



F. McArdle
Chief Executive

Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

www.south-derbys.gov.uk

Please ask for: Democratic Services
Phone: (01283) 595722 / 595848
Minicom: (01283) 595849
DX 23912 Swadlincote
Email :
democraticservices@south-derbys.gov.uk

Date: 6 April 2016

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 14 April 2016 at 18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

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

Labour Group

Councillors Chahal, Southerd, Taylor and Tilley.



AGENDA

Open to Public and Press

- 1** Apologies and to note any substitutions appointed for the meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 4** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5** Reports of Overview and Scrutiny Committee

- 6** ADOPTION OF CHARITABLE COLLECTIONS POLICY **4 - 15**

- 7** FILM CLASSIFICATIONS UNDER THE LICENSING ACT 2003 **16 - 21**

- 8** LOCAL PLAN PART 2 **22 - 23**

- 9** LOCAL PLAN - LOCAL DEVELOPMENT SCHEME **24 - 40**

- 10** FIXED PENALTY NOTICE SANCTIONS UNDER THE UNAUTHORISED DEPOSIT OF WASTE (FIXED PENALTIES) REGULATIONS 2016 **41 - 46**

- 11** COMMITTEE WORK PROGRAMME 2015-16 **47 - 48**

Exclusion of the Public and Press:

- 12** 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.

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



REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	14th APRIL 2016	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	ADOPTION OF CHARITABLE COLLECTIONS POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS13

1. Recommendations

- 1.1 That Members note the consultations received in relation to the Charitable Collections Policy at Appendix 1.
- 1.2 That Members approve the Charitable Collections Policy at Appendix 2 of this report relating to street collections and house to house collections to come into effect upon adoption by full Council.

2. Purpose of Report

- 2.1 To provide Members with the outcome of a consultation with interested parties.
- 2.2 To provide Members with the necessary information to be able to give full consideration to the recommendations contained in paragraph 1 of this report.

3. Detail

- 3.1 House to house collections are governed by the House to House Collections Act 1939. Any house to house collection held for charitable purposes requires a permit to be issued by the Licensing Authority.
- 3.2 Street collections are governed by the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 and requires a permit to be in place issued by the Licensing Authority for any charitable collection held in any street or public place.
- 3.3 A high volume of applications for both street collections and house to house collections are received by the Licensing Department each year. The majority of applications for a house to house collection request a permit to be issued for one year. There are currently no controls in place to manage the number of permits issued by the Licensing Department. In order to assist in the administration of the permits, a Charitable Collections Policy has been drafted which aims to safeguard

the interests of public donors and charities to ensure that the number of collections are controlled.

Consultation

- 3.4 Officers conducted a 8 weeks consultation exercise on the draft Policy with all persons who have been granted a permit previously, relevant organisations and members of the public via the Council's website.
- 3.7 Five responses were received during the consultation period. The response from Trading Standards confirmed they have no suggested amendments or additions to the Policy. A summary of the points raised in relation to other responses received can be found at **Appendix 1**. The amended draft Policy is attached as **Appendix 2**.

4. Financial Implications

- 4.1 There are no financial implications to the Council.
- 4.2 Recommendation 1.2 will have no financial implications on existing licence holders.

5. Corporate Implications

- 5.1 These proposals will provide a clear framework for anyone applying for a permit which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.

Consultation Responses Log

Response	Summary of points raised	Amendment to Draft Policy
Response 1 and Response 2	<ul style="list-style-type: none"> • Typo in the year of the Act 	<ul style="list-style-type: none"> • Amended to the correct year
Response 3	<p>Paragraph 4.8, 4.20 and 5.16</p> <p>The deadline of one month for the financial return following a collection is too tight for voluntary organisations to meet.</p> <p>Paragraph 4.12</p> <p>The information to be submitted with a house to house collection application is too onerous for voluntary organisations as they have no accounts and they distribute the funds received during collections widely.</p> <p>Paragraph 5.14</p> <p>Limiting collectors to 5 at any one time is too restrictive for the Santa Sleigh Run. It is suggested to reword to give some flexibility.</p> <p style="text-align: center; color: blue;">Page 6 of 48</p>	<p>The deadline for financial returns is in accordance with the legislation and Regulations, therefore no such amendment may be made to the Policy.</p> <p>This information is requested due to the large number of commercial organisations collecting on behalf of charities. The information ensures that the charity is aware of the application and happy with the remuneration that they will receive from any commercial organisation.</p> <p>The Policy has been amended to make this requirement clearer and to waive the requirement for charities collecting on their own behalf and for voluntary organisations.</p> <p>The limit on collectors was introduced to limit collectors within the town centre and villages. The Policy has been amended to state 'The number of collectors may be increased with the written approval of the Licensing Authority.'</p>

<p>Response 4</p>	<p>Can the Council permit others to collect as well for example if a permit clashes with a charitable event?</p> <p>Paragraph 5.1</p> <p>Does 'based' mean that they have to have an office in South Derbyshire?</p> <p>Paragraph 7.1</p> <p>Does this mean that charities signing up people up for direct debits with no money collected need the same permit as bucket collections?</p>	<p>Yes the Council can, and all collectors at the charitable event would need a permit if they are collecting. No change to the Policy.</p> <p>They don't have to have an office but the charity must be within South Derbyshire i.e. rotary clubs who are not licensed with the Charity Commission but hold street collections to raise funds for charities. No change to the Policy.</p> <p>Yes. No change to the Policy.</p>
-------------------	---	---

SOUTH DERBYSHIRE
DISTRICT COUNCIL

Charitable Collections Policy

1. INTRODUCTION

HOUSE TO HOUSE COLLECTIONS

- 1.1 House to house collections are governed by the House to House Collections Act 1939 ('the 1939 Act') and the House to House Collections Regulations 1947, as amended.
- 1.2 As a general rule, house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law, are required to be licensed by the Licensing Authority which is South Derbyshire District Council.
- 1.3 The definition of 'collection' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade persons to buy goods etc where any part of the proceeds may go to charity.
- 1.4 The only exception to the general rule is organisations that have been granted an Exemption Certificate by the Home Office under the provisions of the 1939 Act. This Certificate allows an organisation to collect in the District without applying for a licence from the Licensing Authority. The organisation will not be exempted from the regulations or provisions of the 1939 Act and the organisation must inform the Licensing Authority of the dates and areas of any planned collections.

STREET COLLECTIONS

- 1.5 The Licensing Authority is empowered under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 ('the 1916 Act') to license collections made in 'any street or public place' for 'charitable or other purposes'.
- 1.6 'Street' is defined as including any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.
- 1.7 The definition of a 'public place' will include the entranceways to shops. Although the foyer of a supermarket could be considered to be behind 'closed doors' and subject therefore only to the discretion and approval of the manager, any collector straying outside and/or into the car park would require a licence.
- 1.8 The Charitable Collections (Transitional Provisions) Order 1974 sets out model street collections regulations which have been adopted by the Licensing Authority.

2. AIMS

- 2.1 The aims of the Licensing Authority in respect of the licensing of charitable collections are to:
 - Safeguard the interests of both public donors and beneficiaries;
 - Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met; and
 - Prevent unlicensed collections from taking place.

3. OBJECTIVES

3.1 In order to achieve its aims in respect of licensing of charitable collections, the Licensing Authority has identified the major issues and sought to tackle them through this Policy with the intention of:

- Ensuring impartiality and fairness in determining applications;
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
- Providing equality of opportunity for would-be collectors;
- Avoiding undue nuisance to the public;
- Setting fair maximum limits for one applicant;
- Achieving a fair balance between local and national causes;
- Forming links and improving communications with other organisations with a direct or indirect involvement in the licensing and administration of charitable collections such as the Police, Trading Standards, the Charity Commission, parish councils and local charitable institutions, etc.

3.2 This Licensing Authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at www.institute-of-fundraising.org.uk

4. HOUSE TO HOUSE COLLECTIONS

GENERAL PRINCIPLES

- 4.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the District of South Derbyshire.
- 4.2 Wherever possible, only one organisation shall be permitted to collect per day. More than one organisation will be permitted if the collection is taking place in different areas of the District. Applications will be dealt with on a first come first served basis.
- 4.3 In general, organisations shall not be permitted to hold more than two collections throughout the District or part thereof during one calendar year. This shall be at the discretion of the Senior Licensing Officer.
- 4.4 Where further requests are received from charities that hold a Home Office exemption to collect on dates which have already been allocated, a formal request will be made for them to consider an alternative date.
- 4.5 Applications will only be accepted for charitable collections to be held in the current or next calendar year.
- 4.6 The Licensing Authority appreciates that expenses/costs will be incurred by organisations when carrying out clothing collections and that, through the process of collecting and sorting the clothes, value is added. However, expenses/costs deducted by the organisation must still be reasonable.

