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Date: 20 January 2015

Dear Councillor,

Council

A Meeting of the **Council** will be held in the **Council Chamber**, on **Thursday, 22 January 2015 at 18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

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

Labour Group

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

AGENDA

Open to Public and Press

- 1 Apologies.
- 2 To confirm the Open Minutes of the Council Meeting held on 06.11.2014 (CL/62 - CL/78).
Open Minutes **4 - 8**
- 3 To receive any declarations of interest arising from any items on the Agenda.
- 4 To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 5 To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 6 To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 7 COUNCIL TAX SCHEME REDUCTION REGULATIONS 2015. **9 - 12**
- 8 To receive and consider the Open reports of the following Committees:

Overview & Scrutiny Committee - 22.10.2014 - OS/14 - O/22 **13 - 15**

Planning Committee - 28.10.2014 - PL/87 - PL/101 **16 - 22**

Licensing & Appeals Sub-Committee - 13.11.2014 - LAS/71 - LAS/74 **23 - 25**

Environmental & Development Services Committee - 20.11.2014 - EDS/48 - EDS/62 **26 - 30**

Housing & Community Services Committee - 27.11.2014 - HCS/39 - HCS/47	31 - 34
Finance & Management Committee - 04.12.2014 - FM/65 - FM/83	35 - 41
Overview & Scrutiny Committee - 10.12.2014 - OS/23 - OS/29	42 - 46

- 9** To review the composition of the Committees, Sub-Committees and Working Panels for the remainder of the municipal year.
- 10** To review the composition of Substitute Panels.
- 11** To review representation on Outside Bodies.

Exclusion of the Public and Press:

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.

- 12** To confirm the Exempt Minutes of the Meeting of the Council held on 06.11.2014 (CL/79 - CL/84).
Exempt Minutes
- 13** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 14** To receive and consider the Exempt reports of the following Committees:
 Planning Committee - 28.10.2014 - PL/102 - PL/103
 Environmental & Development Services Committee - 20.11.2014 - EDS/63- EDS/65
 Licensing & Appeals Sub-Committee - 25.11.2014 - LAS/75
 Housing & Community Services Committee - 27.11.2014 - HCS/48 - HCS/50

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 6th NOVEMBER 2014
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Murray (Chairman) Councillor Atkin (Vice Chairman) together with Councillors Mrs Brown, Ford, Mrs Hall, Harrison, Hewlett, Mrs Hood, Jones, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Watson, Mrs Watson, Wheeler.

Labour Group

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

CL/62 **APOLOGIES**

Apologies were received from Councillors Bale, Lemmon and Mrs Mead

CL/63 **MINUTES OF THE COUNCIL**

The Open Minutes of the Council held on 25th September 2014 (Minute Nos. CL/41- CL/57) were approved as a true record.

CL/64 **DECLARATIONS OF INTEREST**

The Council was informed that no declarations of interest from elected members had been received.

CL/65 **ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER AND CHIEF EXECUTIVE**

The Chairman of the Council, Councillor Murray, listed the events that he had attended since the last meeting of the Council. Many of these, he explained, had been within the District and involved local communities. In this context he highlighted his visit to the Castle Court care home.

The Leader of the Council, Councillor Wheeler, reminded members that Rolls Royce had announced that it was likely to make redundancies and these would include job losses at its Derby plant. The Leader called on the Chief Executive to develop a plan that would help to minimise the impact of these job losses on the District; and in particular to help people who are made redundant to find employment with other local firms. The Chief Executive agreed to do this.

The Chief Executive reminded members that the consultation period on the 'Article 4' direction, on a former brewery building in Woodville, had now ended. Following on from the consultation exercise he confirmed that the officer recommendations remained that the building ought not to be demolished.

He also pointed out that the Legal & Democratic Services Manager, Ardip Kaur, had recently qualified as a solicitor. The Council congratulated Miss Kaur on this.

CL/66 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/67 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received.

CL/68 **ANNUAL AUDIT LETTER**

Council received a copy of the Annual Audit Letter for the 2013/14 financial year. This had been prepared by its external auditors, Grant Thornton. Kyla Bellingall, on behalf of the company, explained the contents of the letter and the key findings, which they had reached. She made it clear that they had issued unqualified opinions on the Council's 2013/14 financial statements and its efforts to achieve Value for Money (VFM). The auditors were satisfied that in all significant respects the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Members discussed the letter and the external auditor's findings. They asked them to explain their conclusion that the draft accounts and papers, produced for audit, had not been to the same standard as in previous years. It was stated that the documents and information provided by the Council had been wholly adequate for their purposes, but that because of capacity issues, the services ability to prepare them in the usual way had been reduced. In response to this finding, it was confirmed that a review would now be undertaken of the accountancy function and how resources are deployed to carry out the function.

