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Chief Executive

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Date: 24th June 2015

Dear Councillor,

Council

A Meeting of the **Council** will be held in the **Council Chamber**, on **Thursday, 02 July 2015** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

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

Labour Group

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

AGENDA

Open to Public and Press

- 1** Apologies
- 2** To confirm the Open Minutes of the Annual Council Meeting held on 21st May 2015 (CL/1-CL/23).
Annual Council Open Minutes 21st May 2015 **4 - 9**
- 3** To confirm the Open Minutes of the Civic Council held on 28th May 2015 (CC/1-CC/6).
Civic Council Open Minutes 28th May 2015 **10 - 12**
- 4** To receive any declarations of interest arising from any items on the Agenda.
- 5** To receive any announcements from the Chairman, 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.
- 8** To authorise the sealing of the documents.

Sealed Documents **13 - 13**
- 9** Planning Code of Good Practice **14 - 15**

Annexe - Planning Code of Good Practice **16 - 24**
- 10** Independent Remuneration Panel **25 - 26**

- 11** To receive and consider the Open minutes of the following Committees:-
- | | |
|---|----------------|
| Planning Committee Open Minutes 2nd June 2015 | 27 - 32 |
| Environmental and Development Services Committee Open Minutes 4th June 2015 | 33 - 37 |
| Licensing and Appeals Sub-Committee Open Minutes 16th June 2015 | 38 - 39 |
| Finance and Management Committee Open Minutes 18th June 2015 | 40 - 43 |
- 12** To review the compositions of Committees, Sub-Committees and Working Panels for the remainder of the municipal year.
- 13** To review the compositions of Substitute Panels.
- 14** To review representation on Outside Bodies.

Exclusion of the Public and Press:

- 15** The Chairman may therefore move:-
- That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 16** To confirm the Exempt minutes of the Annual Council Meeting held on 21st May 2015 (CL/24-CL/26).
- Annual Council Exempt Minutes 21st May 2015
- 17** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 18** To receive and consider the Exempt minutes of the following Committees:-
- Planning Committee Exempt Minutes 2nd June 2015

Environmental and Development Services Committee Exempt
Minutes 4th June 2015

Finance and Management Committee Exempt Minutes 18th June
2015

MINUTES of the MEETING
of the SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 21st May 2015
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

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

CL/1 **PRESENTATION OF LONG SERVICE AWARDS**

The Chairman presented a long service award to Mr John Lemmon marking over 25 years service as a Member of South Derbyshire District Council. Members congratulated Mr Lemmon on his achievement.

CL/2 **APOLOGIES**

None received.

CL/3 **ELECTED MEMBERS**

The Chief Executive referred to the recent District Council Elections Members appointments, as detailed in the Agenda and welcomed all new and returning Members.

CL/4 **MINUTES**

The Open Minutes of the Meeting of the Council held on 2nd April 2015 (Minutes Nos. CL/141-CL/153) were taken as read, approved as a true record and signed by the Chairman.

CL/5 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

CL/6 **APPOINTMENT OF THE LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Wheeler was Leader of the Conservative Group and Councillor Richards was Leader of the Labour Group.

RESOLVED:-

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

CL/7 **APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Mrs Coyle was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

RESOLVED:-

That Councillor Mrs Coyle be appointed Deputy Leader of the Council for the ensuing year.

CL/8 **ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER AND CHIEF EXECUTIVE**

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

The Leader welcomed all Members to the Council and made reference to various recent local events, thanking those volunteers and officers who made these events such a success for the community.

The Chief Executive informed Council that the Stenson Fields and Barrow on Trent Parish Councils had requested boundary changes in their respective areas and that the necessary procedures had been initiated.

CL/9 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed no questions had been received.

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

Council were informed that no questions had been received.

CL/11 **NOTICES OF MOTION**

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

CL/12 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

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

Planning Committee, 24th March 2015 (Minute Nos. PL/179–PL/191)

Overview and Scrutiny Committee, 25th March 2015 (Minute Nos. OS/51-OS/57)

Standards Sub-Committee, 26th March 2015 (Minute Nos. SC/1-SC/4)

Environmental and Development Services Committee, 9th April 2015 (Minute Nos. EDS/95-EDS/102)

Planning Committee, 14th April 2015 (Minute Nos. PL/192-PL/205)

Housing and Community Services Committee, 16th April 2015 (Minutes Nos. HCS/86–HCS/95)

Finance and Management Committee, 23rd April 2015 (Minutes Nos. FM/123-FM/131)

CL/13 **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) That in accordance with Council Procedure Rule No. 1.1(e) the Council appoints the Committees and Sub-Committees as set out at Annexe "A" to these Minutes, together with the six Area Forums detailed in Article 9 of the Council's Constitution.***
- (2) That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2015/16.***
- (3) That the Council allocates seats between the Political Groups as set out at Annexe "A" to these Minutes and invites the two Groups to make nominations to fill these seats.***

CL/14 **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2015/16**

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2015/16.