- 4.7 With regards to clothing collections, it is very difficult to determine applications based on the percentage of proceeds that are given to the charities as every organisation works differently and percentages might not reflect the true amount given to charities. Trustees of a charity have the legal duty to ensure that they act in the best interests of the charity including any contract entered into with a commercial operator. On this basis, this Licensing Authority will ask all charities to provide a declaration stating that they have performed due diligence and are happy with the remuneration going to charitable objectives. This will place the onus on the charities streamlining the application process for all parties involved.
- 4.8 The applicant must forward a financial return form to the Licensing Authority within one month of the date of the collection showing details of the monies collected. No permit will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

APPLICATION PROCEDURE

- 4.9 The Licensing Authority operates a diary system to log in collections therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the available dates for any collection.
- 4.10 Applications are to be made in writing on the form provided together with the information requested. Where possible, the use of electronic forms will be encouraged.
- 4.11 Applications must be received at least one month before the date of the proposed collection. In order for the necessary checks to be carried out and to leave time for the necessary prescribed badges and certificates to be ordered and received from Her Majesty's Stationary Office (HMSO), it is advised that applications are submitted a minimum of 3 months before the proposed date of collection. Any applications received less than the 28 days before the proposed first date of collection will be declined. This requirement may be waived in exceptional circumstances at the discretion of the Senior Licensing Officer.
- 4.12 If an application is to be made by a commercial organisation collecting on behalf of a charity, the following information must be submitted with the application:
- Literature about the charity benefitting from the collection;
 - Copy of published accounts for the last two years;
 - Copy of statement of accounts from the last three or four collections carried out (including collections held in other Licensing Authority areas);
 - Declaration from the charity that they are happy with the remuneration from the collection;
 - Letter from the charity authorising the promoter to undertake a collection on their behalf, if the promoter is not an official of the charity; and
 - An agreement or contract details with any registered charity or individual benefitting from this collection.

This information will not be required if a charity is collecting on their own behalf or if the application is from a voluntary organisation.

- 4.13 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant to assist in determining the application. The failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.
- 4.14 No collection should take place until the organisations is in receipt of the permit. To collect, before the determination of the application, would be an offence under the 1939 Act.
- 4.15 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:
- (a) Issue a permit specifying the requested date and location; or
 - (b) Refuse to issue a permit on the grounds detailed below.
- 4.16 The Licensing Authority can refuse or revoke a permit for various reasons including:
- To limit the number of collections in line with this Policy at the discretion of the Senior Licensing Officer;
 - If too high a proportion of the proceeds is likely to be spent on expenses;
 - If not enough of the proceeds are to be given to the charity or cause;
 - If incorrect information was provided on the application form;
 - If no return was received in relation to a previous collection;
 - If the promoter or any other person involved in the collection has breached the legislation or regulations in relation to previous collections;
 - If the promoter or any other person involved in the collection has been convicted of certain criminal offences i.e. burglary, blackmail or fraud or any offence committed under the Act.

This list is not exhaustive.

- 4.18 There is a right of appeal to the Secretary of State against the refusal or revocation of a permit within 14 days from the date on which the notice is given of the refusal or revocation.
- 4.19 During the collection, the promoter must ensure that collectors are 'fit and proper' persons and that they comply with the regulations. A copy of the house to house regulations is attached to this Policy at Appendix 1.
- 4.20 The promoter must forward to the Licensing Authority a financial return form showing details of the monies collected within one month of the collection.

5. **STREET COLLECTIONS**

GENERAL PRINCIPLES

- 5.1 Charities must be registered with the Charity Commission or be a charitable organisation based within the District of South Derbyshire.
- 5.2 Wherever possible, only one organisation shall be permitted to collect per day. More than one organisation will be permitted if the collection is taking place in different areas of the District. Applications will be dealt with on a first come first served basis.
- 5.3 Organisations shall not be permitted more than one permit per year to carry out charitable street collections within the same location on a Friday or Saturday.
- 5.4 In general, organisations shall not be permitted to hold more than two collections throughout the District or part thereof during one calendar year. This shall be at the discretion of the Senior Licensing Officer.
- 5.5 No payment must be made to any collector, or to any other person connected with the promotion or conduct of the collection, indirectly or directly, out of the proceeds of the collection without the approval of the Licensing Authority. In general, payments to collectors are discouraged as it is contrary to the objective of maximising income to charitable institutions. Reimbursement of reasonable expenses is generally accepted provided that it is within an acceptable overall proportion of the total collected. All collections will be considered on an individual basis but all payments will be subject to agreement with the Licensing Authority in advance.
- 5.6 No animals are permitted to accompany collectors during the collection without prior written approval of the Licensing Authority.

APPLICATION PROCEDURE

- 5.7 The Licensing Authority operates a diary system to log in collections therefore the applicant is encouraged to contact the Licensing Authority before submitting an application in order to check the available dates for any collection.
- 5.8 Applications are to be made in writing on the form provided together with the information requested. Where possible, the use of electronic forms will be encouraged.
- 5.9 Applications shall be received at least one month before the proposed date of the collection. This requirement may be waived if there are special reasons for doing so as decided by the Senior Licensing Officer.
- 5.10 The application will be considered on receipt and, where appropriate, additional information may be required from the applicant to assist in determining the application. The failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.
- 5.11 No collection should take place until the organisations is in receipt of the permit. To collect, before the determination of the application, would be an offence under the Act.

- 5.12 Applications will be considered by the Licensing Authority on their respective merits and the Licensing Authority will either:
- (a) Issue a permit specifying the requested date and location; or
 - (b) Refuse to issue a permit.
- 5.13 There are no restrictions as to the grounds for refusing an application for a street collection permit however, in determining an application; the Licensing Authority will consider the past conduct of the applicant in particular with regards to the applicant's compliance with the legislation and regulations. There is currently no right of appeal against a decision of the Licensing Authority to refuse or revoke a permit for a collection.
- 5.14 There shall be no more than 5 collectors at any one time during the collection. The number of collectors can be increased with the written approval of the Licensing Authority.
- 5.15 During the collection, the promoter must not allow anyone to collect money, or sell goods, unless they have been given written authority. The promoter must ensure that all people acting as collectors are fit and proper persons and comply with any appropriate legislation. A copy of the street collections regulations are attached to this Policy as Appendix 2.
- 5.16 The promoter must forward to the Licensing Authority a financial return form showing details of the monies collected within one month of the date of the collection. No permit will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

6. UNLICENSED COLLECTIONS

- 6.1 The Licensing Authority takes breaches of both Acts very seriously and will take the necessary legal action against any organisation that operates within the District without the correct permit.
- 6.2 Information will be posted on the Council's website for members of the public in relation to unlicensed or fraudulent collections. This information will include how to report any such activity to the Licensing Authority for enforcement action to be taken. An up to date list of current collections will be available on the Council's website for the benefit of the public and any potential applicants.

7. DIRECT DEBITS

- 7.1 In relation to street collections, the collections of direct debits for charitable purposes will need to be licensed by way of a street collection permit.
- 7.2 With regards to house to house collections, many organisations do not believe that direct debits fall under the remit of the 1939 Act however the 1939 Act defines collection as 'an appeal to the public, made by means of visits from houses to house, to give, whether for consideration or not, money or other property.'
- 7.3 It is the view of this Licensing Authority that direct debits can be classed as the 'giving of money' and therefore direct debit collections would fall under the

remit of the 1939 Act. This Licensing Authority requires that all direct debit collections are licensed by way of a house to house collection permit.

8. CONTACT DETAILS

Anybody wishing to contact the Licensing Authority with regard to this Policy can do so as follows:

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

By email to licensing@south-derbys.gov.uk

By telephone 01283 595716

DOCUMENT HISTORY

Issue 1 – May 2016

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	14 TH APRIL 2016	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH (EXT. 5716) emma.mchugh@south- derbys.gov.uk	DOC:
SUBJECT:	FILM CLASSIFICATIONS UNDER THE LICENSING ACT 2003	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS13

1. Recommendations

- 1.1 That Members delegate the applications for the classification of films under the Licensing Act 2003 to Officers.
- 1.2 That Members approve the Policy for Determining Film Classifications attached as **Appendix 1**.
- 1.3 That Members approve the administration fee for determining film classifications.

2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendations contained in paragraph 1 of this report.

3. Detail

- 3.1 The Licensing Act 2003 deals with the exhibition of films as regulated entertainment. There is a mandatory condition imposed on premises licence and club premises certificates that permit the exhibition of films which requires that the recommendations of the British Board of Film Classification (BBFC) are followed in respect of the admission of children. However, where a film has not been classified by the BBFC, the admission of children to the screening of that film must be restricted in accordance with any recommendation made by the Licensing Authority. Therefore the admission of children to the public screening of material unclassified by the BBFC is subject to authorisation by the Licensing Authority in accordance with the powers of the Licensing Act 2003.
- 3.2 In addition, a distributor of a film or other party may appeal to the Licensing Authority against a decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.

