Authority will provide this service and any guidance free of charge. Ratepayers are encouraged to approach the EM Freeport Billing Authorities direct and not pay for such services through third parties.

11. Administration of Discretionary Relief – Granting of Relief

- 11.1. The Billing Authority will notify the ratepayer in writing of any decisions made.
- 11.2. Where an application is successful, the ratepayer will be notified of the following:

- The amount of the relief granted and the date from which it has been granted;
- If relief has been granted for a specified period, the date on which it will end;
- The new chargeable amount;
- The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
- A requirement that the ratepayer should notify the Billing Authority of any change in circumstances that may affect entitlement to relief.

11.3. The rate relief will be awarded by means of a reduction in liability shown on the business rates bill issued to the ratepayer. Where this puts the account in credit for the year, a refund will be made by the relevant EM Freeport Billing Authority. A new Rate Demand Notice will be issued as confirmation.

11.4. Where relief is not granted then the ratepayer will be notified of the following:

- An explanation of the decision within the context of the relevant EM Freeport Billing Authority's statutory duty; and
- An explanation of the appeal rights (see section 16 below).

11.5. The Billing Authorities are required under legislation to only grant relief under backdated applications for the previous financial year, where the application for relief is made within 6 months of the start of the current financial year.

12. Administration of Discretionary Relief – Variation of a decision

12.1. Where it is necessary to vary any decision on rate relief, the relevant EM Freeport Billing Authority will notify the ratepayer as soon as practicable and will confirm the following amount of increase or reduction in rate relief, including when such changes will take effect.

12.2. An EM Freeport Billing Authority has discretion to revoke rate relief where it considers it appropriate to do so and in such circumstances, the relevant EM Freeport Billing Authority will notify the ratepayer of the reasons for such revocation and the date by which it will take effect.

13. Reporting changes in circumstances

13.1. Where a ratepayer has been awarded relief, they will be required to report any changes in circumstances which may affect the relief as soon as practicable and, in any event, no more than 21 days from the event occurrence. Such changes may include (but are not limited to) circumstances where the premises become unoccupied or are used for a purpose other than that determined by the relevant EM Freeport Billing Authority as eligible for relief.

- 13.2. Where a change of circumstances is reported, the EM Freeport Billing Authority will have discretion to vary or revoke the relief in accordance with section 13 above.
- 13.3. Without prejudice to the above, the EM Freeport Billing Authorities will require ratepayers that are in receipt of relief to reaffirm their eligibility on an annual basis.

14. Right of Review

- 14.1. A ratepayer may request a review of any relief decision. Any such review will be carried out by the respective EM Freeport Billing Authority's Director who has not been involved in the original decision.
- 14.2. Details of how to request such a review will be provided in the refusal letter. Any request for review will need to set out evidence as to why the applicant considers that the matter warrants a review, including but not limited to any further evidence in support of how the Applicant meets the eligibility and terms and conditions of the scheme.

15. Fraud

- 15.1. Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

16. Enquiries

- 16.1. In the event that a ratepayer has any queries on this scheme or the application process, they can contact:

For North West Leicestershire District Council – []

For Rushcliffe Borough Council – []

For South Derbyshire District Council – []

REPORT TO:	FULL COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	27 JUNE 2024	CATEGORY:
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP SANDHU EXECUTIVE DIRECTOR- LAW AND PEOPLE Ardip.sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	COMMUNITY GOVERNANCE REVIEW - DRAKELOW: FINAL RECOMMENDATIONS	REF:
WARD(S) AFFECTED:	LINTON WARD	

1.0 Recommendations

- 1.1 Members consider and take into account the results of consultation on the Drakelow Community Governance Review and the detailed supporting report (**Appendix 1**).
- 1.2 Members are satisfied that the final recommendations outlined below secure community governance arrangements that (a) reflect the interests and identities of the local community in Drakelow and (b) are effective and convenient; those recommendations are approved as the basis for a Community Governance Order and further processing as required.
- 1.3 Members approve that:
 - 1.3.1 the existing Parish Meeting for the parished area of Drakelow is abolished on 31 March 2025 and replaced with a Parish Council.
 - 1.3.2 a Parish Council for the parished area of Drakelow is constituted with effect from 1 April 2025.
 - 1.3.3 the new Council for the parished area of Drakelow is styled as a parish council and constituted as "Drakelow Parish Council".
 - 1.3.4 the area and boundaries of Drakelow Parish Council remain the same as those on which the current Drakelow Parish Meeting is based (as indicated on the plan attached at **Appendix 2**).
 - 1.3.5 Drakelow Parish Council has nine Parish Councillors when it is created in 2025 and that this rises to eleven when the number of local electors reaches 905.
 - 1.3.6 there will be no Parish Wards in Drakelow Parish Council's area.

1.3.7 in accordance with the statutory Guidance on Community Governance Reviews, Drakelow Parish Council is established with effect from 1 April 2025 and local elections are held on 1 May 2025.

1.4 authority is delegated to the Chief Executive to make the Reorganisation of Community Governance Order for implementation of the final recommendations from the Review.

2.0 Purpose of Report

2.1 In November 2023, the Council agreed to undertake a Community Governance Review of the parished area of Drakelow and adopted Terms of Reference upon which the review would be undertaken. The Review was prompted by the Council's receipt of a valid petition from local electors which sought the creation of a Parish Council for Drakelow, based on the area and boundaries of the existing Drakelow Parish Meeting. On 28 February 2024, the Council considered the results of the first stage of local consultation, the community governance implications in relation to the statutory Guidance and approved Draft Recommendations for the purposes of further consultation. The second stage of consultation concluded on 8 May 2024. The consultation results and any further community governance implications are set out in **Appendix 1**. The proposed final recommendations are set out on page 21 of **Appendix 1**.

2.2 The Local Government and Public Involvement in Health Act 2007 requires that local people are consulted during a community governance review, that representations received in connection with the review are taken into account and that steps are taken to notify them of the outcome / any decisions. In making and implementing those decisions, the 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient. Relevant considerations include judgements against these two criteria, including the impact on community cohesion and the size, population and boundaries of the area.

2.3 In addition to the main requirements outlined in paragraph 2.2 above, principal authorities are required to consider the suitability of any other forms of community governance not involving parishes (e.g. residents' associations, community forums, tenant management organisations and area committees), whether parish meetings or parish councils would be most appropriate, the electoral arrangements and any consequential recommendations for related alterations to ward and division boundaries.

3.0 Detail

3.1 In accordance with the Local Government and Public Involvement in Health Act 2007, the Council is responsible for undertaking any review within its electoral area. All decisions will be made by Full Council prior to any Reorganisation of Community Governance Order being made.

3.2 The adopted Terms of Reference and timetable for the Drakelow Community Governance Review, a detailed report on the results of the first stage of consultation, the community governance implications and the Draft Recommendations are available on the Council's website.

3.3 **Appendix 1** provides details of the parties who were consulted in Stages One and Two of the Review and the consultation results received by 26 January and 8 May 2024 respectively. **Appendix 1** also includes an assessment of the community governance implications of these results in relation to the statutory Guidance and the proposed final recommendations.

3.4 If, having considered the report and **Appendix 1**, the Council approves the final recommendations; a Reorganisation of Community Governance Order will be required to bring the recommendations into legal effect and to secure implementation. Subject to the Council's authorisation, this Order will be approved by the Chief Executive and then published.

4.0 Financial Implications

4.1 Any financial implications relating to the CGR process are within budgetary provisions.

5.0 Corporate Implications

5.1 There are none relating to this report.

6.0 Community Implications

6.1 The outcome of the Review and any subsequent Reorganisation of Community Governance Order will determine the local governance arrangements for the Drakelow area; a place that is changing rapidly due to the regeneration of the former Drakelow Power Station site which includes the Dracan development of over 2000 new homes. If the final recommendations are adopted, it will pave the way for a new Parish Council to represent Drakelow electors.

7.0 Background Papers

7.1 Appendix 1: Community Governance Review of Drakelow: Final Recommendations
Appendix 2: Map showing the existing boundaries of the parished area of Drakelow



COMMUNITY GOVERNANCE REVIEW OF DRAKELOW

SECTION 1: BACKGROUND

1. In July 2023, South Derbyshire District Council received a valid petition signed by local electors from the parished area of Drakelow. The petition requested that a Community Governance Review was undertaken and sought the creation of a Parish Council for Drakelow covering the same area that is defined by the existing Parish Boundary. The petition that triggered the Review was signed by 271 local electors.
2. The District of South Derbyshire currently has 49 parishes represented by 31 parish councils and 18 parish meetings. Drakelow is currently represented by a Parish Meeting consisting of local government electors registered in the area. At the present time, Drakelow does not have elected parish councillors.
3. The Council considered and approved the Terms of Reference for this Community Governance Review on 2 November 2023. A copy of the Terms of Reference is available upon request. For ease of reference, the timetable for the Review is set out below.

Action	Dates
Terms of Reference agreed by Full Council	2nd November 2023
Publication of Terms of Reference	3rd November 2023
Consultation process – Invitation of initial submissions & Public Meetings	3rd November 2023 to 26th January 2024
Last date for submissions	26th January 2024
Analysis/evaluation of submissions and preparation of draft recommendations	27th January 2024 to 16th February 2024
Draft recommendations agreed by Full Council	28th February 2024
Publication of draft recommendations	8th March 2024
Consultation on draft recommendations & Public Meetings	8th March 2024 to 3rd May 2024
Last date for submissions	3rd May 2024
Analysis/evaluation of submissions and preparation of final recommendations	4th May 2024 to 10th June 2024

Action	Dates
Final recommendations agreed by Full Council	27 June 2024
Publication of final recommendations	28 June 2024
Preparation and publication of the Reorganisation of Community Governance Order	1-9 August 2024

4. The adopted Terms of Reference set out what would be considered during the Review. These questions are listed below and are addressed in turn at Section 3 of this report.

- Questions 1(a) & (b) - Whether or not a Parish Council should be constituted or any alternative and, if so;
- Question 2 - What it should be named and the style that should be adopted,
- Question 3 - Whether the area and boundaries should be altered to better reflect the local community,
- Question 4 - How many Parish Councillors there should be,
- Question 5 - Whether there should be Parish Wards reflecting changes in the local community, and if so, what the Parish Wards should be named,
- Question 6 - The implementation dates and electoral arrangements that should apply.

5. In accordance with the Terms of Reference, consultation has been undertaken with the local community and relevant interested parties. The consultation process for the first stage of the Community Governance Review concluded on 26 January 2024. The results are set out below.

SECTION 2: RESULTS OF STAGE ONE CONSULTATION

6. Further to the Terms of Reference adopted by the Council on 2 November 2023, consultation was undertaken with the following parties:

- Residents of the parished area of Drakelow
- Ward Councillors for Drakelow and the adjoining Wards in South Derbyshire District
- Drakelow Parish Meeting and the neighbouring Parish Councils and Parish Meeting, including those neighbouring parishes in East Staffordshire Borough
- The Member of Parliament
- Derbyshire County Council and the County Councillors representing the relevant Electoral Divisions
- East Staffordshire Borough Council and the Ward Councillors representing the neighbouring parishes in East Staffordshire Borough
- Other interested parties, including Derbyshire Association of Local Councils, Linton Area Forum, a number of voluntary and community

sector organisations based locally, Countryside Partnership (Developer), VitalEnergi (Waste Plant), Eon (proposed solar farm), East Midlands Airport and Water Supplier for Drakelow.

