



Dr J Ives
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Our Ref
Your Ref

Date: 14 June 2023

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, 22 June 2023** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,

Chief Executive

To:-

Labour Group

Councillor S Bambrick (Chair) and Councillor M Gee (Vice-Chair)
Councillors A Archer, J Carroll, S Harrison, A Haynes, I Hudson, J Jackson,
A Jones, J 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 Fitzpatrick, M Ford, K Haines, A Kirke, J Lowe,
D Muller and P Watson.

Non-Grouped

Councillor A Wheelton.



AGENDA

Open to Public and Press

- 1 Apologies.
- 2 To report the election of Members at the Hilton By-Election held on 15 June 2023.
- 3 To confirm the Open Minutes of the following Council Meetings:

Annual Council 18 May 2023 **4 - 20**

Civic Council 25 May 2023 **21 - 22**
- 4 To receive any declarations of interest arising from any items on the Agenda
- 5 To receive any announcements from the Chair, Leader and Head of Paid Service.
- 6 To receive any questions by members of the public pursuant to Council Procedure Rule No. 10.
- 7 To receive any questions by Members of the Council pursuant to Council Procedure Rule No. 11.
In accordance with Council Procedure Rule No.11 Councillor **23 - 24**
Fitzpatrick will ask the Leader of the Council the following question
- 8 To consider any notices of motion in order of which they have been received.
- 9 **SHARED PROSPERITY FUND** **25 - 35**
- 10 To receive and consider the Open Minutes of the following Committee meetings:

Planning Committee 23 August 2022 **36 - 43**

Planning Committee 20 September 2022 **44 - 48**

	Etwall Joint Management Committee 11 January 2023	49 - 50
	Etwall Joint Management Committee 26 April 2023	51 - 53
11	POLITICAL PROPORTIONALITY	54 - 56
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: Annual Council 18 May 2023	
18	To receive any exempt questions by Members of the Council pursuant to Council Procedure Rule No. 11.	
19	To receive and consider the Exempt Minutes of the following Committee meeting: Etwall Joint Management Committee 26 April 2023	

MINUTES of the ANNUAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 18 May 2023
at 6.00pm

PRESENT:

Councillor Bambrick (Vice-Chair) and Councillors Archer, Gee, Harrison, Haynes, Hudson, Jackson, A Jones, J. Jones, L Mulgrew, M Mulgrew, Pearson, Pegg, Redfern, Rhind, Shepherd, Singh, Storey, Stuart, Taylor, A Tilley and N Tilley.

Conservative Group

Councillors Atkin, Corbin, Fitzpatrick, Ford, Haines, Kirke, Lowe, Muller, and Watson.

Non-Grouped

Councillor Wheelton

CL/1 **COUNCILLOR GILLIAN LEMMON**

A minute's silence was held in memory of Councillor Gillian Lemmon and Members paid tribute to her service and dedication.

CL/2 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Carroll (Labour Group).

CL/3 **ELECTION**

The election of the following Members at the District Council Elections held on 04 May 2023 was reported to Council:

Aston Ward

Neil Kenneth Atkin
Daniel Corbin
Peter Watson

Church Gresley Ward

Alan Steven Haynes
Gordon Edgar Rhind
Benjamin Stuart

Etwall Ward

Andrew William Kirke
David Colin Muller

Hatton Ward

Julie Jackson

Linton Ward

Daniel Arthur Pegg-Legg
Alistair Brian Tilley

Melbourne Ward

Jane Dunster Carroll
Martin Fitzpatrick

Midway Ward

Alan Mercer Jones
Louise Ann Mulgrew
Robert William Pearson

Newhall and Stanton Ward

Sarah Anne Harrison
Sean Andrew Bambrick
Kalila Fiona Storey

Repton Ward

Kerry Marie Haines
James Anthony Lowe

Seales Ward

Gareth Leslie Jones
Amy Wheelton

Stenson Ward

David Geoffrey Shepherd
Lakhvinder Pal Singh

Swadlincote Ward

Yvonne Nora Heath
Michael Edward Mulgrew
Neil Anthony Tilley

Willington and Findern Ward

Martyn Ford
Ian Mark Hudson

Woodville Ward

Angela Archer
Malcolm Arthur Gee
Stephen Taylor

CL/4 **MINUTES OF COUNCIL**

The Open Minutes of the Council Meeting held on the 13 April 2023 (CL138/-CL/156) were approved as a true record.

CL/5 **DECLARATIONS OF INTEREST**

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

CL/6 **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 and Councillor Corbin was interim Leader of the Conservative Group.

RESOLVED:

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

Abstentions: Councillors Atkin, Corbin, Fitzpatrick, Ford, Haines, Kirke, Lowe, Muller, and Watson.

CL/7 **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 and Councillor Haines was the Deputy Leader of the Conservative Group.

RESOLVED:

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

Abstentions: Councillors Atkin, Corbin, Fitzpatrick, Ford, Haines, Kirke, Lowe, Muller, and Watson.

CL/8 **ANNOUNCEMENTS FROM THE CHAIR**

The Vice-Chair of the Council congratulated all new and re-elected Councillors.

CL/9 **ANNOUNCEMENTS FROM THE LEADER**

The Leader of the Council joined the Chair in congratulating and welcoming all new Councillors and thanked those who elected him as Leader of the Council and thanked the Returning Officer for a flawless Election.

The Leader of the Council introduced and welcomed the new Chief Executive and noted the attendance of the new Strategic Director (Corporate Resources) who was to join the Council on 05 June 2023.

CL/10 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive welcomed the new Members thanked the Leader for his kind words. Council was informed that the Hilton Ward by-election would take place on 15 June and that the count would follow on the same date at Hilton Village Hall.

Members were requested to sign the new IT Protocol Declaration to ensure that both Members and the Council were protected.

CL/11 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/12 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received.

CL/13 **NOTICES OF MOTION IN ORDER OF WHICH THEY WERE RECEIVED**

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

CL/14 **ADOPTION OF MEMBERS CODE OF CONDUCT**

The Monitoring Officer presented the report to Council noting the Local Government Associations changes to the model Code of Conduct for

Members. The Monitoring Officer sought approval of the recommendations within the report.

Councillor Fitzpatrick sought clarity regarding the recruitment of Independent Persons.

The Monitoring Officer informed Council that it was a requirement of the Localism Act that each authority had at least one Independent Person and explained that South Derbyshire District Council had two. .

Councillor Pearson welcomed the report and noted the importance for Members to abide by Code of Conduct as it protected both the public and Members.

RESOLVED:

1.1 Council adopted the Local Government Association's (LGA) Model Councillor Code of Conduct ('the Code') (attached as Appendix 1 to the report) and its associated documents.

1.2 Council approved delegated authority to the Monitoring Officer, to review the role, re-appointment and/or recruitment of future Independent Persons.

CL/15 **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:

Council received the Annual Report of the Overview and Scrutiny Committee for 2022/23

CL/16 **TEMPORARY APPOINTMENT OF DISTRICT COUNCILLORS TO PARISH COUNCILS - DALBURY LEES PARISH COUNCIL AND STENSON FIELDS PARISH COUNCIL**

The Chief Executive presented the report to Council and outlined the recommendations.

RESOLVED:

1.1 Council approved that the Chief Executive be authorised to appoint District Councillors to Dalbury Lees Parish Council and Stenson Fields Parish Council, in accordance with the procedure set out in Appendix 1 to the report.

1.2 Council approved that the Chief Executive report any such appointments to the next meeting of Council.

CL/17 CYCLE OF MEETINGS 2023/24

The Monitoring Officer presented the report to Council and sought approval for the 2023/24 Cycle of Meetings.

RESOLVED:

1.1 In accordance with Council Procedure Rule No. 1.1 (g) of the Council's Constitution, Council approved the Cycle of Meetings for 2019/2020 (Appendix A to the report).

CL/18 POLITICAL PROPORTIONALITY

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) Council approved and adopted the recommended allocation of seats to the Political Groups for the municipal year 2023/24.***
- (2) Council allocated seats between the Political Groups as set out at Annexe 'A' of the report and invited the two Groups to make nominations to fill the seats.***

CL/19 APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2023/24

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2023/24.

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 be approved as indicated.***

CL/20 COMPOSITION OF SUBSTITUTE PANELS

Members reviewed the composition of the Substitute Panels for 2023/24.

RESOLVED:

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

CL/21 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2023/24**

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 2023/24 as set out at Annexe “D” to these Minutes.

CL/22 **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 2023/24 as set out in Annexe “E” to these Minutes.