RESOLVED:-

Approve the Annual Audit Letter

CL/69 **OPEN REPORTS**

Council received and considered the open minutes of its committees.

RESOLVED:-

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

Overview & Scrutiny Committee 10.09.2014 (OS/6-OS/13)

Planning Committee 16.09.14 (PL/51-PL/64)

Finance & Management Committee 25.09.2014 (FM/27-FM/37)

EDS 02.10.2014 (EDS/29-EDS/44)

Planning Committee 07.10.2014 (PL/67-PL/83)

Housing & Community Services Committee 09.10.2014 (HCS/24-HCS/38)

Finance & Management Committee 16.10.14 (FM/42-FM/48)

Licensing & Appeals Sub-Committee (LAS/68-LAS/70)

On Minute FM/48, members queried whether the recent European Union directive on overtime payment would have an impact on the Council. This would, it was explained, need to be assessed and reported back to the Committee. It was also confirmed that the Council does carry out an annual review of equal pay and differentials within the authority.

On Minute FM/49, members discussed the terms of reference for the review of cash handling, which the Committee had asked the Overview & Scrutiny Committee to undertake. It was confirmed that this review would look at the ways in which the Council provides customer services and as part of this, it would look at the potential use that could be made of self-service cash handling machines when customers pay bills. Council was informed that the Overview & Scrutiny Committee intended to carry out this review within the next few months and report back early in the New Year. Members welcomed this and supported the review.

Licensing & Appeals Sub Committee 21.10.2014 (LAS/68-LAS/70)

The minutes were approved, subject to the substitution of Councillor Atkin for Councillor Watson on the list of members who constituted the Sub-Committee.

CL/70 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE MUNICIPAL YEAR**

Council was informed that no changes had been made to the composition of committees, sub-committees and working panels since its last meeting.

CL/71 **COMPOSITION OF SUBSTITUTE PANELS**

Council was informed that no changes had been made to the composition of the substitute panels since its last meeting. It was noted that there were currently no formal substitute arrangements for the Audit Sub Committee.

CL/72 **REPRESENTATION ON OUTSIDE BODIES**

Council was informed that no changes had been made to the Council's representation on outside bodies since its last meeting. It was reported that the Derby and Sandiacre Canal Trust had indicated that the Council was entitled to appoint an additional representative on to it.

CL/73 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

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

CL/74 **EXEMPT MINUTES OF THE COUNCIL**

The Exempt Minutes of the Council, held on 25th September 2014 (Minute Nos. CL/58-CL/61) were approved as a true record

CL/75 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

Council was informed that no questions had been received.

CL/76 **RECRUITMENT FOR THE DIRECTOR OF HOUSING & ENVIRONMENTAL SERVICES**

The Council received a report setting out the suggested process for recruiting the Director of the Housing & Environmental Services, following the departure of the existing director, Bob Ledger, to take up an appointment with another authority. Members congratulated Mr Ledger on his appointment and thanked him warmly for the work he had carried out for the Council and for his role in improving housing provision and environmental services in the District. They wished him well for the future.

RESOLVED:-

Approve the proposed recruitment process for the Director of Housing & Environmental Services.

CL/77 **ASTON ON TRENT**

Council was asked to agree a short term loan to Aston on Trent Parish Council. The circumstances for this were explained to members. It was confirmed that the loan would be paid back to the District Council within one year.

RESOLVED:-

Approve the recommendations

CL/78 **EXEMPT REPORTS**

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

That the Exempt Minutes of the following Committees are approved as a true record:-

Overview & Scrutiny Committee 10.09.2014 (OS/14-OS/15)

Planning Committee 16.09.14 (PL/65-PL/66)

Finance & Management Committee 25.09.2014 (FM/38-FM/41)

EDS 02.10.2014 (EDS/45-EDS/47)

Planning Committee 07.10.2014 (PL/84-PL/96)

Housing & Community Services Committee 09.10.2014 (HCS/39)

Finance & Management Committee 16.10.14 (FM/59-FM/64)