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 Chairmen and Vice-Chairmen be approved as indicated.***

CL/15 **COMPOSITION OF SUBSTITUTE PANELS**

Members reviewed the composition of the Substitute Panels for 2015/16.

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/16 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2015/16**

RESOLVED:-

That Council approves the schedule of persons nominated to serve on Outside Bodies for 2015/16, as set out at Annexe "D" to these Minutes.

CL/17 **APPOINTMENT OF MEMBER CHAMPIONS**

RESOLVED:-

That Council approves the schedule of Members Champions for 2015/16 as set out at Annexe "E" to these Minutes.

CL/18 **APPOINTMENT OF CHAIRMEN AT AREA FORUMS**

RESOLVED:-

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

***Etwall Area Forum – Councillor Mrs. Brown
Linton Area Forum – Councillor Murray
Melbourne Area Forum – Councillor Harrison
Newhall Area Forum – Councillor Bambrick
Repton Area Forum – Councillor Smith
Swadlincote Area Forum – Councillor Rhind***

CL/19 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2014/15**

The annual report of the Overview and Scrutiny Committee for 2014/15 was submitted to Council. The Chairman of the Committee presented this document to Members, speaking on the reviews undertaken during the previous year.

RESOLVED:-

That the Council receives the annual report of the Overview and Scrutiny Committee for 2014/15

CL/20 **CYCLE OF MEETINGS 2015/16**

RESOLVED:-

That the Council approves the Cycle of Committee meetings scheduled for 2015/16.

CL/21 **PLANNING CODE OF GOOD PRACTICE**

The Monitoring Officer presented the report, with the Chief Executive making reference to points to be considered. Members proposed that the Code be referred to the Environmental and Development Services Committee for further consideration in relation to site inspections.

RESOLVED:-

That the proposed Planning Code of Good Practice be referred to the Environmental and Development Services Committee.

CL/22 **TEMPORARY APPOINTMENT OF DISTRICT COUNCILLORS TO PARISH COUNCILS**

The Chief Executive presented the report, referring to the requirement to temporarily appoint District Councillors to three Parish Councils; Burnaston, Dalbury Lees and Linton, to ensure they remain quorate.

RESOLVED:-

That the Chief Executive be authorised to appoint District Councillors to Parish Councils in accordance with the relevant procedures.

CL/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 for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council, held on 2nd April 2015, (Minute Nos. CL/154-CL/157) were taken as read, approved as a true record and signed by the Chairman.

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

Council were informed that no questions had been received.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

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

*Environmental and Development Services Committee, 9th April 2015
(Minute Nos. EDS/103-EDS/104)*

Planning Committee, 14th April 2015 (Minute Nos. PL/206-PL/207)

Housing and Community Services Committee, 16th April 2015 (Minute Nos. HCS/96-HCS/97)

Finance and Management Committee, 23rd April 2015 (Minute Nos. FM/132-FM/137)

The Meeting terminated at 6.50pm

COUNCILLOR P MURRAY

CHAIRMAN OF THE DISTRICT COUNCIL

MINUTES of the CIVIC MEETING
of the SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Town Hall, The Delph, Swadlincote
on 28th May 2015
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick, Dunn, Rhind, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins

CC/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Billings and MacPherson (Conservative Group) and Councillors Chahal, Pearson and Mrs Stuart (Labour Party)

CC/2. **ELECTION OF THE CHAIRMAN OF THE COUNCIL**

It was proposed, and seconded that Councillor Atkin be elected as chairman of the Council for the 2015/16 local government year.

RESOLVED:-

That Councillor Atkin be elected Chairman of the Council for the ensuing year.

(Councillor Atkin then made the Declaration of Acceptance of Office of Chairman and presided, thanking the Members for the honour conferred upon him. He announced that Mrs Kathy Slater would act as his Principal Consort and Mrs. Barbara James as his Deputy Consort during his term of office.