- 3.3 To assist the Licensing Authority in determining applications for film classifications, a Policy has been produced delegating the determination of film classifications to Officers. An applicant has the right of appeal to the Licensing and Appeals Sub-Committee if they do not agree with the recommendation of the Officer.
- 3.4 The Policy details how Officers will determine film classifications in line with the BBFC Guidelines with a view to promoting the licensing objectives under the Licensing Act 2003 in particular the protection of children from harm objective.
- 3.5 To cover the administration costs involved in determining a film classification, it is proposed to charge an administration fee of £50 to include the first half of viewing plus an additional fee of £20 for every half hour or part thereof.

4. Financial Implications

- 4.1 There are no financial implications to the Council.

5. Corporate Implications

- 5.1 The service standards demonstrate that we support local businesses whilst protecting local residents which contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity and safety and security.



**South
Derbyshire
District Council**

POLICY FOR DETERMINING FILM CLASSIFICATIONS

Introduction

- 1.1 The public exhibition of all films on licensed premises must either be classified by the British Broad Film Classification ('the BBFC') or authorised by the Licensing Authority under the powers of the Licensing Act 2003 ('the Act').
- 1.2 Section 20 of the Act provides that where a premises licence or club premises certificate authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the BBFC or by the Licensing Authority itself.
- 1.3 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the BBFC's decisions or requests to reclassify films.
- 1.4 Where a premises seeks or intends to exhibit films, that venue must be covered by a premises licence, club premises certificate or temporary event notice under the Act.

Circumstances the Licensing Authority may classify a film

- 2.1 The Licensing Authority may be requested to authorise the showing of an unclassified film within South Derbyshire District Council. Usually this will be for:
 - A film festival covering a specific period of time;
 - A one off screening of a film;
 - A trailer for a film.
- 2.2 The Licensing Authority may also be requested to authorise a film that has already been classified by the BBFC when:
 - (a) A distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions); or
 - (b) An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

Submission of film

- 3.1 Applications should be submitted to the Licensing Authority with a minimum of 28 days before the proposed screening.
- 3.2 An application for authorisation should include the following information:
- the name of the film maker;
 - a brief synopsis of the film;
 - dates, times and locations of the proposed screening. Written confirmation from the premises will be required;
 - any existing classification issued by an existing classification body, whether within or outside the UK;
 - information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film;
 - the language spoken in the film and whether there are subtitles in English.
- 3.3 All requests shall be accompanied by the film where possible in DVD format to avoid delays, the cost to be borne by the applicant.
- 3.4 Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

Procedure

- 4.1 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 4.2 A minimum of two Officers will view the film (a minimum of three if it is thought the film may cause offence through sexual or violent content) and classify it in accordance with the current BBFC Guidelines.
- 4.3 Officers will record the Certification granted and give reasons for reaching their decision.
- 4.4 The matter will be referred to the Licensing and Appeals Sub-Committee if Officers:
- wish to depart from the BBFC classification to allow younger viewers to watch a film;
 - fail to agree on the classification;
 - wish to refuse a licence to show a film;
 - decline to process the application.

- 4.5 If an applicant disagrees with the Officers' decision, they will have a right of appeal to the Licensing and Appeals Sub-Committee.

Classification

- 5.1 The BBFC classifies films in accordance with published Guidelines, which are based on extensive research into public opinion and professional advice.
- 5.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendations on the restriction of access of children to films. It should be noted however that the Licensing Authority is not obliged to follow these Guidelines.
- 5.3 Where a licensed premises seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film.
- 5.4 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.
- 5.5 When considering the classification of the film, Officers should have regard to the licensing objectives under the Act in particular the protection of children from harm licensing objective.

Authorisation

- 6.1 Any authorisations for the exhibition of film issued by the Licensing Authority shall only apply when the film is exhibited within South Derbyshire District Council.
- 6.2 Once authorised by the Licensing Authority, a film will be authorised for a particular showing or festival only, subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the authorisation including any recommendations shall be available from the Council's Licensing Services.
- 6.3 The issue of any authorisation by the Licensing Authority is strictly limited to the authorisation within the District and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.
- 6.4 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959,

the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

- 6.5 The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.

Contact Details

- 7.1 Anybody wishing to contact the Licensing Authority with regard to this Policy can do so as follows:

In writing to the Licensing Department:

South Derbyshire District Council
Civic Way
Swadlincote
Derbyshire
De11 0AH

By email: licensing@south-derbys.gov.uk
By telephone: 01283 595716/890

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	14th APRIL 2016	CATEGORY: *see below DELEGATED
REPORT FROM:	STUART BATCHELOR DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN PARAGRAPH NO: **see below
MEMBERS' CONTACT POINT:	NICOLA SWOROWSKI (EXT.5983) nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL PLAN PART 2	REF:
WARD(S) AFFECTED:	DISTRICT	TERMS OF REFERENCE: *see below EDS03

1.0 Recommendations

1.1 Members agree the content of the report.

2.0 Purpose of Report

2.1 The report is being submitted to Committee to update Members on the Local Plan Part 2 consultation and progress towards the next consultation.

3.0 Detail

3.1 Members agreed to a consultation being undertaken on the Local Plan Part 2 on 19th November last year. This consultation ran from December 2015 to February 2016 with 11 drop in events taking place which in the main were well attended.

3.2 The consultation generated 2,278 individual comments from 318 people or organisations. The consultation also brought forward at least 14 new sites that were unknown to Officers as possible development sites. Information on the Part 2 of the Plan can still be found at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part2/default.asp .

3.3 The Planning Policy team have since the close of the consultation been considering these responses and summarising them in order to make them available online to view. Members will be advised when these are published. All of the questions asked through the questionnaire received a response.

3.4 The Part 2 Plan covers the following areas:

- Policies for development in the countryside
- Local Green Spaces
- Non-strategic housing allocations
- Revision of Settlement boundaries
- Residential conversions and non-permanent dwellings
- Secondary school site policy

- Retail policies
- Heritage policies
- Telecommunications and Adverts.

3.5 Almost 25% of the individual comments received were in regard to the housing sites and the distribution of the 600 dwellings across the District.

3.7 For the first consultation, the housing sites were assessed against Green Belt, Flood Zone 3b, being mainly covered by tree protection order(s) or not being adjacent or in close proximity to an existing settlement boundary. Further more detailed work is being undertaken on the sites to establish which should be considered for allocation.

3.9 The next steps for the Part 2 is to draw up a Draft version for consultation which is currently intended to be published around the end of June 2016. Following this and consideration of the responses received a Submission consultation (Regulation 19) will be undertaken in the Autumn of this year with the target of submitting the Plan to the Secretary of State by the end of the year.

4.0 Financial Implications

4.1 There are no direct financial implications with this report.

5.0 Corporate Implications

5.1 This report is concerned with the second part of the Local Plan that will allow for complete replacement of the 1998 Local Plan. An adopted Local Plan is a corporate priority as it will provide the Council with a clear plan for development up to 2028 and provide a more robust defence in terms of planning appeals.

6.0 Community Implications

6.1 A fully adopted Local Plan will ensure that development across the District is achieved in as sustainable manner as possible and in a way that provides the infrastructure of community facilities for both the new residents but also existing residents.

7.0 Background Papers

7.1 Local Plan Part 2 consultation document
 Appendix A: Settlement Boundary maps
 Appendix B: Local Green Space maps
 Appendix C: Housing Option Sites maps

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	14th APRIL 2016	CATEGORY: * DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN: **
MEMBERS' CONTACT POINT:	NICOLA SWOROWSKI (EXT. 5983) nicola.sworowski@south-derbys.gov.uk	DOC:
SUBJECT:	LOCAL PLAN – LOCAL DEVELOPMENT SCHEME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: *see below EDS03

1.0 Recommendations

That Members:

- (i) endorse the Local Development Scheme (LDS) for publication.

2.0 Purpose of Report

- 2.1 To endorse the publication of the updated LDS for the Local Development Framework as it forms a piece of evidence base for the Local Plan production.

3.0 Detail

- 3.1 The LDS is an important piece of evidence that sets out the programme for preparing the documents that will form the Local Plan and also the documents to be written as Supplementary Planning Documents (SPDs). It also sets out the possible risks that exist with producing the documents listed in the LDS. The LDS is monitored through the Annual Monitoring document.
- 3.2 The LDS was previously put before Members at this Committee in November 2014 before the start of hearings into the soundness of the Local Plan Part 1. As Members are aware much has changed since that point and an update of the document is required to reflect the position of the Local Plan more accurately. The document can be seen at Appendix 1.
- 3.3 The LDS sets out all Development Plan Documents so in the case of South Derbyshire this refers to the Local Plan Part 1 & 2.
- 3.4 The Local Plan Part 1 at the time of writing is currently being consulted on in regard to the Main Modifications which are required to address issues that the Inspector, the Council or others have raised/queried in regard to the soundness of the Plan. Once this consultation is complete all of the responses will be sent to the Inspector, Ms Kingaby for her to finalise her report.