The meeting terminated at 6.50pm

Councillor P. Murray

CHAIRMAN OF THE DISTRICT COUNCIL

REPORT TO:	COUNCIL	AGENDA ITEM: 7
DATE OF MEETING:	22nd JANUARY 2015	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF FINANCE & CORPORATE SERVICES	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (01283 595811) Kevin.stackhouse@south-derbys.gov.uk	DOC: u/ks/council tax support scheme/scheme1516/local scheme regulations 2015
SUBJECT:	COUNCIL TAX REDUCTION SCHEME REGULATIONS 2015	REF
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 Under Section 10 of the Local Government Finance Act 2012, a Local Council Tax Support Scheme for South Derbyshire is adopted for the financial year commencing 1st April 2015.
- 1.2 Regulations are approved and cited as the Council Tax Reduction Scheme Regulations (South Derbyshire District Council Local Scheme 2015) and come into force on 22nd January 2015.
- 1.3 These regulations amend the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013, as amended, set out in the Schedule to those Regulations for the purposes of paragraph 4 of Schedule 1A to the Local Government Finance Act 1992, by:
- Continuing the insertion of Section 18a Class G: exempt persons who are not pensioners.
 - Continuing the insertion of Section 18b Class H: persons who are not pensioners.
 - Continuing the amendment to Regulation 32 to vary the maximum entitlement in prescribed cases, i.e. to give effect to the designation of war pensioners and the disabled as protected groups (in addition to pensioners under the Prescribed Requirements) and to reduce benefit entitlement in non-protected groups by 8.5% for persons on passported benefit and by 10% in all other cases.
 - Continuing the amendment to Schedule 8 (20) to ensure the disregard of war pensions, to include other payments made under the Armed Forces Compensation Scheme.

- Continuing the insertion at Part 12 Chapter 6 the provision to increase the period of extended payments (as defined in the Regulations) from 4 to 8 weeks.

1.4 That the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums and deductions are uprated in accordance with the 2013 Regulations in 1.3 above as set out in Circular A18/2014.

1.5 That where a DWP claimant also makes it known they wish to claim Housing Benefit, during that organisation's telephone claim process the resultant computer generated claim form, issued to the Council electronically and known as either a LAID (local authority input document) or a LACI (local authority claim information) shall also be treated as a valid claim for Council Tax Reduction.

2.0 Purpose of Report

2.1 To adopt the detailed regulations for the proposed Local Council Tax Reduction Scheme for South Derbyshire for 2015/16.

2.2 This is based on the recommendation of the Finance and Management Committee of 4th December 2014. After considering options available, the Committee recommended that the scheme in place for 2014/15 should be continued into 2015/16, with no changes.

2.3 As a billing authority, the Council is statutorily required to adopt a local scheme before 31st January 2015. The Regulations will come into force immediately and will be effective from 1st April 2015.

3.0 Detail

Council Tax Reduction Scheme

3.1 The South Derbyshire regulations are based on the previous national scheme that applied to Council Tax Benefit prior to 2013/14.

3.2 In summary, the Local Scheme incorporates the previous parameters and thresholds for calculating Council Tax Reduction for claimants, adjusted to reflect new parameters, as follows:

- That working age claimants currently receiving 100% benefit are deducted 8.5% from their entitlement calculated under the Local Scheme.
- That all other working age claimants are deducted 10% from their entitlement calculated under the Local Scheme.
- That full Council Tax Reduction for claimants entering work is extended from 4 weeks to 8 weeks in the Local Scheme.

3.3 Within the Local Scheme, certain claimants are protected and continue to receive the same level of support as existed under the previous national scheme. Protection is afforded to :

- All claimants of pensionable age (this is a statutory requirement).
- All households who qualify for benefit through disability premiums.
- All war widow and war disabled claimants.
- All military compensation payments are fully disregarded in calculating Council Tax Reduction.

3.4 The Local Scheme will also apply to all new claimants after 1st April 2015.

3.5 The detailed regulations are extremely detailed and are covered in over 200 pages. They can be accessed at:

<http://south-derbys.cmis.uk.com/south-derbys/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1533/Committee/275/Default.aspx>

4.0 Financial and Corporate Implications

4.1 These implications were considered in detail by the Finance and Management Committee in December 2014. The cost of the Local Scheme is currently being contained within the Council's Budget and it is anticipated that this will continue in 2015/16.