CC/3. **TO RECEIVE SUCH COMMUNICATIONS AS THE CHAIRMAN MAY DESIRE TO LAY BEFORE OR TO MAKE TO THE COUNCIL OR TO RECEIVE ANY ANNOUNCEMENTS**

The Chairman invited the Chief Executive to present The High Sheriffs Commendation Award to Councillor Murray for his service during his term in office.

The Chairman invited the Chief Executive to present The Coat of Arms to Jo Smith, Chief Executive of the CVS (Community Voluntary Service) as a token of appreciation to reflect her long service.

CC/4. **ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL**

It was proposed, and seconded that Councillor Murray be elected as Vice - Chairman of the Council for the 2015/16 local government year.

RESOLVED:-

That Councillor Murray be elected Vice-Chairman of the Council for the ensuing year.

(Councillor Murray then made the Declaration of Acceptance of Office of Vice-Chairman and thanked Members for the honour conferred upon him. He announced that Sandra Murray would act as his Consort during his term of office).

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

The Chairman invited the Chief Executive to present long service awards to the following Members who had completed 25 years' of service as at 31st March 2015:-

- The late Councillor Michael John Palmer Bale;
- Retired Councillor Mrs Jean Mead; and
- Councillor Peter John Wilkins.

It was noted that an award had also been made to retired Councillor John Lawrence Lemmon who was unable to attend.

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

The Chairman presented long service awards to the following members of staff who had completed 20 years' service as at 31st March 2015:-

- Katherine Allies;
- Gillian Coates; and
- Pamela Wilson.

It was noted that awards had also been made to Michael Bowen and Richard Heap, who were unable to attend.

The Meeting terminated at 6.35 p.m.

COUNCILLOR N. ATKIN

CHAIRMAN

REPORT TO:	COUNCIL	AGENDA ITEM: 8
DATE OF MEETING:	2nd JULY 2015	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595848 / 595722	DOC:
SUBJECT:	SEALED DOCUMENTS	REF: J. BEECH
WARD(S) AFFECTED:	VARIOUS	TERMS OF REFERENCE: N/A

1.0 Purpose of Report/Detail/Recommendation

1.1 To authorise the Sealed Documents listed below, which have no specific authority:-

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
24.03.15	11042	Transfer – 28 Springfield Road, Midway
15.04.15	11070	Transfer – 28 Dundee Road, Midway
15.04.15	11073	Transfer – 40 Chestnut Avenue, Midway
22.04.15	11078	Transfer – 2 Weathernfield, Linton
27.04.15	11081	Transfer – 18 Chestnut Avenue, Midway
27.04.15	11083	Transfer – 633 Burton Road, Midway
30.04.15	11086	Transfer – 37 Harbin Road, Walton-on-Trent
27.05.15	11112	Transfer – 21 Castle Hill, Findern

2.0 Financial Implications

2.1 None.

3.0 Corporate Implications

3.1 None.

4.0 Community Implications

4.1 None.

5.0 Background Papers

5.1 Seal Register

REPORT TO:	COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	2nd JULY 2015	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING	OPEN
MEMBERS' CONTACT POINT:	STUART BATCHELOR batchelors@south-derbys.gov.uk EXT. 5820	DOC:
SUBJECT:	PLANNING CODE OF GOOD PRACTICE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That Council consider the recommendation from the Environmental and Development Services Committee held on 4th June, 2015.
- 1.2 That subject to any amendments by Council, the Planning Code of Good Practice (Appendix A) be approved and adopted.
- 1.3 That the Planning Code of Good Practice is included within Part 5 of the Council's Constitution and replaces the existing Code.

2.0 Purpose of Report

- 2.1 Following consideration by the Environmental and Development Services Committee on 4th June, 2015, to seek the approval of the Council's Planning Code of Good Practice which is based on the Model Code. The Model Code has been produced by the national body 'Lawyers in Local Government (LLG)'.

3.0 Detail

- 3.1 The Environmental and Development Services Committee has considered the proposed Planning Code of Good Practice and recommends that it is adopted subject to the following amendment of Section 7 Site Visits/Inspections

- 'Do attend site visits organised by the Council.'

4.0 Financial Implications

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

5.0 Legal Implications

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

6.0 Corporate Implications

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

7.0 Community Implications

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

8.0 Background Papers

- 8.1 Planning Code of Good Practice.

SOUTH DERBYSHIRE DISTRICT COUNCIL

PLANNING CODE OF GOOD PRACTICE

Background

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

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

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

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

Introduction

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

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

When the Code applies: this Code applies to Members at all times when involving themselves in the planning process (this includes when taking part in the decision

making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

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

1. Relationship to the Members' Code of Conduct

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

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

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

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think that you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or

Members when other members of the public would not have the same opportunity to do so.