7. The consultation took the form of letters sent either by post or e mail at the beginning of November 2023 and replies were requested by 26 January 2024. Public notices about the review were displayed in Drakelow. Notices were not published in the local press (newspapers or magazines) because there were no publications circulating in the area. Information about the Review was published on South Derbyshire District Council's website. The consultation was also the subject of a presentation and discussion at Drakelow Parish Meeting held on 21 November 2023.
8. The adopted Terms of Reference required a statistically significant level of support (5% or 33 electors) to be expressed for the creation of a Parish Council based on the existing area and boundaries of Drakelow Parish Meeting. If the threshold was reached or exceeded, supportive draft recommendations could be developed in accordance with requirements of the statutory Community Governance Guidance.
9. At the conclusion of the Stage One consultation, 49 local electors had responded. This represents a 7.59% response rate. Of those who responded, 48 local electors (or 7.44%) had expressed their support for the creation of a Parish Council for Drakelow and 1 local elector (or 0.15%) had indicated that they did not support this step. The identity of the electors was verified by the Council's Elections Team against the Electoral Register for September 2023. The 5% support threshold was met and exceeded.
10. Support for the proposed creation of a Parish Council was submitted by two District Councillors (Councillor Alistair Tilley, Ward Member for the Linton Ward and Chairman of the Linton Area Forum and Councillor Amy Wheelton, Ward Member for the neighbouring Seales Ward and Vice-Chairman of the Linton Area Forum). Additionally, three neighbouring Parish Councils expressed their support for the creation of a Parish Council in Drakelow: Overseal Parish Council, Rosliston Parish Council and Walton-on-Trent Parish Council.
11. 5 or 10.2% of respondents submitted detailed supplementary comments. 4 or 8.16% of these were supportive of the creation of a Parish Council for Drakelow. The supportive comments reflected local concerns associated with the planned growth of Drakelow and a desire to see the creation of a Parish Council "*to represent local views and ensure that identified concerns were acted upon*". The specific issues included access / footpath matters, vehicle speeds and concerns about road safety, infrastructure requirements and the

growing local need for community facilities. The creation of a Parish Council was described as “*an opportunity to improve our community*” and as “*a convenient and effective way of representing the interests and identities of the growing community*”.

12. One local elector (or 0.15% of the respondents) expressed support for the democratic process and the drive to reflect local wishes but did not support the creation of a Parish Council for Drakelow at the current time. This was because they felt that the cost of a new council would “*place an additional financial burden on local residents, many of whom were already struggling to meet daily expenses*”. This elector did not consider that the benefits of creating a local council would justify the increased tax burden.

SECTION 3: ASSESSMENT AGAINST COMMUNITY GOVERNANCE GUIDANCE & DEVELOPING THE DRAFT RECOMMENDATIONS

13. In carrying out this Review, the Council aimed to ensure that decisions affecting community governance within the area of the Review met the requirements of statutory Guidance. This meant that the proposed future arrangements should:
- (a) reflect the interests and identities of the communities in the area; and
 - (b) be effective and convenient.
14. Other important considerations were the impact on community cohesion and the size, population and boundaries of the area and what (if any) arrangements had been made already or could be made for the purposes of community representation or engagement in the review area.
15. The following assessment set out each matter being reviewed (in relation to questions 1 to 6 as per the adopted Terms of Reference), the relevant considerations and proposed a corresponding draft recommendation for each.

Question 1:

Whether or not a Parish Council or any alternative should be constituted for the parished area of Drakelow?

Background

16. Drakelow is a parish with a rich history which has been inhabited for hundreds of years. It is essentially rural in character with a popular residential area overlooking meadows, woodland and the River Trent. For many years the area was also home to the Drakelow Power Station site which is now being redeveloped to become one of the largest population centres in South Derbyshire. The nearest towns are located at Swadlincote (South Derbyshire) and Burton on Trent (in East Staffordshire). Until relatively recently the area was a farming community with a small population, several agricultural

businesses and a small industrial estate. A series of smaller scale housing developments were built approximately five years ago and at that point, the population started to grow.

17. Drakelow is currently represented by a Parish Meeting consisting of local government electors registered in the area. At the present time, Drakelow does not have elected parish councillors.
18. The District Council received a valid petition signed by local electors from the parished area of Drakelow. The petition requested that this Community Governance Review was undertaken and sought the creation of a Parish Council for Drakelow covering the same area that is defined by the existing Parish Boundary and currently represented by a Parish Meeting. A plan which shows the existing parished area of Drakelow and depicts the line of the boundary is set out at **Appendix 2** of the report to the District Council.
19. In undertaking this Community Governance Review, South Derbyshire District Council wished to ensure that electors would be able to identify clearly with the parish council area in which they were resident because it considered that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in local affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders local leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

Evidence of Local Support for the Creation of a Parish Council

20. The petition that triggered the Review was signed by 271 supportive local electors. Local support for the creation of a Parish Council was further confirmed during the Stage One consultation when 48 or 7.44% of local electors wrote or sent e mails to the District Council expressing their support. Under the adopted Terms of Reference this level of local support was greater than 5% of the local electorate and was sufficient to enable a positive draft recommendation to be developed for consideration.

Securing Community Governance that reflects the Identities and Interests of Local Communities and Promoting Community Cohesion

21. The District Council considered that parishes should reflect distinctive and recognisable communities of interest with their own sense of identity and that the feelings of the local community and the wishes of local inhabitants should be primary considerations. The District Council wished to carefully balance the consideration of changes that have happened over time, or that were likely to occur in the near future, through population shifts or additional development, for example, and that might have led to different community identity or historic traditions in its area.
22. The District Council also noted the Government Guidance that community cohesion should be taken into account in the Review, as well as that it “expects to see a trend in the creation, rather than the abolition of parishes.”

23. Parish Councils have an important role to play in the development of their local communities. They can help to create cohesive, attractive and economically vibrant places which are capable of fulfilling their own potential and overcoming their own difficulties. They can help communities respond to challenging economic, social and cultural trends, and to demographic change. They can be well placed to judge what is needed to build local cohesion, promote effective partnership working and can provide strong and accountable local leadership.
24. Until recently, the settlement pattern in Drakelow was essentially rural in character and included a hamlet with a population of a few hundred people surrounded by numerous outlying farms. The area was dominated by industrial activity associated with a large electrical power station site located entirely within the existing boundaries of the parished area of Drakelow. This is now undergoing major redevelopment. Whilst the existing Parish Meeting is playing a critical role in supporting the community through this major change, the opportunities and challenges associated with rapid growth mean that local electors are seeking strengthened local governance arrangements with representation through the creation of a dedicated Parish Council.

Electorate Figures and Changes to the Size and Population of Drakelow

Current Parished Area	Polling District	Electorate 2022	Electorate 2023	Electorate 2028
Drakelow	LTC	593	645	905

25. The above electorate forecasts have been developed by South Derbyshire District Council's Electoral Services based on the assumption that the number of electors in Drakelow will increase at the same rate of increase as occurred between September 2022 and September 2023. The increase between these dates was 52 additional electors in one year. This is a conservative estimate and in practice, the actual rate of increase could be considerably higher and accelerate as new homes which have received planning consent are completed and become occupied.
26. The Local Planning Authority is currently expecting 200 new homes to be built per year under approved plans for the phased re-development of the 106.8 ha former power station site in Drakelow. This major re-development entails the construction of 2168 homes in addition to a retirement village of circa 70 individual units. By the 28 February 2024, it was envisaged that a total of 400 new homes would have been built.
27. Section 94 of The Local Government and Public Involvement in Health Act 2007 requires that if there are more than 1,000 local government electors in a parished area, the review must recommend that the parish should have a parish council. It further states that if there are 150 or fewer local government electors, the review must recommend that the parish should not have a council. Both the current and forecast electorate figures for Drakelow fall in

between these thresholds and it was therefore a matter for South Derbyshire District Council to decide whether or not Drakelow should have a parish council.

28. The Drakelow electorate already benefits from the more direct participatory form of governance provided by an active Parish Meeting. The Parish Meeting provides a basic level of representation for the area on a range of issues, including those arising from the significant impact of development activity affecting the community. The Parish Meeting already raises a precept annually, holds regular meetings, works with local partners on the challenges and opportunities in the area and provides locally important information services through notice boards and a developing website. Whilst this has been effective in reflecting the interests and identities of the established community, there is no doubt that the population of the area will continue to rise and diversify as over 2000 new homes are built and occupied over the next decade. This is likely to place increasing pressure on the Parish Meeting as it is currently constituted, both in terms of its representative capacity and ability to respond to growing local community needs and aspirations.
29. Parish Councils have two main roles; community representation and local administration. They are well placed to respond to emerging community needs and aspirations because they have a broader range of duties and powers to provide local facilities and services as the population changes. For both representative and administrative purposes it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance.
30. In Drakelow, the community has clearly articulated its desire to have a Parish Council (based on the existing boundaries) which can represent the area and provide local leadership on important matters of concern. This is already evident by:
 - (a) the submission of a valid petition by Drakelow Parish Meeting with 271 signatures supporting the creation of a Parish Council and requesting that this Community Governance Review is undertaken.
 - (b) the responses by 48 or 7.44% of local electors who expressed their support for the creation of a Parish Council further to the Review's Stage One consultation process.
 - (c) the range of supplementary comments submitted by supportive respondents during the Review's Stage One consultation process. For ease of reference, these are summarised above at paragraph 11.
31. Parish Councils have an important role to play in the development of their local communities. The creation of a Parish Council for Drakelow will enable focused community governance of this growing area in a way that is more fully reflective of the identities and interests of the changing community. Drakelow was originally the size of a small hamlet with a few hundred people

but it is now quickly growing into the size of a small town. A Parish Council will have greater capacity to promote opportunities for established and new residents to meet, interact and get to know one another as the phased development takes shape. This will help to develop community ties, a shared sense of place and build community cohesion over time. The phased provision of shared community infrastructure in Drakelow, such as a school, health, care and indoor and outdoor facilities for leisure, community meetings and events will assist in this process.

Securing Effective and Convenient Local Government and Promoting Community Cohesion

32. The Guidance covering the conduct of Community Governance Reviews states that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them. It indicates that local communities should have access to good quality local services, ideally in one place.
33. The Community Governance Review Guidance indicates that parish councils should be viable in terms of providing at least some local services and if they are to be convenient; they need to be in easy reach and accessible to local people.
34. At the current time, Drakelow residents travel into neighbouring areas for some important local services and facilities e.g. schools, GP practices and community halls. The delivery of the masterplan for the redevelopment of the former Drakelow power station site is supported by a detailed Section 106 Agreement. This specifies trigger points for the provision of important community infrastructure including a school, local centre and a health facility aligned to the new development.
35. Whilst there has been a significant shift towards more digital and remote accessibility of services since the Community Governance Review Guidance was written, it will be important for a new parish council to have access to local facilities for community meetings and events so that it can establish a visible presence in Drakelow "at the heart of the growing community". This will help the Parish to work in an inclusive way, build community cohesion and demonstrate that it represents the whole community.
36. The creation of a Parish Council could help to focus community and service development activity within Drakelow and in time, this has the potential to extend local service provision. A new Parish Council should be well placed to ensure that community views and priorities are effectively represented and as new community meeting facilities become available, provide governance that is more locally accessible, visible on the ground and convenient. The District Council recognises the importance of community meeting facilities and is actively working with the Parish Meeting to secure appropriate accommodation.

37. Drakelow Parish Meeting is already providing some basic local services within the scope that is afforded by the current precept level. A summary of recent figures is set out below:

Drakelow Parish Meeting	Year	Precept	Tax Base
	2022/23	£4700	318
	2023/24	£4250	342
	2024/25	£6700	519

38. The ability of the Parish Meeting to provide additional local services is influenced by its human and financial resources. As can be seen from the above figures, the cost of the precept has increased and the tax base (number of people liable to pay Council Tax) has also risen. The cost of the precept is met by a small part of the Council Tax that is gathered locally.

39. The population of Drakelow will continue to increase as new homes at the former power station site (now known as Dracon Park) are occupied. The local tax base will also increase (there will be more people to pay Council Tax) and, over time, this will make it easier for a local council in Drakelow to grow its capacity and afford additional local service provision. The gradual development of local council capacity is a well-trodden path and the Derbyshire Association of Local Councils (of which the existing Parish Meeting is already a member) is well placed to provide advice and support to any new Council undertaking this process. Both the growth of the tax base and the local availability of support and advice are factors which would help to promote the viability of a new Parish Council for Drakelow.

40. A Parish Council for Drakelow would be able to generate a precept annually based on the assessed Band D properties in Drakelow, which could be greater than the Parish Meeting precept as shown above. A typical budget would cover the following main headings: Parish Clerk (Hours per week / month), Insurance, Room hire, IT equipment, Training, Expenses, Subscriptions (e.g. typically for membership of the local Association of Town and Parish Councils) and would include a contingency figure and an amount for election costs. In terms of service costs and based on the services already provided by the current Drakelow Parish Meeting, the new Parish Council might, for example, provide notice boards and a website and / or some litter bins in a start-up phase.

41. The existing Parish Meeting is currently recruiting a paid Clerk and the employment costs associated with the role have been included within the precept figure for 2024/25. An appropriate level of provision for the employment costs would need to be included in the precept for the first year of a new parish council. It is important that a Clerk is appointed to assist with the administration of any transitional arrangements required if a new Parish Council is created.