CL/23 **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***

CL/24 **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 on 13 April 2023 (Minute Nos.CL/157-CL/159) 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

VICE-CHAIR OF THE DISTRICT COUNCIL

COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS

2023/24

FINANCE AND MANAGEMENT COMMITTEE (13)

Labour Group (8)

Councillor Pearson (Chair), Councillor Singh (Vice-Chair)
Councillors Harrison, M Mulgrew, Rhind, Taylor, N Tilley, and Stuart.

Conservative Group (4)

Councillors Corbin, Fitzpatrick, Ford and Muller

Vacancy (1)

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13)

Labour Group (8)

Councillor Taylor (Chair), Councillor Storey (Vice-Chair)
Councillors Archer, Hudson, Jackson, A Tilley, Redfern, and Stuart

Conservative Group (3)

Councillors Fitzpatrick, Haines and Watson

Non-Grouped (1)

Councillor Wheelton

Vacancy (1)

HOUSING AND COMMUNITY SERVICES COMMITTEE (13)

Labour Group (9)

Councillor Rhind (Chair), Councillor M Mulgrew (Vice-Chair)
Councillors Archer, Harrison, Haynes, Jackson, Pegg, Shepherd and A Tilley

Conservative Group (3)

Councillors Corbin, Ford and Kirke

Vacancy (1)

PLANNING COMMITTEE (13)

Labour Group (8)

Councillor G Jones (Chair), Councillor Shepherd (Vice-Chair)
Councillors Carroll, Gee, Hudson, A Jones, L Mulgrew and Storey

Conservative Group (3)

Councillors Haines, Lowe and Watson

Non-Grouped (1)

Councillor Wheelton

Vacancy (1)

LICENSING AND APPEALS COMMITTEE (15)

Labour Group (10)

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

Conservative Group (4)

Councillors Corbin, Haines, Kirke and Muller

Vacancy (1)

OVERVIEW AND SCRUTINY COMMITTEE (8)

Labour Group (5)

Councillor Bambrick (Chair), Councillor Gee (Vice-Chair)
Councillors A Jones, G Jones and L Mulgrew

Conservative Group (2)

Councillors Atkin and Lowe

Vacancy (1)

STANDARDS COMMITTEE (6)

Labour Group (4)

Councillors Pearson, Singh, Taylor and N Tilley

Conservative Group (1)

Councillor Haines

Vacancy (1)

JOINT CONSULTATIVE COMMITTEE (5)

Labour Group (3)

Councillors Pearson and N Tilley

Conservative Group (1)

Councillor Ford

Vacancy (1)

Councillor

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)

Labour Group (2)

Councillors Shepherd and Singh

Conservative Group (1)

Councillor Muller

AUDIT SUB-COMMITTEE (5)

Labour Group (3)

Councillor Shepherd (Vice-Chair)

Councillors A Jones and A Tilley

Conservative Group (1)

Councillor Atkin

Non-Grouped (1)

Councillor Wheelton (Chair)

HERITAGE GRANTS SUB-COMMITTEE (4)

Labour Group (3)

Councillors Taylor and N Tilley

Conservative Group (1)

Councillor Muller

SOUTH DERBYSHIRE COMMUNITY GRANT FUND GRANTS PANEL(5)

Labour Group (3)

Councillors Pearson, Rhind and Taylor

Conservative Group (2)

Councillor Corbin and Fitzpatrick

LOCAL PLAN WORKING GROUP (5)

Labour Group (3)

Councillors Storey, Taylor and A Tilley.

Conservative Group (2)

Councillors Haines and Watson.

EMPLOYEE HEALTH AND SAFETY COMMITTEE (2)

Labour Group (1)

Councillor Taylor

Conservative Group (1)

Councillor Watson

ASSETS OF COMMUNITY VALUE PANEL (2)

Labour Group (1)

Councillors Singh

Conservative Group (1)

Councillor Ford.

SUBSTITUTE PANELS 2023/24

FINANCE AND MANAGEMENT COMMITTEE (13)

Labour Group (8)

Councillors Archer, Jackson, Haynes Hudson, Pegg, Redfern, Storey and A Tilley

Conservative Group (4)

Councillors Haines, Kirke and Watson

Vacancy (1)

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13)

Labour Group (8)

Councillors Carroll, Harrison, Haynes, Mulgrew M, Pearson, Shepherd, Singh and N Tilley

Conservative Group (3)

Councillors Corbin, Ford and Kirke

Vacancy (1)

HOUSING AND COMMUNITY SERVICES COMMITTEE (13)

Labour Group (9)

Councillors Carroll, Singh, Hudson, Pegg, Redfern, Stuart, Taylor and N Tilley

Conservative Group (3)

Councillors Fitzpatrick, Haines and Muller

Vacancy (1)

PLANNING COMMITTEE (13)

Labour Group (8)

Councillors Harrison, Jackson, M Mulgrew, Pearson, Rhind, Singh, A Tilley and N Tilley

Conservative Group (3)

Councillors Atkin, Corbin and Muller

Vacancy (1)

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)

Labour Group (2)

Councillors

Conservative Group (1)

Councillor Kirke

JOINT CONSULTATIVE COMMITTEE

Labour Group (2)

Councillors Rhind and Taylor

Conservative Group (1)

Councillor Fitzpatrick

HERITAGE GRANTS SUB-COMMITTEE (4)

Labour Group (3)

Councillors Rhind and Shepherd

Conservative Group (1)

Councillor Atkin

ASSETS OF COMMUNITY VALUE PANEL (2)

Labour Group (1)

Councillors Rhind

Conservative Group (1)

Councillor Fitzpatrick.

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS
REPRESENTATIVES OF THE COUNCIL
ON OUTSIDE BODIES FOR 2023/24**

Organisation	Representative(s)
1. Acre Lane, Shardlow Sand & Gravel Site Liaison Committee	Councillor Watson
2. Arts Derbyshire	Councillor Rhind
3. Active Derbyshire	Councillor Pegg
4. Association of Retained Council Houses Ltd. (ARCH)	Councillor Rhind Strategic Director (Service Delivery)
5. Central Midlands Audit Partnership Board	Councillor Wheelton (sub) Audit Sub-Committee Vice-Chair
6. Citizens Advice South Derbyshire and City (CASDAC)	Councillor Rhind
7. Community Arts Project (“People Express”) Management Committee	Councillor Archer
8. Community Transport (Swadlincote) Management Committee	Councillor N Tilley
9. D2 Joint Committee For Economic Prosperity	Councillor Pearson (sub) Councillor Taylor
10. Derby Airfield Consultative Committee	Councillor Hudson
11. Derby and Derbyshire Strategic Leadership Forum	Councillor Pearson (sub) Councillor N Tilley Chief Executive Monitoring Officer (sub)
12. Derby and Sandiacre Canal Trust Ltd	Councillor Watson
13. Derbyshire Hate Crime Practitioners Network Meeting	Councillor Singh
14. Derbyshire Health and Wellbeing Board	Councillor Archer
15. Derbyshire Partnership Forum	Councillor Pearson
16. Derbyshire Police and Crime Panel	Councillor Rhind (sub) Councillor M Mulgrew
17. East Midlands Airport Independent Consultative Committee	Councillor Taylor (sub) Councillor Storey
18. East Midlands Airport Liaison Committee	Aston, Melbourne, and Repton Ward Members
19. East Midlands Arts	Councillor Storey
20. East Midlands Councils	Councillor Pearson
21. East Midlands Freeport Limited	Leader of the Council

22. Environmental Education Project Steering Group	Councillor A Tilley
23. Goseley Community Centre Committee	Councillor Taylor Councillor Gee
24. Heart of the Forest Forum	Councillor Taylor
25. Hilton Harriers Mease Management Committee	Councillor Hudson
26. Homestart	Councillor Heath
27. Local Government Association (London)	Councillor Pearson (General Assembly) Councillor A Tilley (Rural Commission) Councillor Taylor (Urban Commission)
28. Local Government Information Unit	Councillor N Tilley (sub) Councillor Pearson
29. Melbourne Sporting Partnership	Strategi Director (Service Delivery)
30. New Albion Revised Liaison Committee	Councillor Taylor
31. Parking and Traffic Regulations (outside London) Adjudication Joint Committee	Councillor Gee
32. Relate	Councillor Archer
33. Rosliston and Caldwell Village Hall Management Committee	Councillor A Tilley
34. Rosliston Forestry Centre Management Executive	Councillor Taylor
35. Rosliston Forestry Community Group	Councillor Wheelton
36. Safer South Derbyshire Partnership Strategic Group	Councillor Pearson (sub) Councillor N Tilley
37. Shardlow Heritage Trust Council of Management	Councillor Watson
38. Sharpe's Pottery Heritage & Arts Trust Ltd.	Councillor Taylor Project Liaison Officer
39. Sir John Port and John Osbourne Almshouses Charitable Trust	Councillor Hudson
40. Social Care Forum	Councillor Rhind
41. South Derbyshire CVS	Councillor Rhind
42. South Derbyshire Music Trust Management Committee	Councillor Taylor
43. South Derbyshire Partnership	Councillor Pearson Councillor Corbin Strategic Director (Service Delivery)