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

3. Fettering Discretion in the Planning Process

(natural justice, predisposition and predetermination)

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

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

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.

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

In addition in respect of presentations by applicants/developers:

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

5. Lobbying of Councillors

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

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

6. Lobbying by Councillors

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

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

7. Site Visits/Inspections

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

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme

for public speaking or through the Chairman, as this may give the appearance of bias.

- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

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

10. Decision Making

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

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

11. Training

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

REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	2ND JULY 2015	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP KAUR (595715) Ardip.Kaur@south-derbys.gov.uk	DOC:
SUBJECT:	INDEPENDENT REMUNERATION PANEL	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Dr Declan Hall be appointed Chairman of the Independent Remuneration Panel to make recommendations to the Council on Members' Allowances.
- 1.2 That the Chief Executive be authorised to appoint two further members from the local community to serve on the Panel.
- 1.3 That the Members of the Panel be paid any agreed fees and expenses incurred by them in carrying out their duties.
- 1.4 That the Terms of Reference for the Panel, as detailed in the report, be approved.

2.0 Purpose of Report

- 2.1 To consider arrangements for an Independent Remuneration Panel to make recommendations to the Council on Members' Allowances.

3.0 Detail

- 3.1 The Council is required to undertake a review of its Members' Allowances scheme by an Independent Remuneration Panel under the four year rule, as required by The Local Authorities (Members' Allowances) (England) Regulations 2003.
- 3.2 An Independent Remuneration Panel has previously met in 2001, 2003, 2007 and 2011 to make recommendations to the Council on Members' Allowances. The Panels in 2003, 2007 and 2011 were chaired by Dr Declan Hall, a former lecturer in the topic at Birmingham University, who produced comprehensive reports on all occasions following a series of interviews with Members and Officers. He was assisted by two members of the local community to achieve a degree of local accountability and this approach is again recommended to Members, with the two appointments delegated to the Chief Executive.

3.3 It is felt appropriate to convene the Panel at this time in order that a report on the Panel's recommendations can be considered by Full Council following a new Council.

3.4 It is recommended that the following Terms of Reference be given to the Panel:-

- To make recommendations on the amount of Basic Allowance that should be payable to Members and the expenses it includes;
- To make recommendations on the categories of Members who should receive a Special Responsibility Allowance and the amount of such an allowance;
- To make recommendations on the amount of Co-optees allowances, where applicable;
- To make recommendations on travel and subsistence allowances;
- To make recommendations on the amount of Childcare and Dependent Carers' Allowances;
- To make recommendations on whether the allowances should continue to be adjusted in line with the average pay increases negotiated through the National Joint Committee for Local Government Employees or with reference to any other index or none;
- To make recommendations on the implementation date for the new Scheme of Allowances;
- To make recommendations on the Civic Allowances;
- To make recommendations on additional expenses received by Members;
- To make recommendations on any other matters which the Panel considers necessary.

4.0 Financial Implications

4.1 The expenses of the Independent Remuneration Panel will need to be met by the Council, for which appropriate budgetary provision has been made.

5.0 Corporate Implications

5.1 The Council will be complying with the provisions of The Local Authorities (Members' Allowances) (England) Regulations 2003.

6.0 Community Implications

6.1 None.

7.0 Background Papers

The Local Authorities (Members' Allowances) (England) Regulations 2003

PLANNING COMMITTEE

2nd June 2015

PRESENT:-

Conservative Group

Councillor Mrs Brown (Acting Chairman) and Councillors Mrs Farrington, Ford, Mrs Hall, Murray (substituting for Councillor Grant), Mrs Patten (substituting for Councillor Roberts), Watson and Wheeler (substituting for Councillor Stanton).

Labour Group

Councillors Dunn, Pearson, Shepherd and Southerd.

In attendance

The following Members also attended the Meeting: Councillors Harrison, Smith and Mrs Wyatt (Conservative) and Councillor Richards (Labour).

PL/1 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Atkin, Grant, Roberts and Stanton.

PL/2 **MINUTES**

The Open Minutes of the meeting held on the 24th March 2015 (PL/179–PL/191) and the 14th April 2015 (PL/192-PL/205) were taken as read, approved as a true record and signed by the Chairman.