42. In addition to employment costs, a new parish council would need to plan for proposed changes to the range of services it intends to provide over time and address the need for access to more local accommodation for community meetings and events. The financing and ownership of the proposed combined health and community centre and any associated liabilities for running costs and maintenance are therefore potentially highly relevant to the viability of a new council. The Local Government (Parishes and Parish Councils) (England) Regulations 2008 cover matters including the transfer of staff, assets and liabilities etc. whilst The Local Government Finance (New Parishes) (England) Regulations 2008 deal with the budget requirements of new Parish Councils and the issue of precepts.

Alternative Local Governance Arrangements

43. The Local Government and Public Involvement in Health Act 2007 states that principal authorities that are considering community governance recommendations about the creation or abolition of parishes must also take into account any other local governance arrangements (apart from those relating to parishes and their institutions) that have already been made, for the purposes of community representation or community engagement.

44. The parished area of Drakelow is part of South Derbyshire District Council's Linton Ward (which also includes other parishes and parish meetings). As a Parish Meeting within that Ward, Drakelow appoints a representative to serve on the Linton Area Forum. This Area Forum operates jointly with the neighbouring Seales Ward and the local councils from that area. The Forum operates as an advisory and consultative body in the interests of promoting improved service delivery and more efficient, transparent and accountable decision-making. As such it discusses relevant local issues and concerns and can make recommendations to the District Council's Policy Committee on matters regarding the delivery and performance of local services and the management of facilities, as well as policy issues and budgets that impact on the area. The Forum provides information and fosters close working relationships with Derbyshire County Council, Derbyshire Constabulary, Parish Councils and other relevant agencies. It provides an opportunity for discussion on matters of local interest across the broad area of the two Wards. The detailed Terms of Reference are set out at Article 9 of the District Council's Constitution.

45. The Area Forum assists in the effective local governance and co-ordination of matters affecting the Linton and Seales Wards but its remit does not include the dedicated focus and decision-making making functions available to the existing Parish Meeting or a potential parish council for Drakelow. The Area Forum is not constituted to fulfil that governance role and it does not have the same legal duties and powers that would be available to a local council representing and acting in the specific interests of Drakelow residents. A parish council provides the democratic opportunity for Drakelow to have directly elected councillors representing the area. The Area Forum, however beneficial for joint working purposes in the wider area, does not provide a suitable alternative governance mechanism.

46. Both the Chairman and Vice-Chairman of the Linton and Seales Area Forum have expressed their support for the creation of a dedicated Parish Council which can better reflect the identities and interests of the rapidly growing Drakelow community. This locally focused body will be best placed to understand and articulate the particular needs and aspirations of the community and work towards the provision of services that are more locally effective and convenient.

Draft Recommendations 1(a) & 1(b):

1(a) That the existing Parish Meeting for the parished area of Drakelow is abolished on 31 March 2025 and replaced by a Parish Council.

1(b) That a Parish Council for the parished area of Drakelow is constituted with effect from 1 April 2025.

Question 2

If so, what it should be named and the style that should be adopted?

Name of the Parish Council

47. The District Council will endeavour to reflect existing local or historic place names and will give a strong presumption in favour of names proposed by local interested parties. The District Council would wish to avoid composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names.

48. The petition that was submitted by local electors sought the creation of a Parish Council for Drakelow. It is understood that Drakelow is a distinctive historical name that is derived from an area of land said to have been granted by King Edward in 942AD known as Draacan Hlawe or "Dragon's Mound". The name Drakelow is recognised locally and no other names have been suggested during the consultation process for this area. The District Council respects local wishes regarding the naming of a local council for this historic area.

Alternative styles of Local Councils

49. Parishes may have alternative styles to "parish". The alternative styles are "community", "neighbourhood" or "village". The use of the term "parish" in this document does not preclude one of the alternative styles of council being subsequently adopted by a newly formed council. Existing parishes in the District of South Derbyshire use the style of "parish council", the alternative styles having been introduced relatively recently in 2007. A consistent approach would help to avoid any initial confusion about the status of a newly created local council.

50. It is clear from the wording of the petition which triggered this Community Governance Review (signed by 271 local electors) and 48 expressions of support received from local electors during the Stage One consultation process, that there is strong local support for the creation of a parish council in Drakelow. The District Council acknowledges that local electors would prefer that the proposed new council adopts the style of a parish council.

Draft Recommendation 2:

- 2. That, in recognition of local wishes, the new Council for the parished area of Drakelow is styled as a parish council and constituted as “Drakelow Parish Council”**

Question 3:

Whether the area and boundaries should be altered to better reflect the local community?

51. The Community Governance Review Guidance indicates that the boundaries between parishes should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable.

52. A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail. It provides a chance to remove anomalous parish boundaries which can happen over time as, for example, communities expand with new housing developments.

53. It is desirable to review parish boundary issues at regular intervals because they are likely to be used to provide the building blocks for district ward, county division and parliamentary boundaries in future reviews.

54. The petition that was submitted by 271 local electors from Drakelow sought the creation of a parish council based on the same boundaries as the existing parished area of Drakelow. This position was checked during the Stage One consultation process of this review. Of the 49 local electors who responded to the consultation, no one identified any concerns regarding the suitability of the existing boundaries and no comments were received about any anomalies. In that regard, the District Council notes that the major redevelopment of the former power station site in Drakelow falls within the existing boundaries of the parished area of Drakelow. The approved housing development will not extend over the boundary.

Draft Recommendation 3:

- 3. That the area and boundaries of Drakelow Parish Council remain the same as those on which the current Drakelow Parish Meeting is based (as indicated on the plan attached at Appendix 2).**

Question 4:

How many Parish Councillors there should be?

Council Size

55. As indicated in the Community Governance Review Guidance, “it is an important democratic principle that each person’s vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of Councillors”. By law (section 16 of the Local Government Act 1972), each Parish Council must have at least five Councillors and there is no specified maximum.

56. As guidance, the National Association of Local Councils (NALC) suggests that the minimum number of Councillors for any Town / Parish should be seven and the maximum 25.

57. The former Aston Business School published the following indicative table for representation on Parish Councils:

Electorate	Parish Councillor Allocation
Less than 500	5-8
501 – 2,500	6-12
2,501 – 10,000	9-16
10,001 – 20,000	13-27
Greater than 20,000	13-31

58. By law, the District Council must have regard to the following factors when considering the number of Councillors to be elected for a Parish Council:

- the number of local electors
- any change in that number which is likely to occur in the period of five years from commencement of this review.

59. The table below sets out the number of electors in September 2023 and the estimated number of electors in September 2025 and 2028.

Current Parished Area	Polling District	Electorate September 2023	Electorate September 2025	Electorate September 2028
Drakelow	LTC	645	749	905

60. In September 2023, Drakelow had 645 electors. By September 2025, using the conservative estimate provided by the Elections Team, this number is expected to rise to 749 electors and by 2028, it is expected to increase to 905 electors. In practice, this will be subject to the speed with which new housing on the former power station site is built and occupied. There are some key factors, such as the economic climate and changes in mortgage interest rates

during the next five years, which will influence the rate at which the number of electors increases.

61. Reference to the research undertaken by the former Aston Business School (HMSO, 1992) shows that a Parish Council in Drakelow would typically have between six and twelve Parish Councillors. The minimum number of Councillors that a Parish can have is five but, as indicated by current advice from the National Association of Local Councils, it would be more practical for there to be at least seven parish councillors to share the work involved in establishing a new parish council and to facilitate effective decision-making. This minimum would be appropriate if the number of local electors was stable at the level in September 2023 but, by the time any proposed new Council would be established and functioning (May 2025), the number of electors is likely to be higher (estimated at 749 by September 2025). A Parish Council made up of at least nine Parish Councillors from the expanding community in Drakelow would have better capacity to undertake the work involved in establishing a new parish and could also more effectively represent local views, articulate priorities and act as the democratic voice of this changing community regarding decisions that affect the area.
62. Whilst at the outset Drakelow Parish Council would be relatively moderate in size, it would be as well placed as other parish councils of a similar size to provide local services, albeit that in its formative stages the range might be more limited than those afforded by larger councils. This possible difference is not uncommon and often the range of services offered by a Parish Council evolves over time, with local circumstances and experience. There are numerous ways in which smaller councils can share resources (such as Parish Clerk, accommodation and printing facilities) and work with other neighbouring councils (e.g. through clustering, shared and joint arrangements) to provide services economically and efficiently.
63. The District Council recognises that, due to the scale of development impacting on the new Drakelow Parish area and the way in which the economic climate and changes in mortgage interest rates could influence the rate of growth in electorate numbers, it might become necessary to increase the size of the new Parish (i.e. the number of Councillors) quite quickly. For that reason, it is sensible to recommend that the number of Councillors is increased to eleven when the number of local electors reaches 905. This falls within the range identified by the former Aston Business School research on councillor numbers and provides some additional capacity without the need for a further Community Governance Review.
64. In terms of the impact on electoral ratios (the number of electors per parish councillor), the current and proposed positions are summarised below:

Parished Area & Polling District	Electorate	Number of Parish Councillors	Electoral Ratio (i.e. one Parish Councillor per how many electors)
Current - Drakelow Parish Meeting - LTC	645 (September 2023)	0	Not applicable as Parish Meetings do not have elected councillors
Proposed - Drakelow Parish Council	749 (September 2025)	9	83.22

65. The average electoral ratio across South Derbyshire District's 31 Parish Councils (including both urban and rural parishes) is currently 189.5 based on 271 councillors for 51,356 electors. In parishes which are more urban in character, there are considerably more electors to each parish councillor. For ease of comparison, the current ratios of some neighbouring parishes are set out below:

Parish Name & Polling District	Electorate September 2023	Number of Parish Councillors	Electoral Ratio (i.e. One Councillor per how many electors)
Walton Upon Trent (Parish Council) SLF	635	8	79.3
Rosliston Parish Council (Parish Council) LTF	573	6	95.5
Cauldwell (Parish Meeting) LTB	81	0	Not applicable as Parish Meetings do not have elected councillors
Proposed Drakelow Parish Council	749 (September 2025)	9	83.22

66. The table shows that the proposed number of councillors for Drakelow provides a similar level of representation to the ratio currently achieved by near neighbours. However, this similarity is likely to change over time with growth in the number of electors predicted for Drakelow. The table below sets out the position that is predicted in 2028 and shows the effect of a draft recommendation to increase the number of Parish Councillors to eleven. The

draft recommendation aims to restore the level of representation reflecting the growth envisaged.

67. By September 2028, some extra capacity would be beneficial to assist the proposed Parish at a time when it is experiencing rapid change and the challenges and opportunities associated with growth. This approach would provide an improved ratio of 82.27. An overview is set out in the table below.

Proposed Drakelow Parish Council	Electorate September	Number of Parish Councillors	Electoral Ratio (i.e. One Councillor per how many electors)
Drakelow Parish Council (when first created)	749 (in 2025)	9	83.22
Drakelow Parish Council (within five years or sooner)	905 (in 2028 or sooner)	11	82.27

Draft Recommendation 4:

- 4. That, Drakelow Parish Council has nine Parish Councillors when it is created and that this rises to eleven when the number of local electors reaches 905.**

Question 5:

Whether there should be Parish Wards reflecting changes in the local community, and if so, what the Parish Wards should be named?

68. Parish warding is the division of the Parish Council area into appropriately sized wards for the purpose of electing Parish Councillors. Any Community Governance Review must examine the number and boundaries of Parish Wards, their names and the number of Councillors to be elected for each ward. In determining warding arrangements regard should be given to community ties in the area. In considering whether or not a Parish Council area should be divided into wards, the legislation requires that consideration is given to:

- a) whether the number, or distribution, of the local government electors for the Parish Council would make a single election of councillors impractical or inconvenient; and
- b) whether it is desirable that any area or areas of the Parish Council should be separately represented on the council.

69. There is a need to consider not only the size of the electorate in the area, but also the distribution of communities within it. The Community Governance Review Guidance indicates that “the warding of parishes in largely rural areas that are based predominantly on a single centrally located village may not be

justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish". Warding arrangements should be clearly and readily understood by and should have relevance for the electorate in the Parish Council area.