44. South Derbyshire Strategic Sports Group	Councillor A Haynes (sub) Councillor N Tilley
45. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee	Councillor Watson
46. Toyota Community Liaison Committee	Councillor Taylor
47. Willshee's Skip Hire Ltd Site Liaison Committee	Councillor A Tilley
48. Central Building Control Partnership – Partnership Advisory Board	Councillor Taylor

ANNEXE E

MEMBER CHAMPIONS 2023/24

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	Council Muller
Environment, Waste & Recycling	Councillor Taylor
Equality & Diversity	Councillor Singh
Health & Safety	Councillor Taylor Councillor Watson
Health & Wellbeing	Councillor Bambrick
Historic Environment	Councillor N Tilley
Information Technology	Councillor Harrison
Older People	Councillor Gee
Performance & Data Quality	Councillor Pearson
Procurement & Business Improvement	Councillor N Tilley
Risk Management	Councillor Taylor
Safeguarding	Councillor Pegg
Training	Councillor N Tilley Councillor Kirke
Voluntary Sector	Councillor Shepherd
Young People	Councillor Archer

MINUTES of the CIVIC MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Town Hall, The Delph, Swadlincote
on Thursday, 25 May 2023
at 6.00pm

PRESENT:

Labour Group

Councillor Bambrick (Chair) and Councillor Gee (Vice-Chair) and Councillors Archer, Haynes, Heath, Hudson, A Jones, G Jones, L Mulgrew, M Mulgrew, Pearson, Rhind, Shepherd, Singh, Storey, Stuart, Taylor, A Tilley and N Tilley.

Conservative Group

Councillors Atkin, Corbin, Ford, Haines, Lowe, Muller and Watson.

Non-Grouped

Councillor Wheelton

CC/1

APOLOGIES

Council was informed that apologies had been received from Councillors Carroll, Harrison, Jackson and Pegg (Labour Group) and Councillors Fitzpatrick and Kirke, (Conservative Group).

CC/2

TO ELECT THE CHAIR OF THE COUNCIL

It was proposed and seconded that Councillor Bambrick be elected as Chair of the Council for the 2023/24 local government year.

RESOLVED:

That Councillor 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/3

TO ELECT THE VICE-CHAIR OF THE COUNCIL

It was proposed and seconded that Councillor Gee be elected as Vice-Chair of the Council for the 2023/24 local government year.

RESOLVED:

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

(Councillor Gee then made the Declaration of Acceptance of Office of Vice-Chair and thanked Members for the honour conferred upon him).

CC/4 **CHAIR'S COMMUNICATIONS AND OTHER ANNOUNCEMENTS**

The Chair named Miles for Smiles as the Chair's Charity for the ensuing year.

CC/5 **LONG SERVICE AWARDS TO MEMBERS OF THE COUNCIL**

The Chair invited the Chief Executive to present long service awards to the following Members who had completed 25 years of service.

- Retired Councillor Kevin Richards
- Retired Councillor Trevor Southerd
- Councillor David Shepherd
- Councillor Stephen Taylor

CC/6 **LONG SERVICE AWARDS TO MEMBERS OF STAFF**

The Chief Executive presented a Long Service Award to Sharon Cole, 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 Alan Barrett, Angela Hinds and Linda Roberts; they were not able to attend the meeting in person.

CC/7 **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 18:20 hours.

COUNCILLOR S BAMBRICK

CHAIR OF THE DISTRICT COUNCIL

In accordance with Council Procedure Rule No.11 Councillor Fitzpatrick will ask the Leader of the Council the following question:

“With the written permission of Miss Claire Cadd, I would like to ask a question of the Leader of the Council regarding Miss Cadds’ experience of our council housing service.

I first met Miss Cadd, when I supported a fundraiser for Miss Cadds’ daughter Poppy in Summer 2021. Poppy has a very rare disease called Canavans, a disorder that damages the ability of nerve cells in the brain to send and receive messages. The villagers of Hatton have raised tens of thousands of pounds to support Poppy in her need of pioneering surgery in the United States.

In February 2022 I was contacted again by the family who had recently been accepted onto our housing register as a priority case and had bid for a property in Hatton where they needed to be close to their family support network.

They were unsuccessful in this first bid and in March 2022 asked about a second property in the area which already had some adaptations with a ramp and wet room. This property was not offered to the family either.

By July 2022, I was involved again in trying to help when the family asked about a property on Appletree Road in Hatton which was described as “being empty for some time”.

The family were keen to move into Appletree Road, but they claim that they were told that property would be too expensive to modify and that SDDC officers were looking at a more “suitable” property for them.

In Sept 2022 an offer of a property in Mickleover was made but because of the distance away from family this was not accepted. The family also asked that an empty ground floor flat in Hatton be considered for them.

In Oct 2022 after further assessment work by other agencies, a decision was made that the property at Appletree Road could meet the family’s needs and in Nov 22, the family accepted this without adaptations (due to waiting list for assessments). A schedule of other works was identified at the property.

By March 2023, I tried to move things on at SDDC with the hope that works could be completed by the end of the month. However, in both April and May 2023 further works are identified at the property which again prevented a handover.

The last issue was the need for a new EPC certificate and on Friday 26th May the family accepted the keys with an agreement that decoration would not be carried out by SDDC and that in lieu, decoration vouchers would be supplied to support their own decorating efforts.

The family with their supporters started the decoration works immediately only to find that huge chunks of plaster fell off the walls and that exposed electrical works and some incorrect pipework in the kitchen prevented them from completing several tasks.

This month, remedial works have been carried out by SDDC/Novus, which will finally let the family move into the property.

Although the family are now pleased to be in a property close to their support network, they do describe the process that they have been through as traumatic and highly stressful. At a time when they had a disabled daughters needs to attend to our processes and multiple delays caused them unnecessary added pressures and they hope that no other family has to go through the same ordeal to find a council property in South Derbyshire.

It also seems highly ironic to them that a property they identified themselves as long ago as July 2022 has taken nearly a year to become available to them and this is without the adaptations that Poppy will need as she grows and which will have to be fitted later.

I recognise that officers at SDDC have worked very hard on this case and I am in no way questioning their efforts. Despite these best efforts I am left with the feeling that we have failed this family and in presuming that the Leader of the Council agrees with me that this level of service to a family with a disabled child is not acceptable, can he please advise this council of what lessons can be learnt from this case and how we can improve our service in this area.”

REPORT TO:	FULL COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	22 JUNE 2023	CATEGORY:
REPORT FROM:	CHIEF EXECUTIVE	CATEGORY: OPEN
MEMBERS' CONTACT POINT:	DR JUSTIN IVES (01283 595700) justin.ives@southderbyshire.gov.uk	DOC:
SUBJECT:	SHARED PROSPERITY FUND	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That Members authorise the District Council to enter into a revised Memorandum of Understanding with the Secretary of State for Levelling Up, Housing and Communities regarding the administration and delivery of the UK Shared Prosperity Fund.
- 1.2 To grant authority to the Chief Executive, in consultation with the Leader of the Council, to finalise the terms of the agreement with Government.

2. Purpose of the Report

- 2.1 This report seeks Member's authorisation to agree a revised Memorandum of Understanding between the Secretary of State for Levelling Up, Housing and Communities and South Derbyshire District Council regarding the administration and delivery of the Shared Prosperity Fund investment plan for South Derbyshire.

3.0 Detail

Background

- 3.1 A report to Environmental and Development Services Committee on 10 November 2022 and Finance and Management Committee on 24 November 2022 outlined the Government's Shared Prosperity Fund programme and investment priorities. It set out the District Council's role as lead local authority, accountable for the delivery of the Fund in South Derbyshire, including preparation of an Investment Plan and facilitation of a local partnership group. Members also approved the creation of two new posts that would operate until the conclusion of the programme in March 2025.
- 3.2 A report to Council on 19 January 2023 approved the Shared Prosperity Fund Investment Plan for South Derbyshire, including the Rural England Prosperity Fund Addendum. Authority was delegated to a grant panel to approve funding awards to community organisations and to the Section 151 Officer to approve grant awards to businesses.