PL/3 **DECLARATIONS OF INTEREST**

The Vice-Chairman declared a personal interest in applications number **9/2014/1039** and **9/2015/0071** by reason of knowing the agent and being a resident of Egginton respectively.

Councillor Richards declared a personal interest in applications number **9/2014/1095** by reason of the neighbour to the applicant being known to him.

Councillor Shepherd declared a personal interest in application **9/2015/0119** by reason of the applicant being known to his daughter.

Councillor Ford declared a personal interest in applications number **9/2015/0029** by reason of the agent being known to him.

PL/4 **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/5 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/6 **OUTLINE APPLICATION (ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 100 DWELLINGS INCLUDING OPEN SPACE, ACCESS AND ASSOCIATED SERVICE INFRASTRUCTURE ON LAND AT SK2624 5131 NEWTON ROAD NEWTON SOLNEY BURTON ON TRENT**

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

Mr B Wolsey (objector) and Mr R Galij (agent in support) attended the Meeting and addressed Members on this application.

Councillor Smith addressed Members as the local ward member for Repton expressing the views of local residents.

RESOLVED:-

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

The Meeting was adjourned briefly at 6.35pm to allow the public to clear the Chamber and for others to enter the Chamber.

PL/7 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT FOR UP TO 60 DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2720 7907 (SITE A) PARK ROAD CADLEY PARK SWADLINCOTE**

The Planning Services Manager advised the Committee that following the inclusion of an access roundabout off Park Road, the affordable housing quota had been revised to 5%.

Mr S Ashton (agent in support) attended the Meeting and addressed Members on this application.

Councillor Richards addressed Members as the local ward member for Newhall and Stanton expressing the views of local residents.

RESOLVED:-

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

1.2 That provision of linked up cycleways and footpaths be made an additional condition of the application.

PL/8

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

The Planning Services Manager advised the Committee that since an analysis of viability had been conducted by the District Valuer, 25% was available for affordable housing.

Mrs K St.Clair (objector) and Mr S Ashton (agent in support) attended the Meeting and addressed Members on this application.

Councillor Richards addressed Members as the local ward member for Newhall and Stanton expressing the views of local residents.

RESOLVED:-

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

1.2 That provision of linked up cycleways and footpaths be made an additional condition of the application.

PL/9

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

The Planning Services Manager advised the Committee that since an analysis of viability had been conducted by the District Valuer, 16.5% was available for affordable housing.

Mr S Ashton (agent in support) attended the Meeting and addressed Members on this application.

Councillor Richards addressed Members as the local ward member for Newhall and Stanton expressing the views of local residents.

RESOLVED:-

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

1.2 That provision of linked up cycleways and footpaths be made an additional condition of the application.

PL/10 **ERECTION OF FOUR DETACHED DWELLINGS ON LAND AT SEALWOOD LANE OVERSEAL SWADLINCOTE**

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

Mr A Brealey (objector) and Mr I McHugh (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

To refuse planning permission contrary to the recommendation set out in the Report of the Director of Community & Planning on the grounds that the proposed development would be out of keeping with the existing settlement, out of scale and overbearing, contrary to the Saved Local Plan Housing Policy 11 and Chapter 7 of the NPPF.

PL/11 **THE ERECTION OF 10 DWELLINGS WITH A NEW ACCESS AND OPEN SPACE AREA ON LAND AT SK2915 9124 MOIRA ROAD OVERSEAL SWADLINCOTE**

Mr A Large (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

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

PL/12 **ERECTION OF NEW BOUNDARY WALL, GATES AND FENCING AT 49 MAIN STREET WESTON ON TRENT DERBY**

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

Mr E Green (objector) and Mr J James (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

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

PL/13 **SUSPENSION OF STANDING ORDERS**

RESOLVED:-

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

PL/14 **THE ERECTION OF 24 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPED OPEN SPACE ON LAND AT SK3925 1974 STATION ROAD MELBOURNE DERBY**

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

Mr B Thomas (objector) and Mr T Farley (agent in support) attended the Meeting and addressed Members on this application.

Councillor Harrison addressed Members as the local ward member for Melbourne expressing the views of local residents.

RESOLVED:-

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

PL/15 **SUSPENSION OF STANDING ORDERS**

RESOLVED:-

That Standing Orders be suspended and that the meeting of the Committee continue beyond 9.00pm.

Councillor Dunn left the meeting at 9.00pm.