70. The District Council will be mindful of this Guidance. Each case will be considered on its merits and on the basis of information and evidence provided during the course of the Review. Any Parish Ward proposals should have merit in themselves. Not only should they meet the two tests laid down in the Act, as set out at a) and b) above, they should also be in the interests of effective and convenient local government. They should also not be wasteful of a Parish Council's resources.
71. The District Council will endeavour to reflect existing local or historic place names when naming any Parish Council Wards and there will be a strong presumption in favour of names proposed by local interested parties.
72. The District Council does not consider that the proposal to create a Parish Council for Drakelow based on the existing boundaries necessitates dividing the parished area into wards for the purposes of separate representation. It is considered more appropriate that, in the early stages of the new Parish Council, there is an emphasis on building local cohesion through a dedicated Council which can represent the priorities and aspirations of both the established and newer parts of the community. This will involve building a shared future vision and a strong sense of place and belonging. It should reflect what new and existing communities have in common whilst recognising the value of diversity.
73. Neither the petition that triggered this Community Governance Review, nor the comments received during the Stage One consultation process sought the creation of Parish Wards. Similarly, the discussion held at the Drakelow Parish Meeting on 21 November 2023 did not recognise Parish Wards as relevant arrangements for effective local governance of the area.
74. Further, the District Council does not believe that the number, or distribution, of the local government electors for the Parish Council would make a single election of councillors impractical or inconvenient.

Draft Recommendation 5:

- 5. That there will be no Parish Wards in Drakelow Parish Council's area.**

Question 6:

The implementation dates and electoral arrangements that should apply?

Electoral Arrangements

75. The next elections for all parishes in South Derbyshire District will be held in May 2027. If following the Community Governance Review, a Parish Council is created for Drakelow, and any amendments to parish arrangements are approved, these will come into existence from 1 April 2025, and elections will be held in May 2025. The initial term of office will be for the following two years ending with elections in May 2027. Elections will then be every fourth year thereafter. This reflects the requirements of Community Governance Review Guidance and the local electoral cycle.

76. The implication of the above timetable is that, if approved, the existing Drakelow Parish Meeting would be abolished on 31 March 2025 with the new Council constituted on 1 April 2025.

Draft Recommendation 6:

- 6. That, in accordance with the statutory Guidance, Drakelow Parish Council is established with effect from 1 April 2025 and local elections are held in May 2025.**

SECTION 3: ADOPTION OF DRAFT RECOMMENDATIONS AND FURTHER CONSULTATION

77. The results of the first stage of consultation and the detailed community governance implications of the above draft recommendations were considered by South Derbyshire District Council on 28 February 2024. The Council adopted the draft recommendations and these were publicised on 8 March 2024 as the basis for further consultation. Details were published on the Council's website and a Public Notice was displayed locally on Drakelow Parish Meeting's noticeboards. Notices were not published in the local press (newspapers or magazines) because there were no publications circulating in the area.

78. The Council consulted with the following interested parties regarding the draft recommendations:

- Residents of the parished area of Drakelow
- Ward Councillors for Drakelow and the adjoining Wards in South Derbyshire District
- Drakelow Parish Meeting and the neighbouring Parish Councils and Parish Meeting, including those neighbouring parishes in East Staffordshire Borough
- The Member of Parliament
- Derbyshire County Council and the County Councillors representing the relevant Electoral Divisions
- East Staffordshire Borough Council and the Ward Councillors representing the neighbouring parishes in East Staffordshire Borough

- Other interested parties, including Derbyshire Association of Local Councils, Linton Area Forum, a number of voluntary and community sector organisations based locally, Countryside Partnership (Developer), VitalEnergi (Waste Plant), Eon (proposed solar farm), East Midlands Airport and Water Supplier for Drakelow.

79. The consultation took the form of letters sent either by post or e mail at the beginning of March 2024 and any further representations were requested by 3 May 2024. The consultation was also the subject of a discussion at Drakelow Parish Meeting held on 29 April 2024.

80. The adopted Terms of Reference required a statistically significant level of support (10% or 65 electors) to be expressed for the creation of a Parish Council based on the existing area and boundaries of Drakelow Parish Meeting. If the threshold was reached or exceeded, supportive final recommendations could be developed in accordance with requirements of the statutory Community Governance Guidance.

SECTION 4: ANALYSIS OF STAGE TWO CONSULTATION RESULTS

81. At the conclusion of the Stage Two consultation on 3 May 2024, 87 local people had responded. This represents a response rate of 13.48%. Of those who responded by the deadline, 86 people had expressed their support for the draft recommendations but two of the respondents were not registered electors. This had the effect of reducing the number of supportive local electors to 84 (or 13.02%). One local elector (or 0.15%) did not support the draft recommendations. The identity of the electors was verified by the Council's Elections Team against the Electoral Register for September 2023. **The 10% support threshold was met and exceeded.**

82. Of the electors who supported the draft recommendations, a number submitted supplementary comments with examples as follows:

"I fully support the formation of a Drakelow parish council in order to support facilities in our area. I believe that local representatives would be best placed to serve those residents."

"We write to confirm that we support the formation of a Parish Council which will do much to extend the democratic process to our fast-growing area."

83. The elector who did not support the draft recommendations commented that *"Only needing 10% to agree to the formation of a Parish Council is an incredibly low bar to raise additional taxation on local residents."* The elector urged the Council to *"fully consider the financial impact of the establishment of a Parish Council at a time when many residents are struggling with the cost of living, particularly as Parishes and Town Councils do not have the same*

sort of restrictions on the amount they can raise through the precept as District / Borough and County Councils do.”

84. Analysis and evaluation of the submissions received during the second stage of consultation was undertaken between 4 May 2024 and 10 June 2024. As 13.02% of local electors supported the draft recommendations and 0.15% were opposed, this enabled positive final recommendations to be developed for consideration and decision by the District’s Full Council to be held on 27 June 2024.
85. It is important to note that the Community Governance Review was itself triggered by a petition which included the signatures of 271 or 42% of local electors. The preparation of final recommendations follows a lengthy, two stage consultative process which began in November 2023. The 5% and 10% threshold figures were mechanisms required by the Terms of Reference to check that there were statistically significant levels of continued support from local electors at each stage of the consultation process. The first stage of consultation achieved support from 48 or 7.44% of local electors. This exceeded the 5% threshold figure. The second stage of consultation achieved support from 84 or 13.02% of local electors. This also exceeded the threshold figure. **The Review has demonstrated that there is a significant level of support amongst local electors for the creation of a parish council for Drakelow based on the existing boundaries of Drakelow Parish Meeting.**
86. Drakelow Parish Meeting already raises a precept annually to support the work of the Parish Meeting (paragraph 37 refers). This is collected by the District Council and represents a small part of the Council Tax raised in Drakelow. The District Council has not received any complaints about the level of the precept raised by Drakelow Parish Meeting. The amount of the precept could increase whether or not a Parish Council is created. The Drakelow Council Tax base is likely to grow as more people move into this fast-growing area and, as this happens, the cost can be shared between more people.
87. If a Parish Council is created, it can strengthen local transparency and accountability to the community. The elected councillors will be well placed to consider the needs and priorities of the community and can examine whether there is a justification for additional service provision and, if so, how that can be most appropriately funded. It will be well placed to develop effective local engagement and communication with residents about any proposals.
88. Section 93 of the Local Government and Public Involvement in Health Act 2007 requires principal councils undertaking community governance review to ensure that final recommendations are:
- Reflective of the identities and interests of the community in that area; and
 - Effective and convenient.

89. When the assessment is undertaken it involves consideration of a number of influential factors; including

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

SECTION 5: FINAL RECOMMENDATIONS

90. Based on the above analysis of the results of consultation in the parished area of Drakelow, more than 10% of local electors in Drakelow supported the creation of a Parish Council based on the existing boundaries of Drakelow Parish Meeting. Therefore, the following final recommendations regarding community governance arrangements in Drakelow were assessed against the statutory community governance criteria:

- 1. That the existing Parish Meeting for the parished area of Drakelow is abolished on 31 March 2025 and replaced with a Parish Council.**
- 2. That a Parish Council for the parished area of Drakelow is constituted with effect from 1 April 2025.**
- 3. That the new Council for the parished area of Drakelow is styled as a Parish Council and constituted as “Drakelow Parish Council”.**
- 4. That the area and boundaries of Drakelow Parish Council remain the same as those on which the current Drakelow Parish Meeting is based. (Appendix 2 refers)**
- 5. That Drakelow Parish Meeting has nine Parish Councillors when it is created in 2025 and that this rises to eleven when the number of local electors reaches 905.**
- 6. That there will be no Parish Wards in Drakelow Parish Council’s area.**
- 7. That, in accordance with statutory Guidance on Community Governance Reviews, Drakelow Parish Council is established with effect from 1 April 2025 and local elections are held in May 2025.**

91. The District Council must consider **whether the proposed Parish Council will be reflective of the identities and interests of the communities in that area?**

Changes in Population and Settlement Character

92. The District Council recognises that, because of the major redevelopment of the former Dracon power station site, Drakelow is already a fast-growing area which has changed from a small, predominantly rural settlement with a population of a few hundred people to a developing settlement with an

expanding population and the character of a small town. This entails the construction of 2168 homes in addition to a retirement village of circa 70 individual units. The Local Planning Authority is expecting 200 new homes to be built per year under the approved plans. The following electorate forecast data reflects this changing picture:

Electorate Figures and Changes to the Size and Population of Drakelow

Current Parished Area	Polling District	Electorate 2022	Electorate 2023	Electorate 2028
Drakelow	LTC	593	645	905

93. The above forecasts have been developed by South Derbyshire District Council’s Electorate Services based on the assumption that the number of electors in Drakelow will increase at the same rate of increase as occurred between September 2022 and September 2023 (i.e. by 52 additional electors in one year). This is a conservative estimate and in practice, the actual rate of increase could be considerably higher and accelerate as new homes which have received planning consent are completed and become occupied.
94. The District Council notes the Government Guidance that it “expects to see a trend in the creation, rather than the abolition of parishes” and that community cohesion should be taken into account during the Review.

Strengthened Local Governance for developing community identity and interests

95. Parish Councils have an important role to play in the development of their local communities. They can help to create cohesive, attractive and economically vibrant places which are capable of fulfilling their own potential and overcoming their own difficulties. They can help communities respond to challenging economic, social and cultural trends, and to demographic change. They can be well placed to judge what is needed to build local cohesion, promote effective partnership working and can provide strong and accountable local leadership.
96. Whilst the existing Parish Meeting has been effective in reflecting the interests and identities of the established community, there is no doubt that the population of Drakelow will continue to rise and diversify as the new homes are built and become occupied over the next decade. Although the Parish Meeting is currently playing a critical role in supporting the community through major change, the opportunities and challenges associated with rapid growth mean that local electors are seeking strengthened governance arrangements with local democratic representation through the creation of a dedicated Parish Council. This will be well placed to respond to emerging community needs and aspirations because it will have a broader range of duties and powers to provide local facilities and services as the population changes.

97. The community has clearly and consistently articulated its desire to have a Parish Council throughout the Review process. This included a petition from Drakelow Parish Meeting with 271 signatures (42% of local electors) in support of the Review, supportive responses from 48 or 7.44% of local electors during the first stage of consultation and 84 or 13.02% of local electors during the second stage of consultation. At each stage of the process, the respective threshold of support figure was exceeded. This reflects the growing sense of Drakelow as a distinctive, recognisable community of place with its own evolving sense of identity.

Name of the Parish

98. The petition that was submitted sought the creation of a Parish Council for Drakelow. It is understood that Drakelow is a distinctive historical name that is recognised locally. No other names for the proposed new Parish have been submitted during the consultation process. The views of local communities and inhabitants are of central importance.

99. In relation to the question set out at paragraph 91 above, the District Council agrees that the creation of a Parish Council for Drakelow will enable focused community governance of this growing area in a way that is more fully reflective of the identities and interests of the changing community.

100. In reaching conclusions, the District Council must also consider **whether the creation of a Parish Council for Drakelow based on the existing boundaries of the current Drakelow Parish Meeting will secure arrangements that are effective and convenient?** In this regard, the District Council has considered the extent to which the proposed Parish Council will be able to deliver quality services economically and efficiently, and give service users a democratic voice in the decisions that affect them. The District Council recognises that local councils should be viable in terms of at least providing some local services, and be in easy reach and accessible to local people.

Effective and Convenient Service Delivery

101. At the current time, Drakelow residents travel into neighbouring areas for some important local services and facilities e.g. schools, GP practices and community halls. The delivery of the masterplan for the redevelopment of the former power station site is supported by a detailed Section 106 Agreement. This specifies trigger points for the provision of important community infrastructure including a school, local centre and a health facility aligned to the new development.