Memorandum of Understanding

- 3.3 In order to receive the Shared Prosperity Funds from Government, the District Council was required to enter into a Memorandum of Understanding (MoU) with the Secretary of State for Levelling Up, Housing and Communities. Members endorsed the original MoU as part of the report to Council on 19 January 2023.
- 3.4 In May 2023 the Government issued a revised MoU and has required local authorities to sign this in order to receive further payments from the Shared Prosperity Fund. A copy of the revised MoU can be found at Appendix A.
- 3.5 Section 6 of the MoU has been added setting out the conditions and expectations for Rural England Prosperity Fund (REPF) allocations, along with minor changes to Sections 1.3, 2.1, 3.2, 3.4, 4.1, 5.6, 5.12, 7.3, 9.2.2, 9.3 to include references to REPF.
- 3.6 In addition, Sections 4.2 and 9.2.2 place additional reporting obligations on local authorities, ensuring that the funding has been used in accordance with World Trade Organisation (WTO) rules in respect of support for agricultural producers.

4.0 Financial Implications

- 4.1 There are no financial implications arising directly from this report.
- 4.2 The MoU sets out the Accountable Body requirements placed upon the District Council, including: Reporting; Financial arrangements; Branding and communication; Evaluation; and Assurance.

5.0 Corporate Implications

Legal Implications

- 5.1 Legal support will be required to procure and contract with service providers and grant recipients, and to advise on matters such as Subsidy Control.

Corporate Plan Implications

- 5.2 The Shared Prosperity Fund has the potential to contribute to:
- 'Our Environment' which aims to keep a clean, green District for future generations – work with residents, businesses and partners to reduce their carbon footprint; and, enhance the appeal of Swadlincote town centre as a place to visit.
 - 'Our People' which aims to work with communities and meet the future needs of the District – support and celebrate volunteering, community groups and the voluntary sector; help tackle anti-social behavior and crime through strong and proportionate action; and, support social mobility to ensure people have the opportunity to access skilled jobs, higher and further education.
 - 'Our Future' which aims to grow our District and our skills base – support unemployed residents back into work; and, encourage and support business development and new investment in the District.

Risk Impact

- 5.3 There is a risk that if the Shared Prosperity Fund projects and programmes are not delivered in accordance with the funding profile, the underspend will have to be returned to Government.

6.0 Community Impact

Consultation

- 6.1 Consultations have been undertaken with local partner organisations and preparation of the Investment Plan also drew on recently completed surveys of local companies and town centre businesses.

Equality and Diversity Impact

- 6.2 Activities supported by the Shared Prosperity Fund are expected to have a range of positive equality and diversity impacts, particularly relating to enhancing employability. These will be determined through the award of grants and contracts to support activities.

Social Value Impact

- 6.3 Activities supported by the Shared Prosperity Fund are expected to have a range of positive social value impacts, particularly linked to enhancing employment. These will be determined through the award of grants and contracts to support activities.

Environmental Sustainability

- 6.4 Environmental sustainability considerations are a key feature of the programme, with consideration to be given to the extent to which activities contribute to the Government's net zero and nature recovery objectives, and their impact on natural assets and nature and support for green growth.

7.0 Conclusions

- 7.1 The Council has been designated as the lead local authority for the co-ordination of the Shared Prosperity Fund in South Derbyshire. The Fund aims to address local priorities, building pride in place, supporting high quality skills training, supporting pay, employment and productivity growth and increasing life chances.

8.0 Background Papers

UK Shared Prosperity Fund Prospectus
Rural England Prosperity Fund Prospectus

Appendices

- A. Revised Memorandum of Understanding between the Secretary of State for Levelling Up, Housing and Communities and South Derbyshire District Council regarding the administration and delivery of the UK Shared Prosperity Fund.

APPENDIX A

MEMORANDUM OF UNDERSTANDING

Between

The Secretary of State for Levelling Up, Housing and Communities

-and-

[South Derbyshire District Council]

1. Purpose

- 1.1. This Memorandum of Understanding (MOU) sets out the terms that will apply to the relationship between the Secretary of State for Levelling Up, Housing and Communities (the Secretary of State) and [Name of Local Authority] (the Lead Local Authority) regarding the administration and delivery of the UK Shared Prosperity Fund (UKSPF).
- 1.2. This MOU will be for the period April 2023 to March 2025. Changes will be made only where signatories deem it necessary.
- 1.3. The MOU sets out the universal fund wide conditions and expectations for appropriate spend of the UKSPF allocations, including the core allocations in England Scotland and Wales, Multiply allocations in Scotland and Wales, and REPF allocations in England.
- 1.4. This MOU is not intended to create legal or binding obligations. It describes the understanding between both parties for the use of funding specified in section 3 of this agreement.

2. Background

- 2.1. The UKSPF was launched on the 13 April 2022. The Secretary of State has signed-off the Lead Local Authority's investment plan. The Secretary of State for the Environment, Food and Rural Affairs has signed-off eligible Local Authorities' Rural England Prosperity Fund (REPF) addenda. References to the investment plan within this MOU mean the UKSPF investment plan, together with the Defra approved REPF addendum.
- 2.2. This MOU covers the funding commitments from the Secretary of State and the delivery, financial expenditure, agreed milestones, reporting and evaluation, communications and branding expectations between the Parties and the steps the Secretary of State could take in the event of underperformance if required.

- 2.3. The Secretary of State has published guidance on the delivery of the UKSPF, referred to in this document as the [UKSPF Additional Information](#). References to the UKSPF Additional Information includes any updates that may be published from time to time. The Secretary of State will notify the Lead Local Authority of any changes to the Additional Information and, if necessary, provide guidance on how changes are to be managed.

3. Purpose of the Funding

- 3.1. The core UKSPF allocation remains as set out in the published [UKSPF allocations](#) and is being provided to deliver the Fund's priorities, outputs and outcomes as set out in the investment plan and accompanying expenditure and deliverables spreadsheets agreed by the Secretary of State or subsequently agreed by the Secretary of State as per section 9.
- 3.2. The REPF allocation remains as set out in the published [REPF allocations](#) and is being provided to deliver the Fund's priorities, outputs and outcomes as set out in the investment plan addendum agreed by the Secretary of State for the Environment, Food and Rural Affairs.
- 3.3. Funding should be used to meet the costs of implementing your investment plan. The Lead Local Authority can make changes to the investment plan agreed by the Secretary of State. The scale, type and process for making changes is set out in published guidance.
- 3.4. Details of the annual funding allocation for both UKSPF and REPF, broken down into capital and revenue funding, will be confirmed in the annual grant determinations.

4. Reporting

- 4.1 As part of the delegated delivery model, the Lead Local Authority will provide 'light touch' reporting on UKSPF and REPF funding, as set out in the [UKSPF Additional Information](#).
- 4.2 To comply with World Trade Organization (WTO) reporting obligations, local authorities must follow guidance on WTO rules and reporting requirements in respect of support for agricultural producers.

5. Financial Arrangements

- 5.1. The agreed funds will be issued to the Lead Local Authority as grant payments under Section 50 of the United Kingdom Internal Markets Act 2020 ('UKIM').

- 5.2. Payment of the funding for 2023-2024 will be made after investment plans have been agreed and this MoU is signed.
- 5.3. Grant Determination Letters (GDL) will be provided following confirmation of the annual payment for each year until 2025.
- 5.4. The Lead Local Authority will provide regular reporting using the process established by the Secretary of State and set out in the UKSPF Additional Information demonstrating expenditure and that outputs and outcomes are being met in line with the original investment plan, or investment plan amended under section 9. Or failing that, there is a realistic plan to address underperformance.
- 5.5. Funding for the years 2023-2024 and 2024-2025 will be paid annually provided that the information provided under paragraph 5.4 demonstrates delivery of forecast outputs, outcomes and spend for the previous financial year have been met, or failing that, there is a realistic plan to address underperformance.
- 5.6. UKSPF and REPF capital grant funding, as set out in grant determinations, may be used only for capital expenditure.
- 5.7. UKSPF revenue grant funding may be used for revenue or capital expenditure, in line with the Lead Local Authority's accounting practices
- 5.8. Release of payments for the financial year 2023-24 and 2024-2025 is dependent on the submission of a Statement of Grant Usage for 2022-23 and 2023-2024 spend and corresponding reporting and monitoring returns, signed by a S151 Officer (appointed under the Local Government Act 1972) or S95 Officer (appointed under the Local Government (Scotland) Act 1973)
- 5.9. This information will be taken into consideration by the Secretary of State before subsequent payments to the Lead Local Authority are finalised and paid. The Secretary of State reserves the right to reduce payments or withhold payments where there are concerns over delivery.
- 5.10. The Secretary of State retains the right to withhold annual instalments until receipt of credible plans demonstrating revised delivery to achieve expected targets. This might include requirements that set out how the Lead Local Authority will utilise underspends in the next year and/or appropriate milestones and spend have been achieved for the previous year.
- 5.11. Further to this, if the Secretary of State has concerns around future spending plans based on the experience of local delivery to date, or

wider financial issues or governance affecting delivery then the Secretary of State may pay in instalments or withhold future funding.