- 3.5 As for the Local Plan Part 2 then consultation on an 'options' document took place between December 2015 and February 2016. Following consideration of the comments and further information gathering, it is intended to publish a draft version of the Plan at the end of June this year.
- 3.6 Through the current process of the Local Plan it has been established that a Design SPD, Cycling and Greenways SPD and a Car Parking Standards SPD will be written. Work has started on all of the documents with the Design SPD being at a more advanced stage than the others.
- 3.7 The timetable for the Greenways SPD is currently uncertain as the Council is waiting for confirmation from the County Council as to their involvement in the document. Any update on this position will be given verbally at Committee.

4.0 Financial Implications

- 4.1 None arising directly from this report.

5.0 Corporate Implications

- 5.1 The adoption of a South Derbyshire Local Plan is a key function of the District Council and an action within the Economic Growth priority in the Corporate Plan. The LDS is an essential part of the evidence for the Local Plan.

6.0 Community Implications

- 6.1 The LDS when published will allow members of the Community and others to be more aware of the timetable that is being followed for the Local Plan but also the other documents that are intended to support the Local Plan policies.

7.0 Background Papers

- 7.1 None

Appendices

Annex 1: Local Development Scheme

Annex 1

South Derbyshire Local Development Scheme - Contents

Section	Page number
1 Purpose of the document	2
2 Timescales	2
3 Local Plan	2 -3
4 Strategic Environmental Assessment and Sustainability Appraisal	4
5 Links with other strategies and plans	4
6 Adopted Local Plan Document	4
7 Evidence	4 -6
8 Consultations to date	6
9 Resources	6
10 Monitoring	6-7
11 Risk Management	7- 8
12 Schedule and timetables of proposed Development Plan Documents	8 -10
13 Schedule and timetables of proposed Supplementary Planning Documents	11-12
Appendix 1 Chart to show the relationship between Local Plan documents	14
Appendix 2 Glossary	15

1 Purpose of this document

This revised Local Development Scheme (LDS) sets out how the Council will progress the Local Plan over a 3 year period. The documents contained within the Local Plan will set out the policies and proposals for the use and development of land, which over time will replace saved policies within South Derbyshire's 1998 Local Plan and its supporting documents.

The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) states that the LDS must specify:

- the local development documents which are to be development plan documents
- the subject matter and geographical area to which each development plan document is to relate
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities
- any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of joint committee under section 29
- the timetable for the preparation and revision of the development plan documents
- such other matters as are prescribed

2 Timescales

This is the seventh LDS to be published by South Derbyshire District Council. This LDS reflects an updated timetable to that published in November 2014.

The first LDS was adopted in March 2007. Following this there were significant changes to the planning system at a national level. The changes included:

- Replacing National Planning Policy Guidance Notes and Planning Policy Statements with the National Planning Policy Framework (NPPF)
- The introduction of the Localism Act 2011
- The revocation of the East Midlands Regional Spatial Strategy
- The publication of the National Planning Practice Guidance which supersedes many guidance notes and circulars that weren't replaced by the NPPF.

This revised LDS covers the period April 2016 – April 2019 and takes a realistic view of the Local Plan documents to be prepared in the coming three-year period. The reason that an update is required so soon after the previous LDS was produced, is due to the further consideration that was required with regard to the Derby Housing Market Area housing number and to reflect the impact this has had on the timetable.

3 Local Plan

South Derbyshire and other local planning authorities are required to produce a Local Plan. South Derbyshire's existing Local Plan was adopted in 1998 and some policies were 'saved' under the Planning and Compulsory Purchase Act 2004 regulations, which extends the life of these plan policies until they are replaced by a new Local Plan. The saved adopted local plan policies can be viewed at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/adopted_local_plan_1998/default.asp

Supplementary Planning Guidance (SPG) associated with the saved policies in the 1998 adopted Local Plan will also remain a material consideration when determining planning applications, until such time as they are replaced by Supplementary Planning Documents. SPG which remains up to date can be found at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/supplementary_planning_guidance/default.asp

The National Planning Policy Framework paragraph 215 indicates that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in

the plan to the policies in the Framework, the greater the weight may be given)". The saved policies in the Local Plan therefore can be used for decision making when they are in line with the NPPF.

It is considered that the saved policies in the 1998 Local Plan are mainly consistent with the NPPF.

The Local Plan currently being prepared by South Derbyshire will contain a portfolio of planning documents which supports the preparation of the Local Plan. Alongside the LDS the portfolio of documents includes the following:

- Development Plan Documents (Local Plan)
- Supplementary Planning Documents
- Statement of Community Involvement
- Annual Monitoring Report

The Planning Practice Guidance was published on 6th March 2014 and reiterates the need for a Local Development Scheme that is up to date and enables people to track the progress of documents.

Development Plan Documents (DPDs) set out the policies and proposals for a Local Authority Area and carries the most weight in the determination of planning applications. They are subject to independent examination by a Planning Inspector and subject to community involvement through consultation and a Sustainability Appraisal. South Derbyshire will provide the following DPDs:

- Local Plan Part 1, which will set the long-term vision, objectives and strategy for the spatial development of South Derbyshire and provide a framework for promoting and controlling development. Strategic housing and employment sites will be allocated, along with Development Management policies to be used in determining planning applications.
- Local Plan Part 2, which will allocate non-strategic housing sites and review all settlement boundaries. It will also look at more detailed Development Management policies to support strategic policies in Part 1 in the areas of retail, conservation and heritage and the countryside.
- Proposals Map: A map that identifies those areas to which specific policies apply.
- Gypsy and Traveller Site Allocations DPD, to meet identified Gypsy and Traveller need.

South Derbyshire District Council had previously intended to produce an Area Action Plan (AAP) for the land between Woodville and Swadlincote Town Centre. The Council is no longer intending to produce this AAP; however the principle of regeneration on this site including the Regeneration Route is being taken forward in the Local Plan Part 1 as a site specific policy – see Policy E6.

Supplementary Planning Documents (SPD) will cover some Development Management policies in more detail. They will be used in the determination of planning applications, and will replace Supplementary Planning Guidance (SPG). SPDs are not subject to independent examination but will be considered through the Council's Committee process.

Statement of Community Involvement (SCI) sets out how the Council intends to engage and consult local communities and others in the preparation of the Local Plan and Development Management matters. South Derbyshire's SCI can be found at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/statement_of_community_involvement/default.asp

Annual Monitoring Report (AMR) reviews the progress in the preparation of the Local Plan documents against the milestones set out in the Local Development Scheme and assesses the extent to which development plan policies are being achieved. South Derbyshire's most recent AMR can be found at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/annual_monitoring_reports/default.asp

The relationship of each of the Local Plan documents can be found in Appendix 1.

4 Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA)

All DPD's are subject to SA and an SEA. The SA is an iterative process that is integral to the document's preparation as a means of assessing their potential social, environmental and economic effects.

The Council will also conduct an Environmental Assessment in accordance with the requirements of the EU Directive 2001/42/EC. The Council appointed a Planning Policy Officer with particular responsibility for SA matters in December 2005, which has enabled in-house expertise to be developed together with the progress of a monitoring framework.

The SA was published for consultation during the Regulation 18 consultation on the Draft Local Plan Part 1, which took place from 27th September to 15th November 2013. Following a review of the comments received during this consultation, the SA was updated and published for a further consultation (alongside the Local Plan Part 1 Regulation 19 consultation) from 10th March - 22nd April 2014.

Further SA work was undertaken across the Derby HMA Authorities regarding the split of Derby's unmet housing need before a joint hearing session was held in October 2015. Further work and consultation on the South Derbyshire SA was undertaken before reconvened hearing sessions were held in December 2015.

The Part 2 of the Local Plan will be subject to the same requirements in terms of SEA and SA as Part 1. The SA will be published alongside the Regulation 18 consultation for Part 2 and then again following any necessary revisions for the Regulation 19 stage.

5 Links with other Strategies and Plans

The Local Plan will have regard to other Council Strategies such as those for Housing, Economic Development, Tourism, Conservation and Leisure. Work is ongoing with other parts of the Council to develop a joint approach to establishing and maintaining a robust and credible evidence base. This joint approach to data collection will be used to support the preparation and monitoring of the Local Plan. Additionally regard will be had to the Council's Corporate Plan 2009-2014, which the Local Plan will help deliver many of the aspirations contained within both it and South Derbyshire's Sustainable Communities Strategy.

South Derbyshire is part of the Derby Housing Market Area (HMA) along with Amber Valley and Derby City with support from Derbyshire County Council. Given the functional relationship (housing markets and travel to work patterns) between the Derby HMA authorities there has been joint working on the Authorities' Local Plans through the collation of a joint evidence base.