102. Whilst there has been a significant shift towards more digital and remote accessibility of services since the Community Governance Review Guidance was written, it will be important for a new parish council to have access to local facilities for community meetings and events so that it can establish a visible presence in Drakelow “at the heart of the growing community”. This

will help the Parish to work in an inclusive way, build community cohesion and demonstrate that it represents the whole of the community.

103. The creation of a Parish Council will help to focus community and service development activity within Drakelow and, in time, this has the potential to extend local service provision. A new Parish Council will be well placed to ensure that community views and priorities are effectively represented and, as new community meeting facilities become available, provide governance that is more locally accessible, visible on the ground and convenient. The District Council recognises the importance of community meeting facilities and is actively working with the Parish Meeting to secure appropriate accommodation.

Council Viability

104. Drakelow Parish Meeting is already providing some basic local services within the scope that is afforded by the current precept level. The ability of the Parish Meeting to provide additional local services is influenced by its human and financial resources. In recent years, the precept level and the tax base have both increased (paragraph 37 refers). The population of Drakelow will continue to rise as new homes at the former power station site (now known as Dracon Park) are occupied and this increase will mean that the tax base will continue to grow (so there will be more people to pay Council Tax, of which the precept is a small part). As this happens, it is likely that the demand for additional local service provision will rise. The tax base will be larger and better able to fund the introduction of new services. This will make it easier for a local council in Drakelow to grow its capacity to deliver services over time and to afford the provision of additional local services.
105. The gradual development of local council capacity is a well-trodden path and the Derbyshire Association of Local Councils (of which the Parish Meeting is already a member) is well placed to provide advice and support to a new council undertaking this process. Both the growth of the tax base and the availability of support and advice are factors which will help promote the viability of a new Parish Council for Drakelow. From the outset, it will be able to generate a precept annually to meet the costs of providing basic services which, for example, might cover the provision of notice boards, a website and /or some litter bins in a start-up phase. Other typical budget headings would be the employment costs of a Parish Clerk (hours per week / month), insurance, room hire, IT equipment, training, expenses, subscriptions plus a contingency figure and provision for election costs.
106. In addition to employment costs, a new Council will need to plan for proposed changes to the range of services that it intends to provide over time and address the need for access to more local community meetings and events. The financing and ownership of a proposed combined health and community centre and any associated liabilities for running costs and maintenance are therefore potentially highly relevant to the viability of a new

council. It is likely that the combined health and community centre will be established as a separate trust which, depending on how it is constituted, should protect the new council from associated liabilities. The Local Government (Parishes and Parish Councils) (England) Regulations 2008 cover matters including the transfer of staff, assets and liabilities etc. whilst The Local Government Finance (New Parishes) (England) Regulations 2008 address the budget requirements of new Parish Councils and the issue of precepts.

Alternative Local Governance Arrangements

107. The Local Government and Public Involvement in Health Act 2007 requires principal authorities undertaking Community Governance Review to take into account any other local governance arrangements (apart from those relating to parishes and their institutions) that have already been made for the purposes of community representation or engagement. In this regard, the District Council has considered the role of the Linton Area Forum which operates as an advisory and consultative body on matters affecting parishes (including Drakelow Parish Meeting) across the District's Linton and Seales Wards. Drakelow Parish Meeting is part of the Linton Ward and it appoints a representative to the Linton Area Forum. Whilst the Forum assists in the effective local governance and co-ordination of matters affecting both of the Wards, its remit does not include the dedicated focus and decision-making functions available to the existing Drakelow Parish Meeting or a potential parish council for Drakelow. It is not constituted to fulfil that area specific governance role and it does not have the range of legal duties and powers that will be available to a local council representing and acting in the specific interests of Drakelow residents.

108. The District Council has concluded that it is only a dedicated parish council that can provide the enhanced democratic opportunity for Drakelow to have directly elected councillors representing the interests of the local area and its community.

Style of Local Council

109. Parish Councils may have alternative styles to "parish", These alternatives are "community", "neighbourhood" or "village". The use of the term "parish" in this document does not preclude one of the alternative styles being subsequently adopted by a newly formed council. Existing parishes in the District of South Derbyshire use the style of "parish council", the alternative styles having been introduced relatively recently in 2007. The District Council considers that a consistent approach in the style of local council would help to avoid any initial confusion about the status of a newly created local council. Further, it is clear from the wording of the petition that triggered this Review that there is strong support from local electors for the creation of a parish council in Drakelow. The District Council acknowledges that local electors would prefer that the proposed new council adopts the style of a parish council.

Boundaries

110. The District Council's consultation with local electors in the parished area of Drakelow resulted in final recommendations that a Parish Council should be created based on the area and boundaries of the existing Drakelow Parish Meeting. This area is shown on the attached map set out at **Appendix 2**. As this recommendation relates to an area which already exists as a parished area, the boundaries are already well defined and locally recognised.
111. The petition which triggered this Review (signed by 271 local electors) specifically sought the creation of a Parish Council as defined by the existing area and boundaries of the parished area of Drakelow. This position was checked during the consultation undertaken with local electors and interested parties in Stages One and Two of the Review. No one expressed any concerns regarding the suitability of the existing boundaries and no comments were received that identified boundary-related anomalies.
112. In reaching conclusions on this matter, the District Council notes that the major re-development of the former power station site in Drakelow falls within the existing boundaries of the parished area of Drakelow. The approved housing development will not extend over the boundary. The District Council's conclusion is that the new parish should be created based on the existing area and boundaries of the parished area of Drakelow.

Size of the Council / Enhanced Democratic Representation

113. The capacity of the new Council to provide enhanced local representation will be influenced by its size including the number of local councillors. By 2028, it is forecast that Drakelow will have 905 local electors and that in 2025 (the point at which a new council would be created), the number of electors is forecast to be 749. Based on this data and research undertaken on all Parish Councils by the former Aston Business School (HMSO, 1992), a parish council with 749 electors and 905 electors would typically have between six and twelve councillors.
114. By law, the District Council must have regard to the following factors when considering the number of councillors to be elected to a parish council:
- the number of local electors
 - any change in that number which is likely to occur in the period of five years from the commencement of this review.
115. The minimum number of councillors that a parish can have is five, but advice from the National Association of Local Councils indicates that it would be more practical for there to be at least seven parish councillors to share the work involved in establishing a new parish council and to facilitate effective decision-making. This minimum would be appropriate if the number of local electors in Drakelow was stable at the 2023 level (645 electors). However, the forecast for September 2025 indicates that new Council is likely to have nearly 749 electors by the point at which it is created (April 2025) and 905 by

2028. It is possible, depending on a number of economic factors, that the figure of 905 could be reached before 2028. For that reason, and with reference to the electoral ratios in the District (paragraphs 64 to 67 refer), it is sensible to recommend that there should be nine local councillors when the parish is created (in 2025) and that this number should rise to eleven when the number of local electors reaches 905.

116. A Parish Council made up of nine and subsequently eleven Parish Councillors from the expanding community in Drakelow will have better capacity to undertake the work involved in establishing a new parish and can also more effectively represent local views, articulate priorities and act as the democratic voice of this changing community regarding decisions that affect the area.

117. In view of the above, the District Council considers that a new Drakelow Parish Council will be as well placed as other parish councils to provide effective and convenient local services, whilst recognising that the level of service provision is likely to develop as the local tax base increases over time. Additionally, the District Council concludes that the final recommendations should be supported to provide an enhanced level of local representation for Drakelow based on the election of nine Parish Councillors (when the Parish Council is created) and flexibility to increase that number to eleven when the number of electors reaches 905 (as projected by 2028).

Parish Wards

118. Parish warding is the division of the Parish Council area into appropriately sized wards for the purpose of electing Parish Councillors. A Community Governance Review must examine the number and boundaries of Parish Wards, their names and the number of Councillors to be elected for each ward. In determining warding arrangements, regard should be given to community ties in the area, In considering whether or not a Parish Council area should be divided into wards, the legislation requires that consideration is given to:

- Whether the number, or distribution, of the local government electors for the Parish Council would make a single election of councillors impractical or inconvenient; and
- Whether it is desirable that any area or areas of the Parish Council should be separately represented on the council.

119. There is a need to consider not only the size of the electorate in the area, but also the distribution of communities within it. The Community Governance Review Guidance indicates that “the warding of parishes in largely rural areas that are based predominantly on a single centrally located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish.” Warding arrangements should be clearly and

readily understood by and should have relevance for the electorate in the Parish Council area.

120. Any Parish Ward proposals should have merit in themselves, meet the two tests above required by legislation and they should also be in the interests of effective and convenient local government and not be wasteful of a Parish Council's resources.
121. The District Council has concluded that the proposal to create a Parish Council for Drakelow based on the existing boundaries does not necessitate dividing the parished area into wards for the purposes of separate representation. It is considered more appropriate that, in the early stages of the new Parish Council, there is an emphasis on building local cohesion through a dedicated Council which can act as a voice for Drakelow and represent the priorities and aspirations of both the established and newer parts of the community. This will involve building a shared future vision and a strong sense of place and belonging as the phased re-development of the area takes shape. It should reflect what new and existing communities have in common whilst recognising the value of diversity.
122. Neither the petition that triggered the Review, nor the comments submitted during Stages One and Two of the consultation process sought the creation of Parish Wards. Similarly, the discussion held at the Drakelow Parish Meeting on 21 November 2023 did not recognise Parish Wards as relevant arrangements for effective local governance of the area.
123. The District Council does not believe that the number, or distribution, of the local government electors for the Parish Council would make a single election of councillors impractical or inconvenient.
124. In view of the above evidence and in relation to the question set out in paragraph 100, the District Council concludes that the creation of a Parish Council for Drakelow based on the existing boundaries of the current Drakelow Parish Meeting will secure arrangements that are effective and more convenient for electors.

Electoral Arrangements

125. The next elections for all parishes in South Derbyshire District will be held in May 2027. If the Review's final recommendations are approved by the meeting of the District Council to be held on 27 June 2024 and a Parish Council is created for Drakelow, this will come into existence from 1 April 2025 and elections will be held on 1 May 2025. The initial term of office will be for the following two years ending with elections held in May 2027. Elections will then be every fourth year thereafter. This reflects the requirements of Community Governance Review Guidance and the local electoral cycle.

126. The implication of the above timetable, if the final recommendations are approved, is that the existing Drakelow Parish Meeting will be abolished on 31 March 2025, with the new Council constituted on 1 April 2025.

127. Based on the above assessment in relation to the Community Governance Criteria and recognition that the creation of a Parish Council for Drakelow was supported by 42% of local electors who submitted a petition, 7.44% of local electors who responded to the Stage One consultation and 13.02% of local electors who responded to the Stage Two consultation, the District Council's final recommendation is that it supports the creation of Drakelow Parish Council on the following basis (as replicated in the covering report to Council):

1. **That the existing Parish Meeting for the parished area of Drakelow is abolished on 31 March 2025 and replaced with a Parish Council.**
2. **That a Parish Council for the parished area of Drakelow is constituted with effect from 1 April 2025.**
3. **That the new Council for the parished area of Drakelow is styled as a Parish Council and constituted as "Drakelow Parish Council".**
4. **That the area and boundaries of Drakelow Parish Council remain the same as those on which the current Drakelow Parish Meeting is based. (Appendix 2 refers)**
5. **That Drakelow Parish Meeting has nine Parish Councillors when it is created in 2025 and that this rises to eleven when the number of local electors reaches 905.**
6. **That there will be no Parish Wards in Drakelow Parish Council's area.**
7. **That, in accordance with statutory Guidance on Community Governance Reviews, Drakelow Parish Council is established with effect from 1 April 2025 and local elections are held in May 2025.**

SECTION 6: WHAT HAPPENS NEXT?

128. The final recommendations will now be publicised and the District Council will notify interested parties about the final recommendations. The Order (the legal document which brings into force the final recommendations) will be prepared and approved by the Chief Executive and a Public Notice will be published in a local newspaper to confirm when the Order has been sealed and to indicate when the changes will be introduced.