PL/16 **THE CONTINUED USE OF LAND FOR THE OPERATION OF A PLANT HIRE BUSINESS AT BLAKEMERE FARM BAKEACRE LANE FINDERN DERBY**

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

The Planning Services Manager advised the Committee that Transport Policy 6 and Employment Policy 5 had been omitted from the report in error.

Mr B Wolsey (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

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

PL/17 **DEED OF VARIATION TO SECTION 106 AGREEMENT TO PROVIDE 30% AFFORDABLE HOUSING IN RESPECT OF PLANNING PERMISSION FOR 1058 HOUSES ON LAND AT BOULTON MOOR ELVASTON**

RESOLVED:-

That the Committee authorises a Deed of Variation to the Section 106 Agreement attached to planning permission ref: 9/2010/1134/RM to reduce the amount of affordable housing to be provided across the site from 40% to 30%; with 75% of the Affordable Housing Units to be provided as Social Rented Dwellings or Affordable Rented Dwellings and 25% of the Affordable Housing Units to be provided as Intermediate Dwellings or such other mix of tenures as may be agreed with the District Council.

PL/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 was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT MINUTES

The Exempt minutes of the meeting held on the 14th April 2015 (PL/206– PL/207) were taken as read, approved as a true record and signed by the Chairman.

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

The Committee was informed that no questions had been received.

The meeting terminated at 9.25pm.

COUNCILLOR Mrs L BROWN

ACTING CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

4th June 2015

PRESENT:-

Conservative Group

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Mrs Brown, Coe, Mrs Plenderleith (substituting for Councillor Roberts), Mrs Hall, Mrs Patten and Smith (substituting for Councillor Stanton).

Labour Group

Councillors Southerd, Taylor and Tilley.

EDS/1 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors MacPherson, Roberts and Stanton (Conservative Group) and Councillor Chahal (Labour Group).

EDS/2 **MINUTES**

The Open Minutes of the Meetings held on the 5th March 2015 and 9th April 2015 were approved as a true record.

Councillor Taylor referred to Minute No. EDS/101 9th April 2015, stating that the minutes did not refer to the state of paving disrepair within Swadlincote as discussed at the Meeting. Accepted as an amendment to the Minutes.

EDS/3 **DECLARATIONS OF INTEREST**

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

EDS/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

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

EDS/5 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

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

EDS/6 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

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

EDS/7 **ROLE OF ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE**

The Director of Community and Planning Services, the Planning Services Manager and the Planning Policy Manager summarised, in turn, the role of Environmental and Development Services Committee Members in relation to Planning, Building Control, Planning Policy and Economic Development, whilst the Director of Housing and Environmental Services made reference to the Environmental Health and Direct services within his directorate.

MATTERS DELEGATED TO COMMITTEE

EDS/8 **DESIGNATION OF NEIGHBOURHOOD AREA**

The Planning Policy Manager presented the report to Committee, drawing attention to the requirements of the Town and Country Planning Act 1990 (as amended) regarding supporting the Neighbourhood Planning process and the need to designate the Repton Neighbourhood Area to enable this process.

RESOLVED:

That the Repton Neighbourhood Area be formally designated in accordance with the application from Repton Parish Council.

EDS/9 **LOCAL PLAN PART 1 – FURTHER INFORMATION**

The Planning Policy Manager delivered her update report on the Local Plan Part 1 to Committee, outlining the next steps to be taken to progress matters.

Queries raised by Members relating to progress with Derby City and Amber Valley Borough Council's, as well as potential methods of fostering progress were noted and responded to.

RESOLVED:

That Members noted the update report.

EDS/10 **PROMOTION OF KERBSIDE RECYCLING AND COMPOSTING COLLECTIONS**

The Direct Services Manager presented the report to Committee.

Queries raised by Members regarding the promotional content, appropriate recycling materials, the rejected bin rate, roadshow locations and other methods of promotion were noted and responded to.

RESOLVED:

That the communication plan and associated costs for promotion of the kerbside recycling and composting collection schemes be approved, to be undertaken through June / July 2015, including additional promotional locations in Swadlincote and Melbourne.

EDS/11 PROPOSED PERMANENT DIVERSION OF PUBLIC FOOTPATH NO.3 (PART) IN KINGS NEWTON (PARISH OF MELBOURNE)

The Planning Services Manager delivered the report to Committee.

RESOLVED:

- 1) That an Order be made under Section 257 of the Town and Country Planning Act 1990 in respect of the Proposed Permanent Diversion of Public Footpath No.3 (Part) in Kings Newton (Parish of Melbourne); and***
- 2) That the subsequent confirmation of the Order be agreed in the event of there being no objections received during the formal consultation stage.***

EDS/12 PLANNING CODE OF GOOD PRACTICE

The Director of Community and Planning Services presented the report to Committee.