6 Adopted Local Plan Document

The following document has been adopted and is subject to ongoing monitoring. In the event of a formal review being necessary, this will be highlighted in the Annual Monitoring Report:

Document	Date of Adoption
1. Statement of Community Involvement	March 2006

7 Evidence

Government guidance emphasises the need for a robust evidence base in the preparation of Local Plans. South Derbyshire District Council will continue to undertake studies, research and public consultation in preparation of the Local Plan. Many of the studies have been undertaken on a HMA wide basis. Specific research and studies carried out to date include:

<u>Research/Study</u>	<u>Method</u>	<u>Completed</u>
Sustainability Appraisal	In house	Ongoing
Habitats Regulations Screening Assessment	In house	September 2013
Infrastructure Delivery Plan	In house	Ongoing
South Derbyshire's Five Year Housing Land Supply (2014-2019)	In house	November 2015
SHLAA	In house	Ongoing
Derby HMA Education Position Statement	In house	August 2014
Derby Urban Area Transport Position Statement	In house	November 2012
Derby HMA Sensitivity Testing	Consultants	October 2015
Derby HMA Strategic Housing Market Assessment Update *	Consultants	July 2013
Derby HMA Employment Land Review Forecasts Update*	Consultants	March 2013
Derby HMA Housing Requirements Study *	Consultants	2012
Derby Housing Market Area Water Cycle Study *	Consultants	2010
Derbyshire Gypsy and Traveller Accommodation Assessment *	Consultants	June 2015
Derby HMA Employment Land Review	Consultants	March 2008
South Derbyshire District Council Employment Land Review	Consultants	2007
South Derbyshire Level 1 Strategic Flood Risk Assessment (SFRA)	Consultants	2008

* Joint studies commissioned with Derby City Council and Amber Valley Borough Council and/or Derbyshire County Council.

Further information on the Derby HMA joint evidence base can be found at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/evidence_base/hma_joint_evidence_base/default.asp whilst further information on South Derbyshire's evidence base can be found at:

http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/evidence_base/default.asp

8 Consultations to date

Seven consultations have been undertaken in the preparation of the Local Plan Part 1. The consultations undertaken are:

- Issues and ideas, January 2009 – 3rd April 2009
- Issues and Alternative Options, January 2010 – 31st May 2010
- Your Neighborhood Talk to Us, 8th February 2011 – 3rd May 2011
- Options for Housing Growth, 12th July 2011 – 30th September 2011
- Preferred Growth Strategy, 4th October – 21st December 2012
- Draft Local Plan Part 1, 27th September – 15th November 2013 (the deadline for the consultation statement was extended until the 22nd November 2013)
- Pre-Submission Local Plan Part 1, 10th March -22nd April (Regulation 19 consultation)

Further information on these consultations can be found at: http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part1/default.asp

The Local Plan Part 1 was submitted to the Secretary of State on 8th August 2014. Hearings have taken place in November/December 2014 and December 2015 following a period of suspension. There were joint hearing sessions (with AVBC and DCC) held as part of the first hearing session and also a day in October 2015.

9 Resources

The preparation of the Local Plan is led by the Planning Policy Team and comprises the Planning Policy Manager, two Planning Policy Officers, one Planning Policy Officer (Sustainability), one Assistant Planning Policy Officer, 0.5 Planning Assistant, one Conservation Officer and one Design Excellence Officer. The work of the team will also be complemented by officers from other services with specialist knowledge within South Derbyshire District Council, such as Development Management, Housing and Economic Development. External resources may also be called upon such as the County Council and consultants for certain projects. However, as far as possible surveys and studies will be undertaken in house.

The team has other responsibilities in addition to preparing the Local Plan including:

- Providing advice and evidence to Development Management
- Neighbourhood planning support
- Compiling and maintaining an evidence base for the Local Plan and wider uses
- Maintaining a Duty to Co-operate.
- Heritage Lottery Funding Swadlincote Townscape project

10 Monitoring

The Council is required to produce and make available to the public an Annual Monitoring Report (AMR). The AMR should review the progress in the preparation of the Local Plan against the milestones set out in the Local Development Scheme and assess the extent to which development plan policies are being implemented, through the use of a range of indicators.

The introduction of the Localism Act in November 2011 removed the statutory requirement for local planning authorities to submit an AMR to the Secretary of State. However authorities still have a duty to monitor and report their activities to the local community.

The Council has produced ten AMRs with the most recent covering the period 2014/15. The Council has detailed databases for monitoring residential and employment land availability. The Council also holds detailed information regarding retail and leisure which are updated and form a key aspect of the annual monitoring. The residential and employment database is maintained by Derbyshire County Council as all Derbyshire Local Authorities use the same system in accordance with an agreed protocol. The AMR will monitor the progress in meeting the milestones in the LDS and inform a review of the document when necessary.

11 Risk Management

The Council does not have control over all aspects associated with the preparation of the Local Plan. Completion of the Plan relies upon input to the process from a wide variety of individuals and organisations ranging from members of the public to the Secretary of State. All those involved will have their own priorities and processes that need to be dealt with and may not reflect the timescales placed on the Council by legislation. The Council will endeavor to ensure that working relationships with external groups and organisations move forward and continue towards joined-up working.

In preparing the LDS, the Council has identified some of the main areas of risk and their impacts, and potential ways to overcome these to ensure that the LDS timetable is delivered.

Area of risk	Impact	Mitigation
Inadequate staff resources	Unable to produce the Local Plan on time and to a decent standard due to lack of in house skills/resources for evidential work.	<ul style="list-style-type: none"> • Employ temporary staff/consultants subject to resource availability. • Use staff from other departments within the Council. • Joint working with the HMA Authorities (Derby City and Amber Valley Borough Council).
Change of political leadership of the Council	Could cause delay in the preparation of the Local Plan	<ul style="list-style-type: none"> • Maintain the involvement of all parties in the District Council through Committee and also the Local Plan Member Working Group.
Changes to national policy requirements	New/emerging policy could generate new issues, which need to be addressed within the Local Plan, which require additional work and could delay the preparation of the local plan.	<ul style="list-style-type: none"> • Keep up to date on emerging National policies. • Revise the LDS.
Capacity of the Planning Inspectorate (PINS)	PINS unable to meet the demand for Local Plan examinations, resulting in a delay in adopting South Derbyshire's Local Plan.	<ul style="list-style-type: none"> • Close liaison with the Planning Inspectorate to ensure early warnings of any delays. • Programme of Local Plan production including revisions will be provided to PINS.
Public consultation	Public concern and stakeholder involvement on planning issues is increasing. This could add to the time required to process representations made, delaying the	<ul style="list-style-type: none"> • Employ temporary staff subject to resource availability. • Resources from other departments within the Council could be drawn upon to process representations.

	preparation of the Local Plan.	
Joint Working	Working with the HMA Authorities (Derby City and Amber Valley) could be problematic with political differences and conflict of interests occurring.	<ul style="list-style-type: none"> • Early and meaningful engagement with Members of all three Authorities. • Concise working arrangements with neighbouring local authorities. • Change of Plan or withdrawal
Delay approval or require changes to the Local Plan by Council Members	Reports could miss council committee deadlines, or create unforeseen work, resulting in a slippage of timetable.	<ul style="list-style-type: none"> • Involve members through the preparation of the Local Plan, to ensure that the Councils priorities are reflected.
Local Plan found unsound	<p>If the Plan is found unsound at examination it could result in the withdrawal of the Plan.</p> <p>Extra work would be required for resubmission leading to failure to meet planned timescales.</p>	<ul style="list-style-type: none"> • Take PINS advice. • Ensure a robust evidence base with well documented community and stakeholder engagement. • Keep up to date with experience from other Local Authorities Public Examinations.
Incorporating change after Examination	PINs could request changes to the Local Plan, which require further work than anticipated, leading to slippage on the Local Plans publication time.	<ul style="list-style-type: none"> • Allow for some slippage in the programme. • Use project management methods.
Legal Challenge	A legal challenge could result in the Local Plan being quashed.	<ul style="list-style-type: none"> • Ensure that the Local Plan has been prepared in accordance with legal and procedural requirements. • Act on pre submission PINS advice.

12 Schedule and Timetable of proposed Development Plan Documents

The profiles below set out the work and resources required in order to produce each DPD. The potential timings of each of the DPDs can be found below each document profile.