- 5.12. In the circumstance that the Lead Local Authority is a Combined Authority or is managing the distribution of UKSPF and REPF funding to a group of other local authorities, where a member of the Combined Authority or the local authority group becomes subject to a S114 Notice of the Local Government Finance Act 1988 or Statutory Commissioner Intervention of the Local Government Act 1999, the Lead Local Authority will be responsible for decisions on how funds aligned to such a member Authority are controlled and utilised.
- 5.13. No funding will be provided for activity after 31 March 2025. The Lead Local Authority must have spent all grant funding i.e. be able to include funding within the 2024-2025 accounts by the end of the funding period, 31 March 2025. Underspends in the final year of the programme will need to be repaid to the Secretary of State.
- 5.14. In accordance with the declaration signed by the Lead Local Authority's Section 151 (appointed under the Local Government Act 1972) or S95 Officer (appointed under the Local Government (Scotland) Act 1973) as part of the investment plan, the Lead Local Authority accepts responsibility for meeting any costs over and above the Secretary of State's contribution, agreed in the annual grant determination. This includes potential cost overruns and the underwriting of any funding contributions expected from third parties.

6. Additional conditions and expectations for Rural England Prosperity Fund (REPF) allocations

- 6.1 The REPF is a rural top-up to UKSPF allocations in eligible Local Authorities in England, for the period April 2023 to March 2025. REPF funds are to be treated in the same way as other UKSPF funding under this MOU, with the following additional conditions and expectations.
- 6.2 The REPF allocation will be included as capital funding in the Lead Local Authority's annual Grant Determination. As set out in paragraph 5.6 capital funding must be used only for capital expenditure. REPF funding cannot be spent on administration of the REPF. UKSPF revenue funding can be used to meet administration costs associated with REPF. The lead local authority will ensure that recipients of REPF funding utilise it for capital expenditure.
- 6.3 As set out in the REPF prospectus, the REPF allocation may be used only to fund projects in rural areas. To facilitate a consistent approach, Defra has provided information on boundaries via the [MAGIC maps](#)

application. Lead Local Authorities should refer to MAGIC maps to determine which places are deemed a rural area for REPF purposes.

6.4 The Lead Local Authority is expected to maintain ongoing engagement with rural business and community stakeholders throughout the lifetime of the REPF to ensure the delivery of the Fund responds to local rural needs and opportunities.

6.5 UKSPF (including REPF) funding in rural areas must not duplicate funding from Defra schemes including, but not limited to:

- The Farming in Protected Landscapes Programme (FIPL)
- The Farming Investment Fund (FIF)
- The Platinum Jubilee Village Hall Improvement Grant Fund

7. Branding and Communication

7.1. The Secretary of State has provided the Lead Local Authority with guidance on the Branding and Communication associated with UKSPF projects in the [UKSPF Additional Information](#).

7.2. The Parties agree to adhere to the guidance and any updates subsequently released by the Secretary of State or HMG on communications linked to UKSPF or wider levelling up funding.

7.3. The Lead Local Authority should publish information regarding the delivery of the UKSPF in its area e.g. by publishing a summary of the investment plan, including the investment proposed in the REPF addendum, and activities being funded in the area.

8. Evaluation

8.1. Monitoring and Evaluation will be carried out as set out in [UKSPF Additional Information](#).

8.2. The Lead Local Authority will support evaluation through capturing and providing relevant data and engaging with place and intervention level evaluations as stated within the [UKSPF Additional Information](#).

This will include but is not exclusive to the following main evaluation requirements:

8.2.1 Continuous monitoring and evaluation of progress aligned to the deliverables stated within the UKSPF Investment Plan submitted by the Lead Local Authority and approved by the Secretary of State;

- 8.2.2 Engaging with our evaluation partners to collect and provide additional quantitative data as required to support, where relevant, intervention and place-specific evaluations
- 8.3 As set out in the [UKSPF Additional Information](#) the Lead Local Authority is encouraged to undertake its own place-based evaluations of how the UKSPF has worked in their area, particularly process evaluation on individual projects, alongside any place-based case studies commissioned by DLUHC. For those Lead Local Authorities with large allocations, DLUHC requires a robust evaluation to support the centrally coordinated evaluation.
- 8.4 The Lead Local Authority agrees to undertake these activities using the administration costs for the Fund.

9. Assurance

- 9.1. The Secretary of State has set out the approach to assurance for the UKSPF in the [UKSPF Additional Information](#).
- 9.2. The Lead Local Authority is expected to have the necessary governance and assurance arrangements in place and that all legal and other statutory obligations and consents will be adhered to. The Lead Local Authority will provide the Secretary of State with the following via UKSPF reporting:
- 9.2.1. Details of the checks that the Chief Finance Officer has taken to assure themselves that the Lead Local Authority has in place the processes that ensure proper administration of financial affairs relating to their UKSPF allocation.
- 9.2.2. Confirmation that the Lead Local Authority has applied management controls that:
- mitigate the risk of fraud;
 - ensure funding has been used in accordance with UK subsidy control legislation;
 - ensure funding has been used in accordance with World Trade Organization rules in respect of support for agricultural producers
 - ensure that any procurement undertaken by a Contracting Authority using UKSPF and REPF funds has complied with public procurement rules;
 - ensure compliance with its statutory obligations under the Public Sector Equality Duty; and

- ensure that any personal data obtained in connection with UKSPF activities is handled in compliance with the Data Protection Act 2018.

9.3 As part of the first monitoring return (provided in May 2023) the Lead Local Authority will provide a summary statement of how it is:

- mitigating the risk of fraud;
- ensuring funding has been used in accordance with UK subsidy control legislation; and
- ensuring that any procurement undertaken by a Contracting Authority using UKSPF funds has complied with public procurement rules.

The Lead Local Authority will respond directly to questions addressing the local delivery of UKSPF and REPF and cooperate with the Secretary of State in any inquiries regarding the delivery of the UKSPF.

9.4 On an annual basis the Lead Local Authority will complete and return the templated Statement of Grant Usage letter.

10 Changes to agreed Investment Plan

10.1. The Lead Local Authority will notify the Secretary of State of any proposed non-material changes to the investment plan through the regular monitoring returns.

10.2. The Lead Local Authority will submit a change request if a change constitutes “A Material Change” as set out in the [UKSPF Additional Information](#).

10.3. Requests for material changes can be made to the Secretary of State as and when required. A template will be provided for the Lead Local Authority to use.

10.4. The Secretary of State recognises that not all change will meet the materiality threshold for a change request. However, the Lead Local Authority should report any change affecting the delivery of the funding as part of the usual reporting cycle. If the Lead Local Authority is not sure whether a change meets the materiality threshold they should consult with the Secretary of State for guidance.

10.5. All change requests must be signed off by the Lead Local Authority’s Section 151 (appointed under the Local Government Act 1972) or S95 Officer (appointed under the Local Government (Scotland) Act 1973) to testify that they are necessary and deliverable.

11. Compliance with the MOU

11.1 The Parties to this MOU are responsible for ensuring that they have the necessary systems and appropriate resources in place within their respective organisations to comply fully with the requirements of this MOU.

12. Changes to the MOU

12.1 The arrangements under this MOU will be kept under review. Amendments to this MOU may only be made upon written agreement between the Parties.

13. Resolution of Disputes

13.1 Any dispute that may arise as to the interpretation or application of this MOU will be settled by consultation between the parties

Signed on Behalf of the Lead Local Authority (by Chief Executive / Section 151 Officer):

Name:

Job Title:

Date:

Signed on Behalf of Secretary of State:

Two handwritten signatures in black ink. The first signature is 'J Blakely' and the second is 'Carmen Suarez Garcia'.