Comments regarding the wording of the Code in respect of official site visits, the availability of Members in full time employment and private site visits were noted.

RESOLVED:

- 1) That the wording of paragraph 7 of the proposed Planning Code of Good Practice relating to site visits be delegated to the Director of Community and Planning Services and the Chairman of the Environment and Development Services Committee for determination.***
- 2) That, upon approval of the aforesaid wording, that the proposed Planning Code of Good Practice be recommended for approval at Council.***

EDS/13 CORPORATE PLAN 2009-15: PERFORMANCE MANAGEMENT YEAR END REPORT 2014/15

The Director of Community and Planning Services and the Director of Housing and Environmental Services jointly presented the report to Committee.

RESOLVED:

That progress against the performance targets be considered and approved.

EDS/14 **COMMITTEE WORK PROGRAMME 2015/16**

RESOLVED:

That the updated work programme be considered and approved.

EDS/15 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

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

MINUTES

The Exempt Minutes of the Meeting held on the 9th April 2015 were approved as a true record.

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

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

REVIEW OF LAND CHARGES FUNCTION

The Director of Finance and Corporate Services presented the report to Committee.

RESOLVED:

- 1) *That the following change to the restructure of the Land Charges Team within the Finance and Corporate Services Directorate be recommended to the Finance and Management Committee.*
- 2) *That the current part time post of Land Charges Assistant (18.5 hours) is increased to a full time post (37 hours) upon the retirement of the current post holder.*
- 3) *That guidance on organisational change to be followed to implement this change that includes formal consultation with employees and Trade Union representatives.*

- 4) That, owing to the exigencies of the service, any adjustments to the dates as outlined in the report is delegated to the Director of Finance and Corporate Services in consultation with the Chief Executive, Leader of the Council, Leader of the Opposition and Chairman of the appropriate Committees.**
- 5) That the timescales and actions outlined in the report for the completion of the review are approved in principle.**
- 6) That the grades of any existing or new posts are subject to the Council's Pay and Grading Review.**

The meeting terminated at 7.15pm

COUNCILLOR P WATSON

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

16th June 2015

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Harrison (Chairman), Councillor Wheeler (Conservative Group) and Councillor Richards (Labour Group)

District Council Representatives

A Kaur (Legal and Democratic Services Manager), A Edwards (Senior Legal Officer), E McHugh (Senior Licensing Officer), L Kinsey (Licensing Officer)

Applicant

Makhan Singh Ranu, Walaiti Rathore (Solicitor), Mr Singh (Business Associate), Mr Purewal (Business Associate)

Derbyshire Constabulary

Constable 2673 Kelvin Hannah
Constable 10423 Priya Dhillon

Derbyshire Trading Standards

Ian Milward

LAS/1 **APOLOGIES**

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

LAS/2 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/3 **DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE – ‘TOLLGATE BREWERY’, UNIT 1, SOUTHWOOD HOUSE FARM, STAUNTON LANE, CALKE, ASHBY DE LA ZOUCH, DERBYSHIRE**

The Sub-Committee considered an application for a Premises Licence at Tollgate Brewery, Unit 1, Southwood House Farm, Staunton Lane, Calke, Ashby De La Zouch, Derbyshire.

RESOLVED:-

That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at “SMB1”.

LAS/4 **APPLICATION FOR A PREMISES LICENCE – ‘UPO’S FISH BAR’, 42 HIGH STREET, WOODVILLE, DERBYSHIRE**

The Sub-Committee considered an application for a Premises Licence at UPO’s Fish Bar, 42 High Street, Woodville, Derbyshire.

RESOLVED:-

That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated into the signed minute book at “SMB2”.

The Meeting terminated at 4.50pm.

COUNCILLOR J. HARRISON

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

18th June 2015

PRESENT:-

Conservative Group

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

Labour Group

Councillors Rhind, Richards, Southerd and Wilkins

In Attendance

Councillor Mrs Farrington.

FM/1 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Hewlett and MacPherson (Conservative Group).

FM/2 **MINUTES**

The Open minutes of the Meeting held on 23rd April 2015 were taken as read, approved as a true record and signed by the Chairman.