South Derbyshire Local Plan Part 1

Status	Development Plan Document
Geographical Area	South Derbyshire District
Conformity	Conform to legislation, case law and National Planning Policy Framework.
Description	<p>Local Plan Part 1 will provide a long term vision, objectives and strategy for the spatial development of South Derbyshire and provide a framework for promoting and controlling development. Part 1 will provide:</p> <ul style="list-style-type: none"> • Site allocations for strategic housing and employment sites across the

	District; <ul style="list-style-type: none"> Development management policies that will be used in the determination of planning applications.
Joint Working	The Council recognises the importance of joint working between the Derby HMA and neighbouring authorities under the Duty to Co Operate. Work on this document has been closely aligned with Derby City and Amber Valley. There have been numerous pieces of evidence produced jointly with authorities within the Derby HMA, which can be found at: www.south-derbys.gov.uk
Management	Director of Community & Planning ► Environment & Development Services Portfolio Holder ► Environment & Development Committee ► Full Council ► Evidence agreed by Local Plan Member Working Group
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team, Strategic Housing team, Community teams, Economic Development team.
External Resource	Derby City Council, Amber Valley Borough Council, Derbyshire County Council and other key stakeholders.
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Councils Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	2009 (start of aligned working within the Derby HMA)
Submission Consultation (Regulation 19)	March 10 th – April 22 nd 2014
Submission to Secretary of State (Regulation 22)	8 th August 2014
Commencement of the Hearing Sessions	November/December 2014 & December 2015
Adoption by Council	May 2016

South Derbyshire Local Plan Part 2

Status	Development Plan Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to legislation, case law and National Planning Policy Framework as well as Part 1 of the Local Plan.
Description	Local Plan Part 2 will cover non-strategic housing allocations and a full review of the settlement boundaries. It will include more detailed policies on retail including consideration of a Town Centre boundary. Other policies will include conservation and countryside policies.
Joint Working	There will be less need to work alongside Amber Valley and Derby City in such an aligned manner. Derbyshire County Council will be involved particularly in regards to highways and education expertise.
Management	Director of Community & Planning ► Environment & Development Services Portfolio Holder ► Environment & Development Committee ► Full Council ► Evidence agreed by Local Plan Member Working Group
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team, Strategic Housing team, Community teams,

	Economic Development team.
External Resource	Derby City Council, Amber Valley Borough Council, Derbyshire County Council and other key stakeholders.
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Councils Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	April 2014
Options Consultations (Regulation 18)	December 2015
Draft stage (Regulation 18)	June 2016
Proposed Submission Consultation (Regulation 19)	October 2016
Submission to Secretary of State (Regulation 22)	December 2016
Commencement of the Hearing Sessions	Early 2017
Adoption by Council	Summer 2017

Gypsy and Traveller Site Allocations DPD

	Development Plan Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to National Planning Policy Framework & Guidance as well as Part 1 of the Local Plan.
Description	Consideration of sites for Gypsy and Traveller pitches to enable the Council to demonstrate a five year supply of pitches
Joint Working	Derbyshire County Council, all other Derbyshire Authorities and East Staffordshire Borough Council
Management	Director of Community & Planning ► Environmental & Development Services Portfolio Holder ► Environment & Development Committee ► Full Council
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team, Economic Development team, Strategic Housing team
External Resource	Derbyshire County Council
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Councils Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	June 2015
Consultation	Early 2017
Adoption by Council	Summer 2017

13 Schedule and Timetable of proposed Supplementary Planning Documents

Design SPD

Status	Supplementary Planning Guidance
Geographical Area	South Derbyshire District Council
Conformity	Conform to National Planning Policy Framework and Guidance as well as Part 1 of the Local Plan
Description	Guidance for people assessing development and for those proposing it across the District. It will provide clear and concise design guidance for all types of development. The guidance will be split as: <ul style="list-style-type: none"> • Design Process • Design Principles
Joint Working	Derbyshire County Council
Management	Director of Community & Planning ► Environment & Development Services Portfolio Holder ► Environment & Development Committee ►
Internal resource	South Derbyshire District Council - Planning Policy Team, Development Management team, Strategic Housing team, Waste Collection team, Economic Development team, Tree Officer.
External Resource	Police Architectural Liaison, National Forest, Developers & House Builders
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Councils Statement of Community Involvement.
Monitoring and Review.	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	March 2014
Consultation	October 2016
Adoption by Council	December 2016

Car Parking Standards SPD (may be included as part of the Design SPD)

Status	Supplementary Planning Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to National Planning Policy Framework & Guidance as well as Part 1 of the Local Plan.
Description	Guidance on car parking standards and requirements on all developments across the District.
Joint Working	Derbyshire County Council
Management	Director of Community & Planning ► Environmental & Development Services Portfolio Holder ► Environment & Development Committee ►
Internal Resource	South Derbyshire District Council - Planning Policy Team, Strategic Housing team, Development Management team, Waste Collection team Economic Development team, Tree Officer
External Resource	Police Architectural Liaison Officer
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Councils Statement of Community Involvement.
Monitoring and Review	Progress on the preparation and production of the document will be

	carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	March 2014
Consultation	January 2015
Adoption by Council	July 2015

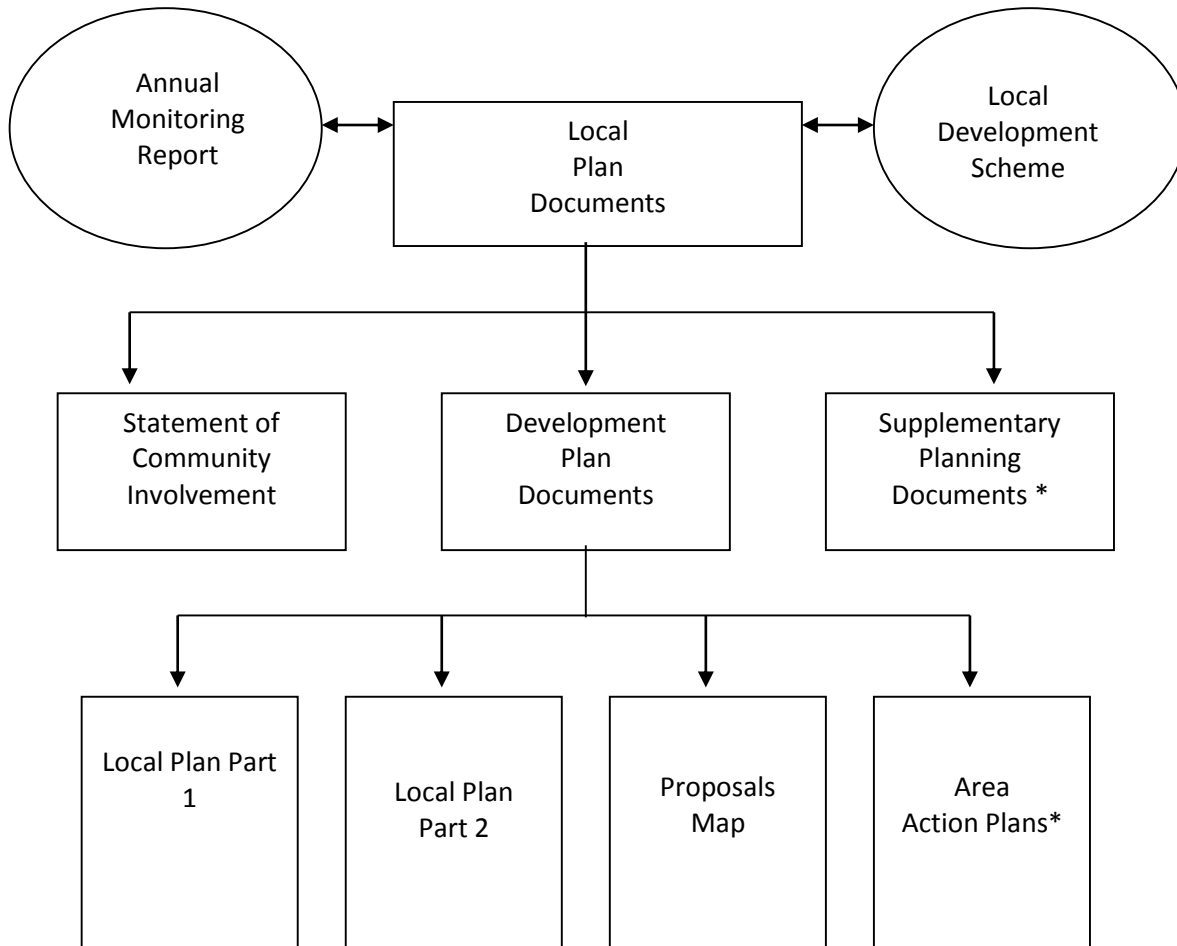
Greenways SPD

Status	Supplementary Planning Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to National Planning Policy Framework & Guidance as well as Part 1 of the Local Plan.
Description	Guidance and proposals on strategic multiuser routes for walkers, cyclists, horse riders and those with mobility difficulties across the District. The SPD will also include a Cycle Action Plan.
Joint Working	Derbyshire County Council who produce a County wide Green way Strategy
Management	Director of Community & Planning ► Environmental & Development Services Portfolio Holder ► Environment & Development Committee ►
Internal Resource	South Derbyshire District Council - Planning Policy Team, Development Management team, Economic Development team, Tree Officer, Open Space and Facilities Development Manager
External Resource	National Forest, Sustrans, Derbyshire County Council
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Councils Statement of Community Involvement. This SPD will link to Derbyshire County Councils refresh of their Greenways Strategy.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	December 2014
Consultation	tbc with County Council
Adoption by Council	tbc with County Council