Name: Jessica Blakely/Carmen Suarez Garcia

Job Title: Directors: Levelling Up: Major Programmes

Date: 23 May 2023

PLANNING COMMITTEE

23 August 2022

PRESENT:

Labour Group

Councillor Shepherd (Vice-Chair)
Councillors Dunn, Rhind, Richards, Southerd and Taylor

Conservative Group

Councillors, Bridgen, Brown, Dawson, Haines, Muller and Smith

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Fitzpatrick

PL/51 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Tilley, Councillor Gee and Councillor Pearson (Labour Group) and Councillor Redfern (Labour Group)

PL/52 **DECLARATIONS OF INTEREST**

The Committee was informed that a declaration of personal interest had been received from Councillor Muller regarding item PL/62 by virtue of being a County Councillor.

The Committee was informed that declarations of personal interest had been received from Councillor Smith regarding items PL/58, PL/59 and PL/62 by virtue of being a County Councillor.

The Committee was informed that a declaration of personal interest had been received from Councillor Wheelton regarding item PL/60 by virtue of representations made.

PL/53 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEEPL/54 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members, as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/55 **APPROVAL OF DETAILS REQUIRED BY CONDITION 1 ATTACHED TO REF. DMPA/2020/0915 (TWO-STOREY SIDE AND SINGLE STOREY REAR EXTENSION ALONG WITH ATTACHED GARAGE) AT 247 HEARTHCOTE ROAD, SWADLINCOTE, DE11 9DU**

The Head of Planning and Strategic Housing presented the report to the Committee noting that Members had previously raised concerns regarding the use of Ash trees and requested that the applicant considered building a boundary wall at the rear of the property.

Members were content with the proposed species of replacement trees suggested by the applicant but raised concern that the boundary wall had not been considered.

RESOLVED:

That planning permission be approved as per the recommendations, subject to conditions, in the report of the Strategic Director (Service Delivery).

PL/56 **THE ERECTION OF LEISURE BUILDING WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT KNIGHTS LODGES, KNIGHTS LANE, BRETBY, BURTON ON TRENT, DE15 0RT**

The Head of Planning and Strategic Housing addressed the Committee and summarised the revised application which addressed concerns previously raised by Committee Members and reduced the size of the development, improved the visual impact and added additional tree planting.

The Head of Planning and Strategic Housing summarised points raised by the Applicant's Agent who had attended a previous Committee meeting and noted that the Parish Council raised no further objections following a full consultation period.

Members noted the amendments and improved proposals and discussed the possibility of restricting future permitted development rights.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition that removed permitted development rights for any further external changes.

PL/57 **RETROSPECTIVE APPLICATION FOR THE ERECTION OF 8 HOLIDAY LODGES AT KNIGHTS LODGE, KNIGHTS LANE, BRETBY, BURTON ON TRENT, DE15 0RT**

The Head of Planning and Strategic Housing presented the report to the Committee in relation to a retrospective application, noting that the proposal involved larger lodges with increased landscaping and screening. The Committee was informed that a condition would limit the use to holiday lodges. The Head of Planning and Strategic Housing informed the Committee of comments made following consultation with the Parish Council and noted points previously raised by Councillor Churchill, as a Local Ward Councillor.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members discussed the size, construction and impact of the lodges on the landscape.

RESOLVED:

That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) as the lodges were considered to be contrary to policy, due to size, construction, materials and impact on the landscape character.

PL/58 **OUTLINE APPLICATION (MATTERS OF ACCESS TO BE CONSIDERED NOW WITH MATTERS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR A DISTRICT CENTRE COMPRISING A RETAIL FOODSTORE (USE CLASS E), RETAIL/CAFÉ/RESTAURANT/DRIVE-THRU UNITS/NURSERY (USE CLASS E/SUI GENERIS), A TRANSPORT MOBILITY HUB AND PETROL FILLING/ELECTRIC CHARGING STATION (SUI GENERIS). RESIDENTIAL DEVELOPMENT (USE CLASS C3), A CARE HOME (USE CLASS C2), A COMMUNITY FACILITY (USE CLASS F2), AND ASSOCIATED ROAD INFRASTRUCTURE, LANDSCAPING, SERVICES, AND ENGINEERING WORKS. LAND EAST OF CHELLASTON LANE AND SOUTH OF SHARDLOW ROAD, DERBY**

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

The Head of Planning and Strategic Housing presented the report to the Committee noting the dialogue that had taken place with the applicant. The Head of Planning and Strategic Housing sought approval to amend the final condition to regarding delegated authority in relation to the finalising the Section 106 Agreement.

The Head of Planning and Strategic Housing outlined the key points of the application, noting that no concerns had been raised by the County Highways Authority and requested that the travel plan be covered by the Section 106 Agreement.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Councillor Brown addressed the Committee on behalf of the Local Ward Member, who raised concerns regarding primary school provision, the healthcare needs of the community and the environmental impact.

The Head of Planning and Strategic Housing informed the Committee that the Environmental Impact Assessment Screening decision had not raised any concerns and explained that education had been discussed with the Education Authority and would be delivered and that financial contributions would be made in relation to healthcare provision

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition giving delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair of the Committee to finalise the wording of the conditions and conclude the Section 106 Agreement.

PL/59 **CREATION OF A 4-ARM ROUNDABOUT AT CHELLASTON LANE, DERBY**

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

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the content of the application noting that it was presented to the Committee at the request of Councillor Watson as local concern had been expressed.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/60 **ERECTION OF FOOD STORE (USE CLASS E), WITH CAR PARKING, LANDSCAPING, AND ASSOCIATED WORKS AT LAND NORTH OF DRIFT ROAD, CASTLE GRESLEY, SWADLINCOTE, DE11 9FW**

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

The Senior Planning Officer addressed the Committee and sought approval for amendments to condition 2 in relation the approved listed plans and to the re-numbering of conditions within the report due to an administrative error. The Committee was informed that proposed development would be on a brownfield site

that had previous approval for industrial use. The Senior Planning Officer outlined the application and noted the number of parking spaces, layout, proposed store frontage and landscaping.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

The Senior Planning Officer confirmed that 'Click and Collect' service would not be considered as part of the application and that there would be funding in relation to cycle route connectivity.

Members raised queries regarding the delivery times, the number of car parking spaces.

The Senior Planning Officer informed the Committee that the Delivery Management Plan was covered by condition 14 and that there would be a mechanism in place to consider residents and noted that the car parking facility was considered generous with plenty of space for manoeuvring.

Members raised concerns regarding the landscaping and discussed the benefit of using mature planting.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to the approved listed of plans within condition 2, the renumbering of conditions due to an administrative error and an amendment to condition 6 to include an alternative planting scheme to enhance the landscaping to Drift Road frontage and to retain existing planting where possible.

PL/61

TEMPORARY USE OF LAND FOR GLAMPING AND OVERNIGHT TOURIST ACCOMMODATION AT MELBOURNE HALL, CHURCH SQUARE, MELBOURNE, DERBY, DE73 8EN

The Head of Planning and Strategic Housing presented the report to the Committee outlining the application and highlighted the planning merits set out within the report. It was noted that there were no highways objections, no environmental concerns and no flood risk

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Fitzpatrick addressed the Committee and raised concerns on behalf of the local residents.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/62 **PROPOSED CHANGE OF USE TO EXISTING LAND AND TURNING HEAD RESULTING FROM THE DEVELOPMENT OF THE KILN WAY LINK ROAD FOR THE CREATION 47NO. CAR PARKING SPACES, INC. 24NO. ELECTRIC VEHICLE CHARGING POINTS, ERECTION OF 10NO. CYCLE SPACES, STAFF SEATING AREA AND LANDSCAPING ON LAND ADJACENT TO FIRST FENCE LTD, KILN WAY / WOODHOUSE STREET, WOODVILLE, SWADLINCOTE, DE11 8EA**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the application to increase parking facilities that would include electric vehicle charging points and increase in hedges and soft landscaping. It was noted that concern was raised regarding the loss of landscaping and two mature trees.

As Local Ward Member, Councillor Taylor addressed the Committee and raised concerns on behalf of the local residents, noting the importance of the site's position at the gateway into Swadlincote.

Members discussed the impact of visual amenity the proposals on the local area, the loss of open space and how it would be contrary to the Local Plan.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) due to the undue adverse impact on the visual amenity of the area.