129. If you have any questions about the Community Governance Review, please contact:

South Derbyshire District Council
Legal and Democratic Services Section
Community Governance Review
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH
E mail: drakelowcgr@southderbyshire.gov.uk

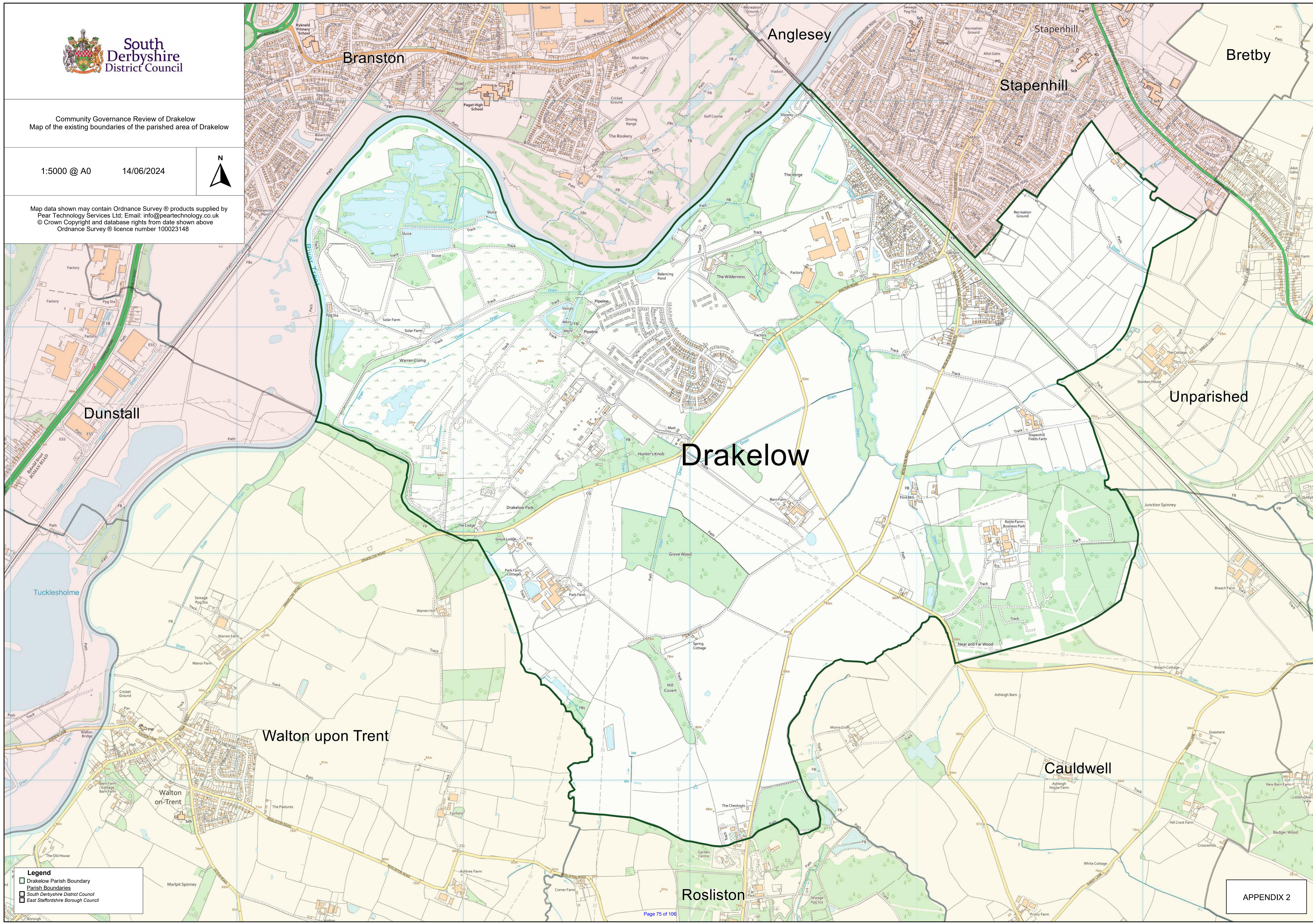
130. The full report is available to download at:

<https://www.southderbyshire.gov.uk/about-us/have-your-say/drakelow-community-governance-review>

SECTION 7: MAPPING

Final Recommendations for Drakelow Parish

131. The map at **Appendix 2** shows the existing area and boundaries of Drakelow Parish Meeting that are recommended in respect of the new Drakelow Parish Council with effect from 1 April 2025.



Legend

- Drakelow Parish Boundary
- Parish Boundaries
- South Derbyshire District Council
- East Staffordshire Borough Council

APPENDIX 2

REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	27 JUNE 2024	CATEGORY:
REPORT FROM:	EXECUTIVE DIRECTOR – ENVIRONMENT AND COMMUNITIES	OPEN
MEMBERS' CONTACT POINT:	SEAN MCBURNEY HEAD OF CULTURAL AND COMMUNITY SERVICES sean.mcburney@southderbyshire.gov.uk	DOC:
SUBJECT:	THE ECOLOGICAL EMERGENCY WORKING GROUP	
WARD(S) AFFECTED:	ALL WARDS	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 To approve the Terms of Reference in Appendix 1 for the Ecological Emergency Working Group.

2.0 Purpose of the Report

- 2.1 To outline the purpose of the Ecological Emergency Working Group and agree the Terms of Reference for this Group.

3.0 Executive Summary

- 3.1 An ecological emergency was declared at the meeting of Council on Thursday 14 September 2023

- 3.2 The motion passed was as follows:

- 3.3 This Council formally declares an ecological emergency in response to the ongoing threat to wildlife and ecosystems. The declaration recognises the essential role that nature plays and provides a statement of intent, to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees and resist the destruction of such habitats through a considered and sustainable local planning policy. This motion will see the council add ecological considerations, together with any implications, alongside those for climate, sustainability, and nature recovery in our new corporate plan as strategic priorities embedded within all areas of council engagement. The Council will continue to collaborate with our communities, businesses and other organisations, existing networks, and partnerships to improve ecological literacy, encourage greater biodiversity, increase local sustainable food production in order to protect food security, tree planting and management.

- 3.4 The Working Group has been formed and is an information sharing Group; it does not make decisions on policy; this remains a matter for Committees.

- 3.5 The Terms of Reference are listed in the Appendix 1 to this report.

4.0 Detail

- 4.1 The Ecological Emergency Working Group has been established and is a forum for Members and Officers to discuss themes and focus on creating a Strategy and Action Plan. The Working Group provides an opportunity to discuss ecological issues such as the Biodiversity Net Gain and the on-going work with key stakeholders including neighbouring authorities, The National Forest Company, Forestry England, Derbyshire Wildlife Trust.
- 4.2 Establishing strong working relationships between Officers and Members is key for the Strategy and Action Plan production. The Strategy and Action Plan will help to deliver the Council objectives set out in the Terms of Reference and assist the Council in meeting other environmental targets such as Net Zero and Biodiversity Net Gain.
- 4.3 Declaring the ecological emergency and forming this Working Group brings together several key commitments to help restore the natural world, highlighting unsustainable practices and the attention to avert these for future generations.
- 4.4 The Council has adopted a Nature Recovery Strategy in partnership with the Derbyshire Wildlife Trust and Derbyshire County Council.
- 4.5 The objective for this group will be to develop an Ecological Strategy and Action Plan that links to the County's Nature Recovery Strategy.
- 4.6 Once the Ecological Strategy and Action Plan have been developed the working group will be disbanded and officers will continue to deliver the work through the Corporate Environmental Sustainability Group providing annual progress updates to Environmental and Development Services Committee.

5.0 Financial Implications

- 5.1 None as a direct result of this report.

6.0 Corporate Implications

Employment Implications

- 6.1 None as a direct result of this report.

Legal Implications

- 6.2 None as a direct result of this report.

Corporate Plan Implications

- 6.3 The Strategy and Action Plan will support the delivery of key environmental targets set out in the Council Plan, and enhancement of the natural environment.

Risk Impact

6.4 Delivery of the Action Plan will support Biodiversity Net Gain for the District. Not having a fit for purpose Action Plan could hinder the ability to achieve the requirements of this new legislation.

7.0 Community Impact

Consultation

7.1 None

Equality and Diversity Impact

7.2 None

Social Value Impact

7.3 The outcomes and impact of the work included in the Strategy and Action Plan will further enhance the natural environment, which will improve overall community wellbeing.

Environmental Sustainability

7.4 There are none as a direct result of this report. However, outcomes achieved through delivering the action plan will improve overall environmental sustainability for the district.

8.0 Conclusions

8.1 The Ecological Emergency Working Group will be critical in reversing the downward trend of biodiversity decline in the region.

9.0 Background Papers

Appendix 1 – Terms of Reference

South Derbyshire Ecological Emergency Advisory Group

Terms of Reference (TOR)

Background

In September 2023, South Derbyshire District Council declared an ecological emergency in response to the threats posed to wildlife and ecosystems.

The declaration recognises the essential role that nature plays and provides a statement of intent, to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees and resist the destruction of such habitats through a considered and sustainable local planning policy. This motion will see the Council add ecological considerations, together with any implications, alongside those for climate, sustainability, and nature recovery in our new Council Plan as strategic priorities embedded within all areas of council engagement. The Council will continue to collaborate with our communities, businesses and other organisations, existing networks, and partnerships to improve ecological literacy, encourage greater biodiversity, increase local sustainable food production to protect food security, tree planting and management.

Purpose

The purpose of setting up the Advisory Group is to understand and identify the themes and actions required in the Ecological Strategy and action plan. The Group will enable cross-service collaboration in creating, maintaining, and actioning the plan.

The Ecological Emergency Working Group has been formed under the membership of the Corporate Sustainability Group and will report into the CESG at each meeting.

Definitions

Chair: The Chair is the appointed chair of the Environmental and Development Services Committee and manages the meeting.

Quorum: The minimum number of Members required to be present to make the proceedings of a meeting valid.

Secretary: Admin Officer Support for the effective organisation, management and recording of the meetings.

Terms of Reference (TOR): Is a document that outlines the tasks, duties, and meeting expectations for a specific group.

Aim

To develop a working group including objectives/KPIs that deliver against the Council Plan key aim “improve biodiversity in the District. and meet our ecological commitments” through the development of an ecological Strategy.

Objectives

Produce an Ecological Strategy for the Council that:

1. Develops evidence and knowledge to support development of the Ecological Strategy.
2. Identifies key themes to base the plan around.

3. Addresses all key ecological issues and concerns.
4. Includes all relevant services across the Council to ensure furthest possible reach.
5. Is fully costed and fully resourced (as far as possible, and at a best estimate).
6. Is regularly reviewed and discussed by Members of the group to ensure continuity of effectiveness.
7. Is measurable and reportable.
8. Integrates best ecological practice into each area of the council's activity, allowing SDDC to lead the District by example
9. Demonstrates our commitment to the Ecological Emergency Strategy to support the Action Plan for Nature and the Climate Strategy and its objectives
10. Supports and influences action by partners and through partnerships
11. Supports and enables action by citizens

Meeting Frequency

Meetings will be held bi-monthly, every 6 weeks. Additional meetings can be held at the discretion of the Members to meet the responsibilities of the working group/advisory group. The Group may also agree to conduct out- of-session reviews and endorsement or approval of item(s), where appropriate. Out-of-session decisions should be documented and included in the next scheduled group meeting. An annual schedule of meetings will be agreed upon and distributed to all Members at the start of each financial year.

Decision Making

Wherever possible the committee will make decisions via consensus.

Quorum

Quorum of this meeting shall not be less than 50% plus 1 of total membership. Where quorum is not met, the meeting will still take place. No decisions are able to be confirmed without a quorum, in this instance decisions are required to be carried over to the next meeting for finalisation.

Group Membership

- Stephen Taylor (Councillor)
- Angela Archer (Councillor)
- Amy Wheelton (Councillor)
- Kerry Haines (Councillor)
- Peter Watson (Councillor)
- Executive Director
- Head of Cultural and Community Services
- Parks and Green Spaces Manager
- Biodiversity Officer
- Climate and Environment Officer
- Head of Operational Services
- Planning Policy Officer (Sustainability)

Meeting Conduct

- The agenda will be circulated, by the Secretary, five working days prior to the meeting.

Terms of Reference

- The meeting minutes will be circulated, by the Secretary, following the meeting.
- All members are invited to actively participate in meetings.

Document Evaluation

This document will be reviewed and updated annually or following substantial changes to group structure, relevant legislation or regulation.

OVERVIEW AND SCRUTINY COMMITTEE

27 March 2024

PRESENT:

Labour Group

Councillor S Bambrick (Chair) and Councillor M Gee (Vice-Chair)
and Councillors A Jones and G Jones.

Conservative Group

Councillors N Atkin and A Kirke.