Open Space, Sport and Community Facilities SPD

Status	Supplementary Planning Document
Geographical Area	South Derbyshire District Council
Conformity	Conform to National Planning Policy Framework & Guidance as well as the Local Plan.
Description	<p>Will set out the vision and underpinning principles for open space, sport and community facilities in South Derbyshire and identifies priorities for inclusion in the Action Plan relating to:</p> <p>Built Sports/Community Facilities Playing Pitches Open Space Networks.</p>
Joint Working	
Management	Director of Community & Planning ► Housing Committee ► Environment & Development Committee ►
Internal Resource	South Derbyshire District Council - Open Space and Facilities Development Manager, Director of Community and Planning, Planning Policy Team, Development Management team
External Resource	Consultants
Community and Stakeholder Involvement	In accordance with the Town and Country Planning Regulations 2012 and as set out in the Councils Statement of Community Involvement. This SPD will include Community and Stakeholder input as this is critical to the work being robust.
Monitoring and Review	Progress on the preparation and production of the document will be carefully monitored to ensure that milestones in the LDS are met. Monitoring policies in this document will be a main feature of the AMR.
Timetable	
Stage	Date
Commencement of the process	Summer 2015
Consultation	December 2015 – February 2016
Adoption by Council	May 2016

Appendix 1: Chart to show the relationship between Local Plan documents



* Optional

Appendix 2 - Glossary of Terms

Adopted Local Plan	The South Derbyshire Local Plan formally adopted in May 1998
AMR	Annual Monitoring Report to chart progress of producing and implementing policies and proposal
Duty to Cooperate	A statutory duty placed on Local Planning Authorities to cooperate with other authorities and relevant bodies in the preparation of a DPD
LDD	Local Development Documents comprising DPDs and SPDs that together will make up the Local Plan
NPPF (National Planning Policy Framework)	Contains a range of planning policies set by National Government
Planning Inspectorate	An agency of Department of Communities and Local Government that provides independent adjudication on planning matters
Proposals Map	A map that identifies those areas to which specific policies apply.
SA	Sustainability Appraisal – a tool to ensure that policies in al LDD reflect sustainable development principle.
SCI	Statement of Community Involvement that sets out how the Council will consult the community and stakeholders on the preparation of planning documents and planning applications.
SEA	Strategic Environmental Assessment is a requirement of EU Directive 2001/42/EC and applies to plans and policies where impacts will be of a strategic nature.
SPD	Supplementary Planning Documents that provide additional detailed guidance to support policies in DPD.
SPG	Supplementary Planning Guidance provides additional guidance to support Local Plan Policies.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	14th APRIL 2016	CATEGORY: RECOMMENDED
REPORT FROM:	MIKE HAYNES – DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES	OPEN
MEMBERS' CONTACT POINT	MATT HOLFORD - ENVIRONMENTAL HEALTH MANAGER (EXT. 5856)	DOC:
SUBJECT:	FIXED PENALTY NOTICE SANCTIONS UNDER THE UNAUTHORISED DEPOSIT OF WASTE (FIXED PENALTIES) REGULATIONS 2016	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS14, HCS10

1. Recommendations

- 1.1 That Members approve the use of Fixed Penalty Notices, where appropriate, to take enforcement action against fly tipping offenders.
- 1.2 That Members approve that the Fixed Penalty Notice charge be set at £400, with an early payment reduced charge of £280.

2. Purpose of Report

- 2.1 To seek approval from Members on the use and level of fixed penalty to be imposed in the event of the issue of Fixed Penalty Notices for fly tipping offences.

3. Background

- 3.1 Councils have been given progressively increasing ability to deal with offences for relatively low levels of environmental crime (often described as 'enviro-crime') through the use of Fixed Penalty Notices (FPNs).
- 3.2 Currently when dealing with fly tipping offences if an authorised officer is satisfied that an offence has been committed, he/she has the option of taking a range of further regulatory actions. At the lowest severity of intervention this could involve issuing a verbal warning; through to a written warning; issuing of a simple caution or taking prosecution proceedings.
- 3.3 In many instances the issuing of the simple caution is felt to be a relatively weak form of regulatory action. On the other hand taking prosecution proceedings is expensive, relatively long-winded and disproportionate to the magnitude of the offence.

Therefore the government is introducing the ability for authorised Council Officers to issue FPNs in the following circumstances;

- Where the act constitutes an offence of depositing waste or knowingly causing or permitting waste to be deposited in or on any land without the necessary authorisation, and;
- Where the offender has admitted their guilt, and;
- Where the offender agrees to pay a fixed penalty fine on order to avoid being prosecuted.

3.4 The offences for which other FPNs can be served relate to issues such as littering, dog control, vehicle offences, failure to carry copies of waste documentation, etc. The maximum and minimum permitted fine for each offence is stated in law, but Councils are given discretion to set their own level of fine up to but not exceeding the legal maximum and also to offer reduced fines for early payment.

3.5 E&DS on 16th July 2006 and then on 20th August 2015 have approved various charges for Fixed Penalty Notices issued by South Derbyshire officers. These existing charges are summarised in Table 1 below.

Table 1 – Existing Fixed Penalty Notice Charges in South Derbyshire

Nature of Offence	Statute	Maximum Permitted Charge	SDDC Charge	Charge for early payment
Nuisance parking	Clean Neighbourhoods & Environment Act 2005 s.6(1)	£100	£100	£70
Abandoning a vehicle	Refuse Disposal (Amenity) Act 1978, s2A(1)	£200	£200	£140
Failure by waste carriers to produce a waste transfer note	Control of Pollution (Amendment) Act 1989, s.5B(2)	£300	£300	£210
Failure by a waste carrier to provide a waste carriers license	Environmental Protection Act 1990, s.34A(2)	£300	£300	£210
Littering	Environmental Protection Act 1990, s.88(1)	£80	£75	£50
Unauthorised distribution of literature	Environmental Protection Act 1990, Schedule 3A, para.7(2)	£80	£75	£50

Graffiti and flyposting	Anti-social Behaviour Act 2003, s.43(1)	£80	£75	£50
Offences relating to waste receptacles	Environmental Protection Act 1990, s.47ZA(2)	£110	£100	£70
Dog Control Order offences	Clean Neighbourhoods & Environment Act 2005 s.59(2)	£80	£75	£50
Failing to comply with a Community Protection Notice	Anti-Social Behaviour Crime and Policing Act 2014 s.52(1)	£100	£100	£70
Failure to comply with a Public Spaces Protection Order	Anti-Social Behaviour Crime and Policing Act 2014 s.68(1)	£100	£100	£70

3.6 The proposals contained in the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 are to enable Councils to issue FPNs for not less than £150 and not more than £400. Where the Council sets no agreed fee then officers can still issue FPNs, but for a set charge of £200.

4. Local Circumstances

4.1 Between 2006 and 2016 fly tipping incidents in South Derbyshire have reduced year on year to an all time low in 2014/15 of 495 incidents. Figure 1 illustrates the trend in fly tipping in South Derbyshire over the last 10 years.

4.2 However, during 2015/16 incidents have significantly increased by 38%. This increase reflects a national trend of increasing fly tipping which started in 2013/14. Figure 2 illustrates the national fly tipping statistics over the previous 8 years (not including 2015/16 for which the national statistics have not yet been published).