PL/63 **CONVERSION & EXTENSION OF EXISTING GARAGE INTO NEW 2 BEDROOM DWELLING AND ERECTION OF NEW FLAT ROOF GARAGE AT 57 EGGINTON ROAD, HILTON, DERBY, DE65 5FG**

The Head of Planning and Strategic Housing presented the report to the Committee and noted that although the garden size and car parking arrangements would be in conflict with the Neighbourhood Plan the application would reduce pressure on greenfield sites and no objection had been received from the Highways Authority in relation to the car parking arrangements.

As Local Ward Member Councillor Smith addressed the Committee regarding the conflict with the Neighbourhood Plan.

Councillor Muller supported some aspects of the application but raised concern regarding the conflict with the Neighbourhood Plan.

RESOLVED:

That planning permission be deferred to allow for the applicant to consider increased garden size and parking arrangements associated with the property.

PL/64 **LISTED BUILDING CONSENT FOR REINSTATEMENT OF FORMER BLOCKED-UP WINDOW OPENING AT GROUND FLOOR LEVEL TO THE REAR (EAST) ELEVATION AND TO CREATE BATHROOM/EN-SUITE AND WC FACILITIES AT FIRST AND SECOND FLOORS AT WALTON HALL, MAIN STREET, WALTON-ON-TRENT, SWADLINCOTE DE12 8LZ**

The Head of Planning and Strategic Housing presented the report and informed the Committee that advice given by statutory consultee, Historic England regarding the window and the stairs was inconsistent with the recommendation of the South Derbyshire Conservation Officer.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/65 **DEMOLITION OF A BOUNDARY WALL AND THE ERECTION OF FENCING AND A REPLACEMENT GATE AND THE RETENTION OF AN ELECTRIC VEHICLE CHARGING POINT; AND LISTED BUILDING CONSENT FOR THE DEMOLITION OF A BOUNDARY WALL AND THE ERECTION OF A REPLACEMENT GATE AND THE RETENTION OF AN ELECTRIC VEHICLE CHARGING POINT AT TUDOR LODGE, 33 HIGH STREET, REPTON, DERBY, DE65 6GD**

The Head of Planning and Strategic Housing presented the report to the Committee and sought approval of the recommendations within the report.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/66 **DEMOLITION OF BUILDINGS, AND REDEVELOPMENT OF SITE TO PROVIDE ADDITIONAL CAR PARKING SPACES AND URBAN PARK. ALTERATIONS TO MARKET HALL, INCLUDING REMOVAL OF EXISTING ROOF; ERECTION OF PAINTED METAL CANOPY, BRICKWORK, FENCING AND SOLAR PANELS; INSTALLATION OF LIGHTING; AND ASSOCIATED LANDSCAPING; TO CREATE A MULTI-FUNCTIONAL SPACE FOR 42 CAR PARKING SPACES AND EVENTS SPACE FOR SPECIALIST MARKETS AND CULTURAL EVENTS. BANKS HOUSE/BRETRY VIEW, SABINES YARD AND MARKET HALL, MIDLAND ROAD, SWADLINCOTE, DE11 0AG**

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

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the key points within the report. The Head of Planning and Strategic Housing sought approval for the recommendations within the report and with an amendment to condition 13. It noted that South Derbyshire District Council was the landowner and applicant.

Members fully supported the proposals and improvements that would be made to Swadlincote Town Centre.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the removal of condition 13b.

PL/67 **DEED OF VARIATION – CHURCH STREET**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the Deed of Variation changes in relation to the transfer of the Sustainable Drainage System to the Residents Management Company.

Councillor Southerd raised concern regarding the commuted sum and what control the residents would have regarding oncosts.

The Head of Planning and Strategic Housing informed the Committee that there would be dialogue with Severn Trent to ensure that the Sustainable Drainage System would be managed correctly and if there were any concerns a report could be brought back to the Committee.

RESOLVED:

1.1 The Committee approved an amendment to the Section 106 Agreement (S106) by means of a Deed of Variation (DoV) to accept the transfer of the SUDs pond to the residents' management company.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the DoV.

PL/68 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:

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

PL/69 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at hours. 21:10 hrs

COUNCILLOR D SHEPHERD

PLANNING COMMITTEE

20 September 2022

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors L. Mulgrew, Pearson, Rhind and Taylor

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Muller and Redfern

Non-Grouped

Councillor Wheelton.

PL/70 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Gee (and Councillor Southerd (Labour Group). Councillor Smith (Conservative Group)

PL/71 **DECLARATIONS OF INTEREST**

The Committee was informed that a declaration of personal interest had been received from Wheelton regarding item PL/75.

PL/72 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/73 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/74 **CONVERSION & EXTENSION OF EXISTING GARAGE INTO NEW 2 BEDROOM DWELLING AND ERECTION OF NEW FLAT ROOF GARAGE AT 57 EGGINTON ROAD, HILTON, DERBY, DE65 5FG**

The Head of Planning and Strategic Housing presented the report to the Committee and noted that when the item was debated in August, Members raised concerns in relation to the proposed amenity space associated with the proposed dwelling.

An Objector attended the meeting and addressed the Committee regarding the application.

The Head of Planning and Strategic Housing addressed the Committee and noted that changes to the application included parking space for 2 vehicles and that there were no concerns raised by the Highways Authority.

Members welcomed the amendments to the application which reflected the Neighbourhood Plan requirements and Members discussed the merits regarding the installation of an Electric Vehicle Charging point.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition regarding the installation of an electric vehicle charging point.

Councillor Wheelton left the Committee Meeting.

PL/75 **LISTED BUILDING CONSENT FOR REINSTATEMENT OF FORMER BLOCKED-UP WINDOW OPENING AT GROUND FLOOR LEVEL TO THE REAR (EAST) ELEVATION AND TO CREATE BATHROOM/EN-SUITE AND WC FACILITIES AT FIRST AND SECOND FLOORS AT WALTON HALL, MAIN STREET, WALTON-ON-TRENT, SWADLINCOTE DE12 8LZ**

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

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the application and noted the conflicting advice of Historic England and the Council's Conservation Officer in relation to the existence of the window and staircase together.

Members discussed the existence of the window and staircase, the removal of stairway panelling and the differing viewpoints of Historic England and the Conservation Officer. Members sought clarity regarding the chronology of changes to the building.

The Head of Planning and Strategic Housing confirmed that the dates for when the window was bricked up and the stairway installed were unknown but noted that the history of the building could still be read if the proposed alterations were undertaken.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

Councillor Wheelton re-joined the Committee Meeting.

PL/76 **TO CHANGE A MOUNDED GRASS AREA INTO A SMALL MINERS MEMORIAL PARK, TO INCLUDE SOME HARD SURFACING, 2 NO. SEATS, 2 NO. PERGOLAS, 2 NO. SCULPTURES, THE PLANTING OF 18 NO. TREES, A WILD FLOWER MEADOW AREA, AND BULB PLANTING WITHIN THE PROPOSED TREES, AND ONE SIGNAGE BOARD AT EUREKA PARK, MIDLAND ROAD, JOHN STREET, SWADLINCOTE**

The Planning Delivery Team Leader presented the report to the Committee and outlined the application for a small miners' memorial park that would create a public open space with tree planting and would promote local history. It was noted the report was before the Committee as South Derbyshire District Council owned land and submitted the application.

Councillor Taylor addressed the Committee in support of the application noting that it would be a positive and appropriate memorial to a former key industry of the Swadlincote and South Derbyshire.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/77 **LISTED BUILDING CONSENT FOR THE CREATION OF A NEW DISABLED ACCESS, SECURITY GATE, AND ERECTION OF AN EXTERNAL WALL TO CREATE A NEW OUTDOOR AMENABLE SPACE (AMENDMENT TO EXISTING CONSENT REFERENCE DMPA/2021/1617) AT MELBOURNE ASSEMBLY ROOMS, LEISURE CENTRE, HIGH STREET, MELBOURNE, DERBY DE73 8GF**

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

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the application regarding alternation to erect a new boundary wall to create enclosed outdoor space for various functions and gate added to the existing boundary wall which would not change anything of substance. It was noted that the application was presented to the Committee as the site was owned by South Derbyshire District Council.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/78 **NON MATERIAL AMENDMENT TO PLANNING PERMISSION REF. DMPA/2021/1597 TO AMEND LINE OF PROPOSED NEW EXTERNAL WALL AT MELBOURNE ASSEMBLY ROOMS, LEISURE CENTRE, HIGH STREET, MELBOURNE, DERBY DE73 8GF**

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

The Head of Planning and Strategic Housing summarised the application to change the line of an existing wall to circumvent a gas pipe and main drain and noted that the report was presented to the Committee as the site was owned by South Derbyshire District Council.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/79 **THE PRUNING OF A IVY AND EIFFEL TOWER BRACKET (PSEUDOINONOTUS DRYADEUS) TREES COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 360 ON MAIN STREET, NETHERSEAL, SWADLINCOTE, DE12 8BZ**

The Planning Delivery Team Leader presented the report to the Committee and summarised the application regarding works to two protected Oak trees within a conservation area

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/80 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications:

Reference	Place	Ward	Outcome	Decision Level
<u>DMPA/2021/1389</u>	Newhall	Newhall and Stanton	Dismissed	Delegated
<u>DMPA/2019/1176</u>	Castle Gresley	Linton	Allowed	Committee

PL/81 **DEED OF VARIATION – LAND AT HILTON BUSINESS PARK, HILTON**

The Planning Delivery Team Leader addressed the Committee and summarised the report regarding a Deed of Variation in relation the affordable housing.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement (S106) to include amendments to be made to the definition of Affordable Housing and the inclusion of First Homes

which was within the fourth schedule of the Section 106 Agreement – Affordable Housing. This was based upon recommendations that had been received from the Strategic Housing and Development Manager.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.