In Attendance

Councillor A Archer
Councillor r Pearson
Councillor S Taylor
Councillor A Tilley
Councillor B Stuart
Councillor A Wheelton

OS/47 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor L Mulgrew (Labour Group) and Councillor D Muller (Conservative Group).

OS/48 **MINUTES**

The minutes of the meetings held on 17 January 2024 and 14 February 2024 were received by the Committee and signed by the Chair.

OS/49 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

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

OS/50 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

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

OS/51 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

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

MATTERS DELEGATED TO COMMITTEE

OS/52 **MEDIUM TERM FINANCIAL STRATEGY 2024-2025 – 2028-2029**

The Head of Finance presented the report to the Committee and summarised the key points within the report and sought approval of the recommendation.

Councillor A Jones sought clarity regarding the level of tax base per head.

The Head of Finance informed the Committee that information regarding tax base per head calculations would be circulated following meeting.

Councillor N Atkin raised a query regarding the rescheduling of debt repayments.

The Head of Finance explained that it allowed the Council to spread repayments over a longer period of time.

RESOLVED:

The Committee noted the Medium-Term Financial Strategy 2024/25 – 2028/29, attached to the report as Appendix 1.

OS/53 **EAST MIDLANDS AIRPORT UPDATE**

The Chair introduced and welcomed the representatives from East Midlands Airport.

The representatives addressed the Committee and presented an update as follows:

2023 was the Airport's busiest year since the pandemic, with passenger numbers in the summer returning to 95% of pre covid levels. August was the busiest month of the year with 530,000 passenger choosing East Midlands Airport, with the total number of passenger hitting 2.2million by the end of August. Between September and December, the airport welcomed 620,000 passengers. 2023 had seen a drop in air cargo volumes, with global demand being affected by factors such changes to the economy and the war in Ukraine. However, the sector remained buoyant that demand would begin to increase again in the near future.

New UK security regulations are to be introduced in 2024, which will require the installation of new security search equipment that will allow passengers to leave

liquids and large electrical items in their hand luggage. New body scanners are also to be introduced, which is intended to transform the passenger and colleague experience of security at East Midlands Airport. Trials of the new security equipment had already started in the staff security channel for staff familiarisation and training.

An extension to the Security Hall meant that because of the new aviation security requirements, there was a need to change the forecourt closest to the terminal building. The airport will be making changes to the Rapid Drop Off area, the Short Stay Car Park, and the roads to make the area easier to use, and safer for pedestrians.

Zero Carbon Airports

First Carbon Neutral UK airport (2012)
Targeting net zero carbon no later than 2038
Supporting decarbonisation of entire aviation industry

Opportunity for All

The Airport wants people to share its benefits through:

Support through careers fairs, employability skills and free training and will be attending the Swadlincote job fair on 25th April.

Initiatives with schools and youth groups including Pingle Academy – GCSE business students attending Areozone 18th April for talks on Capacity planning.

Local Voices

Noise as an important priority

East Midlands Airport Community Fund has provided over £2.4m to more than 1,830 community groups since 2002.

In Derbyshire in the year from April 2023 to March 2024, the Fund supported: 39 organisations with £60,726 in community fund grants as well as, 6 Eco-Garden Projects totalling £51,304 and 9 Carbon Energy Fund Projects totalling £78,988.

Airport Community Fund

15 in South Derbyshire totalling £21,439:

Low Carbon Energy Fund

6 in South Derbyshire totalling £54,460 including:

LED floodlights at Newhall Bowls Club, Kings Newton Bowls Club, Melbourne Sporting Partners (Astro-pitches) and Melbourne Dynamo Football Club (grass pitches), Interior LED lighting replacement at Aston on Trent Primary School and Solar panels at Swarkestone Sailing Club

School Eco-garden Fund

Findern Footbath Group £9,477
Willington Primary School £10,000

Managing Aircraft Noise

The East Midlands Airport Noise Action Plan sets out the actions committed to by the airport to mitigate the impact of aircraft noise between 2024 and 2028.

Monitoring and where and how aircraft fly

The airport's noise and track keeping monitoring system enables it to monitor compliance and report on noise from aircraft and check and record the path of every aircraft arriving at or taking off from the airport.

As well as recording individual events, the systems help the airport understand trends, compare performance and provide robust data for noise modelling.

Reports on Track Keeping, Continuous Decent Approach, Continuous Climb Operations and noise events at all noise monitors are published on the airport's website and shared with operators.

Aircraft operations and noise levels can be monitored through the airport's public WebTrak tool.

Monitoring aircraft noise

6 fixed noise monitors positioned around the airport boundary.

Programme of community noise monitoring through the summer season

- 2022 Breaston
- 2023 Barrow-on-Trent and Smisby
- 2024 East Leake and Gotham planned

Opportunity to request position for community noise monitoring for summer 2025.

Noise Action Plan 2024-2028: New actions

A ban on the noisiest QC4, QC8 and QC16 rated aircraft at night.

Noise charges that incentivise quieter aircraft and Noisy Aircraft Penalty Scheme to include aircraft departing during the daytime as well as at night.

Reduction of jet aircraft training flight hours to between 08:00-12:00 and 14:00-18:00

Sound Insulation Grant Scheme re-opened to residents who received a grant more than 20 years ago.

To reflect recent inflationary pressures, we are increasing:

- The sound insulation Grant Scheme grant levels
- The contribution the airport makes to the EMA Community Fund

Future Airspace – national picture

UK airspace has changed little since the 1950's, meaning it is now inefficient and out-dated.

Airspace Modernisation Strategy (AMS) forms part of the Government's Jet Zero Strategy.

As part of the AMS, all main UK airports are required to redesign their airspace under 7,000ft with NATS modernising the network above.

The Airspace Change Organising Group (ACOG) was set up in 2019 under the direction of the DfT and CAA to coordinate the national programme and create a coordinated Masterplan for airspace change.

The aim of the AMS is to deliver quicker, quieter and cleaner journeys.

Future Airspace – process

Required to follow the CAA's CAP1616 process for airspace change.

Stage 1 (completed 2020) – Statement of Need, Design Principles created through stakeholder engagement.

Stage 2 (completed November 2023) – options development informed by two rounds of stakeholder engagement and refined from longlist down to a shortlist of individual options.

Stage 3 will include public consultation on the airport's refined options, currently expected 2025 (subject to change in line with the wider AMS).

Member raised questions that included zero carbon emissions for aircrafts, noise monitoring positions, expansion of East Midlands Airport, the impact of world events and local employment opportunities.

The East Midlands Airport Representative informed the Committee that the target for carbon neutral aircraft was 2050, that noise monitoring was carried out under the flight paths and underneath take off positions. The East Midlands Airport Representative clarified that there were no plans to increase the number of terminals or runways at the airport but alterations were underway to increase the capacity of passengers up to 6 million and that cargo would grow and ways to accommodate that would be looked at in the future. It was confirmed that world events always impacted on cargo flights and that over the years there had been many peaks and troughs. The Committee was informed that the airport was working on recruitment which included a jobs fair, seasonal job opportunities and an Airport Academy course.

The Chair thanked the East Midlands Airport Representatives for attending the Committee meeting.

OS/54 **COMMITTEE WORK PROGRAMME**

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

The Chair informed the Committee that the next meeting would be a scoping meeting to consider items for the next year's Work Programme.

RESOLVED:

That the Committee considered and approved the updated work programme.

OS/56 **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.

OS/57 **EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

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

The Meeting terminated at 18:55 hours.

COUNCILLOR S BAMBRICK

CHAIR

**ENVIRONMENTAL AND DEVELOPMENT SERVICES
COMMITTEE**

18 April 2024

PRESENT:

Labour Group

Councillor S Taylor (Chair) and Councillor K Storey (Vice-Chair) and Councillors A Archer, I Hudson, J Jackson, B Stuart, A Tilley and N Tilley (substitute for Cllr V Redfern)

Conservative Group

Councillors K Haines, J Lowe and D Corbin (substitute for Cllr Watson)

Liberal Democrats

Councillor G Andrew

Non-Grouped

Councillor A Wheelton

In Attendance

Councillor A Jones

EDS/91 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor V Redfern (Labour Group). Councillor P Watson (Conservative Group)

EDS/92 **MINUTES**

The Committee noted and approved the Open Minutes of the meeting held on 29 February 2024 and were signed by the Chair as a true record.

EDS/93 **DECLARATIONS OF INTEREST**

The Committee was informed that a declaration of interest had been received from Councillor B Stuart regarding item EDS/101 by virtue of being a voluntary representative for Sustrans.

EDS/94 **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/95 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

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

MATTERS DELEGATED TO COMMITTEE**EDS/96 AIR QUALITY STRATEGY**

The Head of Environmental Services presented the report to the Committee and outlined the background of the strategy. The health impacts of poor air quality were outlined for the Committee.

Councillor A Tilley raised a query regarding particulate matter and monitoring equipment.

The Head of Environmental Services clarified that nitrous oxide was monitored and that the monitoring of particulate matter would be very expensive but discussions were ongoing with Derbyshire County Council regarding equipment.

Members discussed the merits of the Strategy and suggested that alignment with North West Leicestershire be considered.

RESOLVED:

1.1 The Committee approved an Air Quality Strategy for South Derbyshire

EDS/97 CONTAMINATED LAND STRATEGY 2024-28

The Head of Environmental Services presented the report to the Committee and outlined the key areas within the report.

Members supported the report and discussed contaminated sites and how they were measured.

The Head of Environmental Services outlined the process for identifying contaminated land and how the risk factors were calculated.

RESOLVED:

1.1 The Committee approved the adoption of an updated Contaminated Land Strategy as per Appendix 1 of the report.

EDS/98 GRASS VERGE CONSERVATION MANAGEMENT

Head of Cultural and Community Services presented the report to the Committee outlining the expansion of the No Mow Scheme and the management of initial cuts across the District and firebreak cuts.

The Chair noted and recognised the work that had been undertaken.

Members welcomed the report, in particular the Ragwort advice and discussed additional sites to be considered in the future. Members raised queries regarding the involvement of Parish Councils and communication with residents.

The Head of Cultural and Community Services confirmed that posters and signage would be used to inform residents and that communication would be shared with Parishes regarding how they could be involved.

RESOLVED:

1.1 The Committee acknowledged the scope of the project and supported South Derbyshire District Council's involvement in the scheme/project.

1.2 The Committee approved the proposed project plan and the areas of road verge to be included in the scheme.

EDS/99 DELGATED AUTHORITY FOR NSIP CONSULTATION FOR OAKLANDS SOLAR FROM

Head of Planning and Strategic Housing presented the report to the Committee and outlined the recommendations for which approval was sought. The deadlines and responses were highlighted to the Committee.

Councillor Wheelton raised a query regarding the involvement of Local Ward Members. The Chair committed to have dialogue with Local Ward Members prior to submission.

Members discussed the report and the recommendations and requested updates to be presented at future Committee meetings.

RESOLVED:

1.1 The Committee noted the up-to-date position in regard to securing third-party specialists to advise both the District Council and Derbyshire County Council (DCC) on topic areas contained within the applicant's Environmental Statement, (ES) as well as funding mechanisms including a Planning Performance Agreement (PPA).

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair of Environmental and Development Services Committee, to provide responses to the Planning Inspectorate on behalf of the District Council's throughout the process.

EDS/100 **ACCELERATED PLANNING SYSTEM CONSULTATION**

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the key aspects of the report. The Head of Planning and Strategic Housing noted the additional information that had been made available that day regarding the application processing times and sought approval of the recommendations.

Members considered the report and supported the officer's recommendations.

RESOLVED:

1.1 The Committee agreed the responses to the questions set out in Appendix 1 of the report, to be submitted as the Council's response to the consultation.

EDS/101 **CYCLING NETWORK SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION**

Head of Planning and Strategic Housing presented the report to the Committee outlining the main aspects of the report and sought approval of the recommendations.

The Chair welcomed the report noting the significant discussions that had taken place with the Local Plan Working Group

Members considered the report and raised concern regarding clarity for residents that not all routes would be included.

The Head of Planning and Strategic Housing confirmed that it would be made clear as part of the consultation that there would be material caveats and that these would be aspirational routes which were not fully funded.

Members noted the importance of cycle routes that were linked and gave access to all residents and raised concerns regarding road safety.

The Head of Planning and Strategic Housing addressed the Committee and noted the importance to get cycle routes right at the planning development stage and confirmed that the proposed routes would be made safe both on and off the highway.