Figure 1 – 10 Year Local Trend in Reported Fly tips

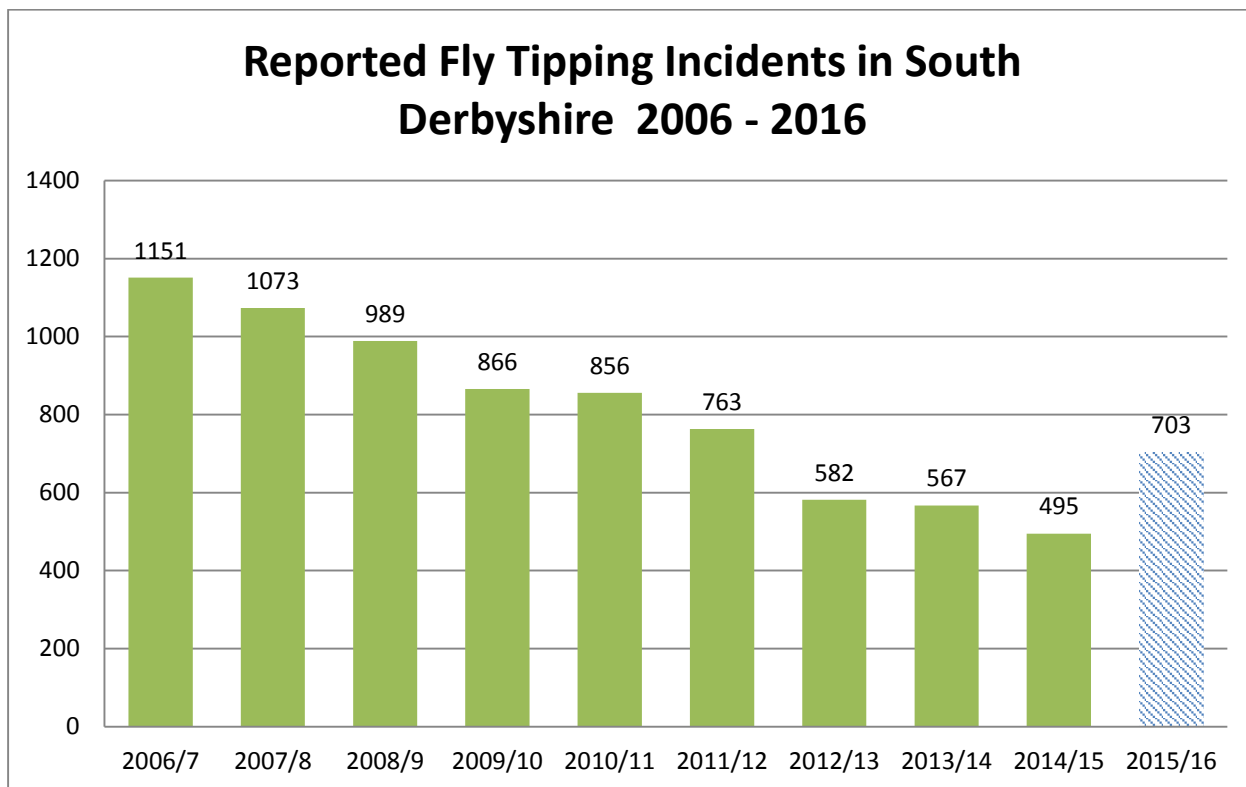
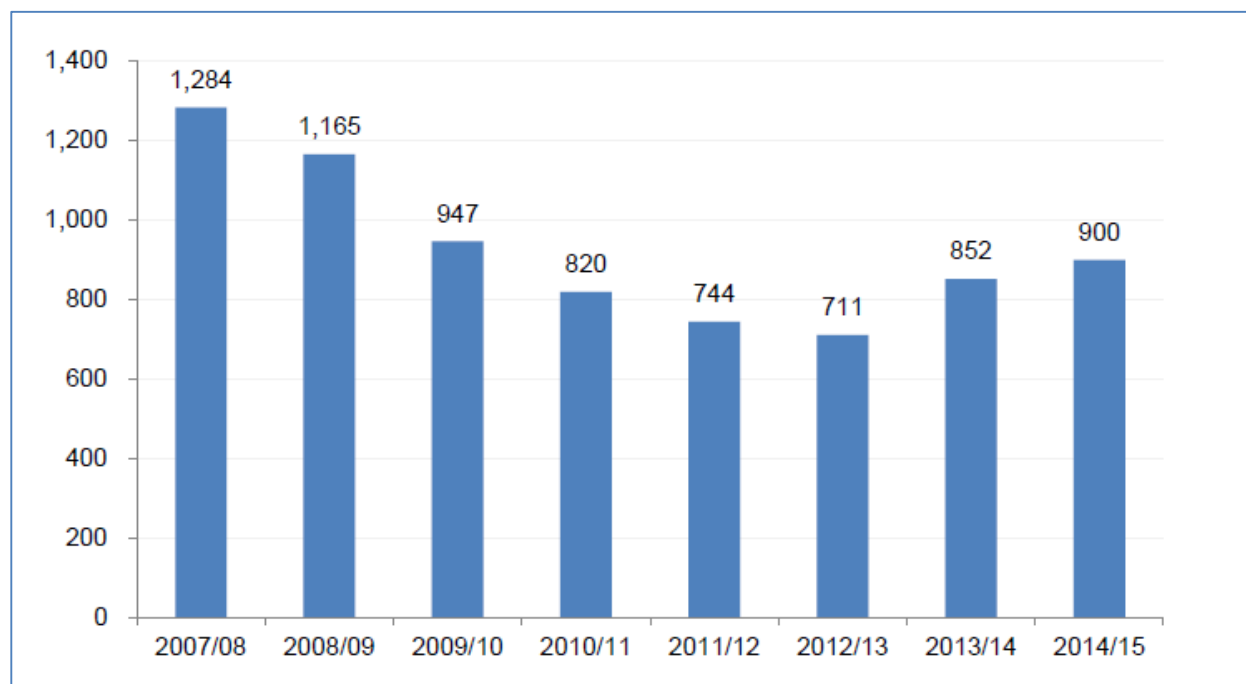


Figure 2 – Long Term National Trend in Reported Fly tips (in Thousands)



4.3 There are no clear reasons for either the national or local increases. The majority of fly tips in South Derbyshire consist of relatively small quantities (less than a 'van full') of domestic waste, although we are investigating a small number of very substantial incidents which are linked to the activities of major crime syndicates. We have good

intelligence to indicate that the majority of the small scale incidents are due to householders dumping material due to their perception of the inconvenience of visiting Household Waste Recycling Centres. We also suspect that there are a small number of 'man in van' operators working in the District who are removing household waste for cash in hand and disposing of the material illegally.

- 4.4 In response to the increase in fly-tipping, the Safer Neighbourhood Wardens team has directed their focus over the last 6 months on carrying out detailed investigations into each fly-tip where there are significant potential leads.
- 4.5 As a result they have secured four successful prosecutions since June 2015. They have also issued three simple cautions where they have also charged the offender for the total costs of the clean-up.
- 4.6 On average, across all of these cases the overall costs of clean-up plus investigation have been in the region of £300 where a caution is issued, and has been in the region of £1,500 where a case has been prosecuted.
- 4.7 The decision about whether to prosecute an offender or to issue them with a simple caution is based on guidance contained within the Councils' Enforcement Policy. This requires the officer to consider a multiple range of factors including how deliberate or negligent the act was; the degree of harm caused; the relative seriousness of the offence; the impact on the community; the public interest of a prosecution and the quality of the evidence.
- 4.8 The potential use of FPNs for fly-tipping is seen by officers as being a valuable additional tool. In the case of all three cautions recently issued the case officer has confirmed that they would have issued an FPN had the option been available.
- 4.9 SDDC proposes to adopt the use of FPNs for fly tipping offences and proposes to implement the costs outlined in Table 2.

Table 2 - Proposed Fixed Penalty Notice Charges for Fly-tipping Offences

Nature of Offence	Statute	Maximum Permitted Charge	SDDC Charge	Charge for early payment
Unauthorised deposit of waste	Environmental Protection Act 1990, s33ZA(1)	£400	£400	£280

5. Financial Implications

- 5.1 Minor beneficial. There will be a small printing cost in the production of new FPNs. There is also likely to be a small additional income (estimated to be up to £2000 per year) as a result of payments of the FPNs.

6. Corporate Implications

- 6.1 The proposals align with the "People – Keeping Residents Safe and Happy" theme of the 2016-21 draft Corporate Plan and in particular it aligns with the key aim to "Use existing tools and powers to take appropriate crime enforcement action".

7. Community Implications

7.1 Beneficial. Fly tipping is a blight on our communities and one of the most regular causes of concern to residents in our rural communities.

8. Conclusion

8.1 The proposal seeks Member agreement for the use of new powers to tackle fly tipping and seeks to use the highest available penalty fee. The use of the new powers will offer investigating officers a much wanted middle ground between issuing a caution or taking a prosecution.

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	14th APRIL 2016	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES/ DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES	OPEN
MEMBERS' CONTACT POINT:	STUART BATCHELOR (Ext. 5820) MIKE HAYNES (Ext. 5775)	DOC:
SUBJECT:	WORK PROGRAMME 2015/16	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: N/A

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

**Environmental & Development Services Committee –14th April 2016
Work Programme 2015/16**

Work Programme Area	Date of Committee meetings	Anticipated completion date	Submitted to Council target date	Contact Officer (Contact details)
Fixed Penalty Notice sanctions under the Unauthorised Deposit of Waste (Fixed Penalty) Regulations	14 th April 2016			Matt Holford Environmental Health Manager (01283 595856)
Local Development Scheme	14 th April 2016			Nicola Sworowski Planning Policy Manager (01283 595983)
Local Plan Part 2	14 th April 2016			Nicola Sworowski Planning Policy Manager (01283 595983)
Adoption of Charitable Collections Policy	14 th April 2016			Emma McHugh Senior Licensing Officer (01283 595716)
Film Classifications Under Licensing Act 2003 2003	14 th April 2016			Emma McHugh Senior Licensing Officer (01283 595716)