PL/82 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:

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

PL/83 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at hours. 19:00 hrs

COUNCILLOR N TILLEY

CHAIR

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

11 January 2023

PRESENT:

Representatives of South Derbyshire District Council

Labour Group

Councillor D Shepherd

Conservative Group

Councillor D Muller (Vice-Chair)

Independent Group

Councillor A MacPherson

Officers

Kevin Stackhouse - Strategic Director (Corporate Resources)

Heidi McDougall – Strategic Director (Service Delivery)

Sean McBurney – Head of Cultural and Community Services

Patricia Hill – Democratic Services

Representatives of John Port Spencer Academy

Governing Body

Marie Walker-Endsor - School Governor

Danny Parker – School Governor (Chair)

K Squire

EL/14 **APOLOGIES**

The Committee was informed that apologies were received from Terry Simms (Active Nation Representative).

EL/15 **DECLARATIONS OF INTEREST**

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

EL/16 **INCOME AND EXPENDITURE 2022/23 AND BASE BUDGET 2023/24**

The Strategic Director (Corporate Services) presented the report highlighting the Active Nation and JMC ancillary cost increases were reported as above budget due to inflation and the rise in utility costs. The report included a plan of maintenance for five years as the JMC was required to replace equipment as outlined in the appendix to the report. It was noted that the amount in the sinking fund would cover equipment costs with a small amount added for contingency.

Members asked for the total amount of the sinking fund, how items of equipment were identified as qualifying for this fund and if they were assessed by an expert through a strategy for testing fixed assets.

The Strategic Director (Corporate Resources) informed Members that the sinking fund stood at £161,000.00 and was to be used for the replacement of one-off large items; that the equipment replaced through the sinking fund would undergo a stock condition survey carried out by the South Derbyshire District Council Property Services team adding that maintenance and repair of equipment was funded through other budget areas.

RESOLVED:

1.1 The projected out-turn for 2022/23 was considered and approved.

1.2 The proposed budget for 2023/24 was approved.

EL/17 **ACTIVE NATION PERFORMANCE REPORT**

RESOLVED:

The Committee agreed that the Active National Performance Report was to be reviewed at the next Committee.

EL/18 **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.

The meeting terminated at hours 17:15 hours

MR DANNY PARKER (SCHOOL GOVERNOR)

CHAIR

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

26 April 2023

PRESENT:

Representatives of South Derbyshire District Council

Labour Group

Councillor D Shepherd

Conservative Group

Councillor D Muller (Vice-Chair)

Independent Group

Councillor A MacPherson

Officers

Sean McBurney – Head of Cultural and Community Services

Patricia Hill – Democratic Services

Representatives of John Port Spencer Academy

Governing Body

Marie Walker-Endsor - School Governor

Danny Parker – School Governor (Chair)

K Squire

Representatives of Active Nation

Ian Whan

EL/19 **APOLOGIES**

The Committee was informed that no apologies had been received.

EL/20 **DECLARATIONS OF INTEREST**

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

EL/21 **ETWALL POOL SINKING FUND DRAW DOWN**

The Head of Cultural and Community Services presented the report to the Committee highlighting that the commissioned work carried out was detailed in table 1 of the report. Requests for draw down funding included an emergency generator which was used to keep the Centre open during the replacement of an electrical cable on the site and window etching to the pool hall screening. Planned maintenance and technical works totalled £130,000.00.

Members asked for further information about the replacement generator and if it was used by the school at the time of the power cut-off and requested that details of the Sink Fund expenditure be discussed regularly throughout the year at the

Committee to enable the Members to review and track the fund activity and to manage the process correctly.

The Representative of the Governor of the School confirmed that the generator had been sited in the Car Park of the school and that it had been used to keep the Leisure Centre open during the three day period whilst repairs had been carried out to an electrical cable on the site.

RESOLVED:

1.1 *The Committee acknowledged the planned preventative maintenance and reactive works that had taken place, or due to be commissioned for Etwall Leisure Centre.*

1.2 *The Committee approved funding the works from the Etwall Pool Sinking Fund.*

EL/22 **ACTIVE NATION PERFORMANCE REPORT**

The Active Nation Representative presented the report to the Committee informing the Committee that participation at the Centre had been good based on draft figures. It was noted that annual membership had increased following a promotion in February offering reduced rates and swimming lesson attendance increased as shown in an analysis of swipe card entries.

RESOLVED:

The Committee received and noted the Active Nation Performance Report.

EL/23 **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.

LEISURE MANAGEMENT CONTRACT PROCUREMENT

RESOLVED:

The Committee approved the recommendations in the report.

MR DANNY PARKER (SCHOOL GOVERNOR)

CHAIR

REPORT TO:	COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	22 JUNE 2023	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP SANDHU ardip.sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	POLITICAL PROPORTIONALITY	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Council approves and adopts the recommended allocation of seats to the Political Groups and Non-Grouped Member for the remainder of the municipal year 2023/24.
- 1.2 That the Council allocates seats between the Political Groups and Non-Grouped Members as set out at Annexe 'A' and invites Group Leaders and Non-Grouped Members to make nominations to fill the seats.

2.0 Purpose of Report

- 2.1 To consider the Council's political proportionality for the remainder of the municipal year 2023/24.

3.0 Detail

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

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

- Labour Group 23
- Conservative Group 10
- Liberal Democrats 2
- Non - Grouped 1

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

3.4 The principles of determination are as follows:-

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

3.5 The total number of Committee seats on the District Council for allocation is 98. After calculating the proportionality for the three Groups, and the Non-Grouped Member, this gives 63 seats to the Labour Group, 27 seats to the Conservative Group, 5 seats to the Liberal Democrats Group and 3 seats to the Non-Grouped Member, as indicated on the schedule attached at Annexe 'A'.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

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

6.0 Community Implications

6.1 None.

7.0 Background Papers

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

Annex 'A'

Political Proportionality 2023/24

Committee	Membership	Labour Group	Conservative Group	Non - Grouped	Liberal Democrats
Finance & Management	13	8 (8.3)	4 (3.6)	0 (0.4)	1 (0.7)
Environmental & Development Services	13	8 (8.3)	3 (3.6)	1 (0.4)	1 (0.7)
Housing & Community Services	13	9 (8.3)	3 (3.6)	0 (0.4)	1 (0.7)
Planning	13	8 (8.3)	3 (3.6)	1 (0.4)	1 (0.7)
Licensing & Appeals	15	10 (9.6)	4 (4.2)	0 (0.4)	1 (0.8)
Overview & Scrutiny	8	5 (5.1)	3 (2.2)	0 (0.2)	0 (0.4)
Standards	6	4 (3.8)	2 (1.7)	0 (0.2)	0 (0.3)
Joint Consultative	5	3 (3.2)	2 (1.4)	0 (0.1)	0 (0.3)
Etwell JMC	3	2 (1.9)	1 (0.8)	0 (0.1)	0 (0.1)
Audit Sub	5	3 (3.2)	1 (1.4)	1 (0.1)	0 (0.3)
Heritage Grants Sub	4	3 (2.6)	1 (1.1)	0 (0.1)	0 (0.2)
Seats available for allocation	98	63 (62.6)	27 (27.2)	3 (2.7)	5 (5.4)
Total number of seats on Council	36 (100%)	23 (63.9%)	10 (27.8%)	1 (2.8%)	2 (5.6%)