RESOLVED:

- 1.1 The Committee approved the South Derbyshire Cycle Network Supplementary Planning Document (SPD), attached as Appendix 1 to the report, for consultation for a period of 8 weeks.***
- 1.2 The Committee delegated authority be to the Chair of the Committee and the Strategic Director (Service Delivery) to agree any changes based on the comments received.***

EDS/102 **SHARED PROSPERITY FUND**

The Head of Economic Development and Growth presented the report to the Committee giving an update on the previous investment plan, the role of the Community Safety Officer and support given to local businesses.

Members considered the report and supported the officer's recommendations.

RESOLVED:

- 1.1 The Committee noted the progress of the UK Shared Prosperity Fund in South Derbyshire at the end of Year 2.***

EDS/103 **COMMITTEE WORK PROGRAMME**

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

RESOLVED:

- 1.1 The Committee considered and approved the updated work programme, attached as Annexe A to the report.***

EDS/104 **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 MINUTES

The Exempt Minutes of the meeting held on 29 February 2024 and were received.

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

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

ECONOMIC DEVELOPMENT AND GROWTH SERVICE

RESOLVED:

The Committee approved the recommendations of the report.

The meeting terminated at 20:00hours.

COUNCILLOR S TAYLOR

CHAIR

HOUSING & COMMUNITY SERVICES COMMITTEE

23 APRIL 2024

OPEN

PRESENT:

Labour Group

Councillor G Rhind (Chair) and Councillor M Mulgrew (Vice-Chair)
and

Councillors A Archer, S Harrison, A Haynes, J Jackson, D Shepherd
and A Tilley and Councillor Taylor (substitute for Councillor D Pegg)

Conservative Group

Councillors D Corbin and J Lowe.

Liberal Democrats

Councillor J Davies.

In attendance

Councillors A Wheelton and K Haines

HCS/99 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor D Pegg (Labour Group).

HCS/100 **OPEN MINUTES**

The Open Minutes of the Meetings held on 01 February 2024 and 07 March 2024 were approved as a true record and signed by the Chair of the Committee.

HCS/101 **DECLARATIONS OF INTEREST**

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

HCS/102 **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.

HCS/103 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

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

MATTERS DELEGATED TO COMMITTEE**HCS/104 CORPORATE SAFEGUARDING UPDATE**

The Head of Cultural and Community Services presented the report to the Committee and outlined the key areas within the report.

Members discussed the expectation of a Councillor's role in relation to Safeguarding and sought clarity regarding who the responsible person would be to report concerns.

The Committee was informed that it would be the lead officer of the Council, which was the Strategic Director (Corporate Resources).

Members requested that updates from the Safeguarding Working Group be reported to the Committee at future meetings.

RESOLVED:

1.1 *The Committee noted the contents of the report.*

HCS/105 FIELDS IN TRUST DEDICATION UPDATE

The Head of Cultural and Community Services presented the report to the Committee outlining the key areas of the report and sought approval of the recommendations.

The Chair commended the report and noted that protected green spaces gave insurance that the areas would not be exploited in the future.

Members discussed the report and considered the officer's recommendations.

RESOLVED:

1.1 *The Committee noted the progress of the previous dedication of sites with Fields in Trust and considered the protection of further green spaces with Fields in Trust deed of dedication designation.*

HCS/106 COMMITTEE WORK PROGRAMME

The Head of Cultural and Community Services presented the report to the Committee and sought approval of the recommendations.

RESOLVED:

1.1 The Committee considered and approved the updated work programme.

HCS/107 LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)

The Chairman may therefore move:

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

ANY EXEMPT QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

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

ARTS MELBOURNE**RESOLVED:**

The Committee approved the recommendations of the report.

LONG TERM TO ROSLISTON PARISH COUNCIL**RESOLVED:**

The Committee approved the recommendations of the report.

HOUSING SOLUTIONS STAFFING**RESOLVED:**

The Committee approved the recommendations of the report.

The meeting terminated at 18:40hours.

COUNCILLOR G RHIND

CHAIR

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

24 April 2024

PRESENT:

Representatives of South Derbyshire District Council

Labour Group

Councillors D Shepherd (Chair) and L Singh.

Conservative Group

Councillor D Muller.

Members in Attendance

Councillor A Kirke

Officers

Charlotte Jackson - Head of Finance

Sean McBurney – Head of Cultural and Community Services

Donna Foster– Senior Democratic Services Officer

Kelly Julian – Democratic Services Officer

Representatives of John Port Spencer Academy

Governing Body

Danny Parker – School Governor

Marie Walker-Endsor

Alison Vann

EL/24 **APOLOGIES**

The Joint Committee was informed that no apologies had been received.

EL/25 **OPEN MINUTES**

The Open Minutes of the Meetings held on 08 January 2020 and 10 January 2024 were noted and approved as a true record and signed by the Chair.

It was noted that at EL/20 in the 10 January 2024 minutes the report giving clarity on the appropriate use of the Sink Fund remained outstanding.

EL/26 **DECLARATIONS OF INTEREST**

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

EL/27 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

In accordance with Council Procedure Rule No.10 Mr Pete Price asked the Head of Cultural and Community Services, the following question:

“Given the substantial increase in membership fees following the start of the new contract with Everyone Active, in the first year precisely what will customers see in return, in terms of improved community sports, the availability of pool time for community swimming and the maintenance or improvement of the building and facilities?”

The Head of Cultural and Community Services thanked Mr Price for his question and explained that it was hoped that membership fees would be in line with the previous operator’s rates. It was noted that whilst Everyone Active, the new contractor, had made a commitment to improve leisure provision, they had only been in place for 24 days and that maintenance improvements would be covered in the presentation from the Everyone Active.

In accordance with Council Procedure Rule No.10 Mr Pete Price asked the Head of Cultural and Community Services, the following question:

“Given the Council's commitments in response to my question to the JMC in September 2023, how will the Council and Everyone Active ensure community interests are better represented in discussions with the school over the timetabling for swimming and other sports and activities?”

The Head of Cultural and Community Services informed the Joint Committee that there would be a structure of formal meetings with regular operational meetings and quarterly strategic meetings. It was noted that the community use of the swimming pool would have to be balanced with the needs of the school.

EL/31 **LEISURE CONTRACT**

The Head of Cultural and Community Services presented the report to the Committee outlining the recommendations and the key areas within the report.

Marie Walker-Endsor addressed the Joint Committee and explained that it was for the Trust to grant the License to Occupy which should be completed within 6 to 12 weeks.

Councillor Muller sought clarity regarding the TUPE of Staff.

The Everyone Active confirmed that all staff had been give assurance regarding employment and that it was Everyone Active’s intention to increase the number of staff.

RESOLVED:

- 1.1 The Joint Committee noted the appointment of SLM Ltd (Everyone Active) as the new leisure management contractor for Etwall Leisure Centre from 1 April 2024 for a period of 5 years with an optional 2 year extension.***

1.2 *The Joint Committee granted to SLM Ltd (Everyone Active) and the SLM Community Leisure Charitable Trust, sufficient use and occupation rights in order that both organisations can meet the obligations under the leisure management contract*

EL/29 **EVERYONE ACTIVE PERFORMANCE REPORT**

The Everyone Active representative presented the presentation to the Joint Committee which included, the background of SLM (Everyone Active), its Leadership Team and Regional Team. The Joint Committee was provided with an overview of the contract, Everyone Active's strategic objectives and outcomes and an outline of proposed facility improvements.

Members raised queries regarding possible passes for Council staff, community outreach for rural areas and staff retention.

The Everyone Active representative informed the Joint Committee that discussions were underway with South Derbyshire District Council regarding staff passes, and that due to the number of cross boarder contracts, Everyone Active had the ability to reach out to the wider community. The Everyone Active representative explained that it was the nature of the business to have high turnover of staff in relation to students etc. but it was important to have a stable workforce and that they were looking at packages and development opportunities to assist with the retention of staff.

RESOLVED:

The Committee received and noted the Everyone Active Performance Report.

EL/30 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

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

EXEMPT MINUTES

The exempt minutes of the meeting held on 10 January 2024 received.

The meeting terminated at hours 17:40hours.

COUNCILLOR D SHEPHERD

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

25 April 2024

PRESENT:

Labour Group

Councillor R Pearson (Chair), Councillor L Singh (Vice-Chair) and Councillors S Harrison, J Jackson (substitute for Cllr B Stuart), M Mulgrew, G Rhind, S Taylor and N Tilley.

Conservative Group

Councillors D Corbin, M Ford and P Watson (substitute for Cllr S Meghani)

Liberal Democrats

Councillor G Andrew.

In Attendance

Councillor A Wheelton
Councillor A Tilley

FM/127 **APOLOGIES**

The Committee was informed that apologies had been received from, Councillor B Stuart (Labour Group) and Councillor S Meghani (Conservative Group)

FM/128 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING:**

The Open Minutes of the Finance and Management Committee meetings held on 15 February 2024, 14 March 2024 and Audit Sub-Committee held on 06 March 2024 were noted and approved as a true record and signed by the Chair.

FM/129 **DECLARATIONS OF INTEREST**

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

FM/130 **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/131 **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/132 **REPORTS OF OVERVIEW AND SCRUTINY**

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

FM/133 **APPOINTMENT OF A RECRUITMENT AND SELECTION PANEL**

The Chief Executive presented the report to the Committee and sought approval of the recommendations.

Members considered the report and supported the officer's recommendations.

RESOLVED:

1.1 The Committee approved that the appointment and recruitment into a vacant post of Executive Director Place and Prosperity be delegated to a panel of five Members from the Committee along with the Chair or Vice Chair of the employing Committee.

1.2 The Committee deferred the nominations to the Panel until the meeting of Annual Council on 16 May 2024.

1.3 The Committee approved the final arrangements regarding the recruitment and selection procedure to be followed including timescales, along with determining the selection process for the final appointment, be agreed between the Chief Executive and Elected Members of the Panel.

1.4 The Committee approved that the Chief Executive appoint an external recruitment partner to support the recruitment process in line with the Council's Financial Procedures Rules.

FM/134 **MARKET SUPPLEMENT POLICY AND PROCEDURE**

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

Members considered the application and supported the officer's recommendations.

RESOLVED:

1.1 The Committee approved the Market Supplement Policy and Procedure attached to the report as Appendix A.

FM/135 **TRANSFORMATION 2020-2024 REVIEW AND SUMMARY OF NEXT TRANSFORMATION ACTIVITIES**

The Head of Business Change and ICT presented the report to the Committee and sought approval of the recommendations.

Members requested that update reports, tracking progress be reported to the Committee future meetings.

RESOLVED:

1.1 The Committee noted the work completed through the Business Change and Transformation Plan 2020-2024.

1.2 The Committee endorsed the Customer and Digital Projects Roadmap as set out in Appendix A to the report.

1.3 The Committee noted the indicative timetable for the production of the Transformation Strategy.

FM/136 **MRI SOFTWARE**

The Chief Executive presented the report to the Committee and sought approval of the recommendations.

Members considered the report and supported the officer's recommendations.

RESOLVED:

1.1 The Committee approved the additional budgetary provision for year 2025 to 2026 of £70,000 to facilitate the extension of the current Housing ICT contracts.

FM/137 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report.

RESOLVED:

1.1 The Committee considered and approved the updated work programme.

FM/138 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

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

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETING:

The Exempt Minutes of the Finance and Management Committee meetings held on 15 February 2024 and 14 March 2024 were received.

QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions had been received.

ENVIRONMENTAL HEALTH AND LICENSING SOFTWARE SYSTEM

RESOLVED:

The Committee approved the recommendations of the report.

HOUSING RESOURCES

RESOLVED:

The Committee approved the recommendations of the report.

NNDR DISCRETIONARY HARDSHIP RELIEF APPLICATION

RESOLVED:

The Committee approved the recommendations of the report.

BENEFITS TEAM RESTRUCTURE

RESOLVED:

The Committee approved the recommendations of the report.

LEVELLING UP FUND

RESOLVED:

The Committee approved the recommendations of the report.

ECONOMIC DEVELOPMENT AND GROWTH SERVICE

RESOLVED:

The Committee approved the recommendations of the report.

LONG TERM LEASE TO ROSLISTON, PARISH COUNCIL

RESOLVED:

The Committee approved the recommendations of the report.

ARTS MELBOURNE

RESOLVED:

The Committee approved the recommendations of the report.

HOUSING SOLUTIONS STAFFING

RESOLVED:

The Committee approved the recommendations of the report.

The meeting terminated at 18:35 hours.

COUNCILLOR R PEARSON

CHAIR