FM/3 **DECLARATIONS OF INTEREST**

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

FM/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

FM/5 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

FM/6 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

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

MATTERS DELEGATED TO COMMITTEE

FM/7 CORPORATE PLAN 2014/15 PERFORMAMCE MANAGEMENT

The Director of Finance and Corporate Services presented the report to Committee.

RESOLVED:

That Members considered the progress against performance targets and approved the final out-turn for the financial year 2014/15.

FM/8 CONSULTATION ANNUAL REPORT 2014/15

The Director of Finance and Corporate Services delivered the report to Committee.

RESOLVED:

That Members noted the key consultation achievements for 2014/15.

FM/9 COMMUNICATION ANNUAL REPORT 2014/15 AND ACTION PLAN 2015/16

The Director of Finance and Corporate Services presented the report to Committee, drawing particular attention to plans for a major overhaul of the Council's website. Queries and comments raised by Members relating to access to Planning services and comparisons to other local authority websites were noted and responded to.

RESOLVED:

- 1.1 That Members considered the Corporate Communications Annual Report and key achievements for 2014/15.*
- 1.2 That performance against the Communications Action Plan for 2014/15 be noted.*
- 1.3 That the Council's revised Communications Action Plan for 2015/16 be agreed.*
- 1.4 That the proposed publicity/communication campaigns 2015/16 be approved.*

FM/10 DATA QUALITY STRATEGY ANNUAL REPORT 2014/15 AND ACTION PLAN 2015/16

The Director of Finance and Corporate Services presented the report to Committee.

RESOLVED:

- 1.1 That Members noted the progress made against the Data Quality Strategy Action Plan 2014/15.*
- 1.2 That Members approved the Action Plan for 2015/16.*

FM/11 CORPORATE EQUALITIES AND SAFEGUARDING ANNUAL REPORT 2014/15 AND ACTION PLAN 2015/16

The Director of Finance and Corporate Services delivered the report to Committee, making reference to the advances achieved in safeguarding training and awareness. Councillor Atkin requested that Members be kept up to date with developments.

RESOLVED:

- 1.1 That Members approved the Corporate Equalities & Safeguarding Annual Report for 2014/15 for publication.***
- 1.2 That progress made against the 2014/15 Corporate Equalities & Safeguarding Action Plan be noted.***
- 1.3 That the Corporate Equalities & Safeguarding Action Plan for 2015/16 be approved.***

FM/12 ANNUAL HEALTH AND SAFETY REPORT 2014/15 AND ACTION PLAN 2015/16

The Director of Finance and Corporate Services presented the report to Committee, drawing particular attention to the low accident rate requiring referral to the Health and Safety Executive. A decline in health and safety course attendance was reported, an issue that is being addressed.

RESOLVED:

That Members reviewed the key health and safety achievements and performance for the year ending March 2015 and endorsed the health and safety action plan for 2015/16.

FM/13 COMPLAINTS, COMPLIMENTS AND FREEDOM OF INFORMATION REQUESTS 1ST OCTOBER 2014 TO 31ST MARCH 2015

The Director of Finance and Corporate Services presented the report to Committee.

RESOLVED:

That Members considered and noted the report detailing complaints and Freedom of Information requests.

FM/14 ANNUAL TRAINING REPORT 2014/15 AND PRIORITIES FOR 2015/16

The Director of Finance and Corporate Services presented the report to Committee. The Chief Executive referred to the reduced Council establishment and the need to train and develop employees, not only to maintain / improve the services provided to the public, but also to aid retention.

Queries raised by Members relating to the training outcomes, the take up of mandatory training courses for employees and Members alike, as well as training timescales were noted and responded to, the Chief Executive

reassuring the Committee that all mandatory training for employees had been accommodated within the given timeframes, with no effect on operational undertakings. Councillor Richards proposed that a Register of Member Training be created and maintained, an amendment agreed by all Members.

RESOLVED:

- 1.1 That Members approved the priority areas for training and development during 2015/16.***
- 1.2 That the range of training activities and actions provided during 2014/15 be noted.***
- 1.3 That a register of Member Training be created and maintained.***

FM/15 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

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

MINUTES

The Exempt Minutes of the Meeting held on 23rd April were received.

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

The Committee was informed that no questions had been received.

REVIEW OF THE LAND CHARGES FUNCTION (Paragraph 1)

The Committee agreed proposals for changes in the Land Charges Function.

REVIEW OF ELECTORAL SERVICES (Paragraph 1)

The Committee approved the recommendations relating to changes in the structure of the Electoral Services section.

The meeting terminated at 6.50pm.

COUNCILLOR J HARRISON