4.2 The Finance and Management Committee receive regular monitoring reports which keep under review actual claimants and costs. This will continue in 2015/16 with any changes being considered ahead of 2016/17.

5.0 Community Implications

5.1 The proposals will have an impact upon residents of the District who currently claim support or in the future may become eligible under the Local Scheme.

5.2 Due to no changes being proposed, no formal consultation has been undertaken for the 2015 Local Scheme.

5.3 It is noted that a full consultation exercise was undertaken over a 12 week period from August to November 2012 which informed the basis of the original 2013 Local Scheme.

5.4 Following the adoption of the 2015 Local Scheme, this will be communicated to all stakeholders.

5.5 The other precepting bodies in South Derbyshire have raised no issues with the proposed scheme for 2015/16.

6.0 Background Papers

6.1 Report to Finance and Management Committee on 4th December 2014:

<http://south-derbys.cmis.uk.com/south-derbys/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1730/Committee/367/Default.aspx>

6.2 The Prescribed Requirements (2013):

<http://www.legislation.gov.uk/uksi/2013/3181/contents/made>

OVERVIEW AND SCRUTINY COMMITTEE

22nd OCTOBER 2014

PRESENT:-

CONSERVATIVE GROUP

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

LABOUR GROUP

Councillor Bambrick, Councillor Mrs Heath, and Councillor Mrs Mead

OS/14. APOLOGIES

Apologies for absence were received from Councillor Pearson.

OS/15. MINUTES

The minutes of the meeting held on 25th June 2014 were agreed as a true record.

OS/16. DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA

None received.

OS/17. QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURUSANT TO COUNCIL PROCEDURE RULE NO. 10

None received.

OS/18. QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURUSANT TO COUNCIL PROCEDURE RULE NO. 11

None received.

OS/19. **PROGRESS REPORT ON NHS DENTAL SERVICE PROVISION (Verbal report by Councillor Mrs Patten)**

Councillor Mrs Patten reported that only a small number of responses have been received from the survey published on the website and via Twitter. She said he has publicised it as much as she can and is now planning to go out and talk to members of the public face to face. Date of closure for the survey is likely to be the end of November and she asked for members of the committee to pass details of the survey on to colleagues to help publicise it further.

Director of Finance & Corporate Services advised that a press release was issued but there was no take-up with the media to report on the subject.

Councillor Pattern suggested having the survey printed out and put in Councillors pigeon holes.

It was agreed to bring the verbal report back to December's meeting when a further update can be made.

OS/20. **FINANCE AND GOVERNANCE TRAINING SESSION UPDATE (Verbal explanation by Director of Finance and Corporate Services)**

The Audit Sub-Committee requested some up to date training which is taking place in November and opened it up to all members who wish to attend. The purpose of the training is to find out what the Audit Sub-Committee do and what internal and external audit do. Training will be delivered by the Audit Manager from Derby City Council. Around a dozen members have put their names forward so far.

OS/21. **DRAFT SCOPING DOCUMENT – CUSTOMER SERVICES AND PAYMENT FACILITIES AT THE CIVIC OFFICES (Additional item brought to the meeting by Director of Finance & Corporate Services)**

Director of Finance & Corporate Services advised on a report he put forward for consideration by the Finance and Management Committee on 16th October 2014, regarding the introduction of cash machines in the Civic Offices, for people paying bills. The report also considered the more fundamental issue of current payment facilities being withdrawn, together with the need to provide a better experience for people contacting the Council and visiting the offices with queries and looking for information.

The Finance Committee agreed that the issue of payment facilities should be reviewed by the Overview and Scrutiny Committee and that this should be part

of a wider review of Customer Services given the increasing demand from people contacting the Council.

Director of Finance & Corporate Services reported on the increase of number of transactions made by Customer Services over the last few years.

The Chair said she would be happy to take a lead on the matter and Councillor Mrs Mead said she would be happy to assist and come in to the Civic Offices to monitor customer services to undertake a service review.

RESOLVED:-

That the Chair and Councillor Mrs Mead undertake a service review at the Civic Offices and verbally report back to the December meeting with a view to reporting back to the Finance Committee before its meeting on 15th April 2015.

RESOLVED:-

That the Director of Finance & Corporate Services liaise with Angie Lees to contact the Chair to organise the service review being undertaken.

The Chair confirmed the acceptance of the draft Scoping document.

OS/22. **WORK PROGRAMME**

The Chair requested a discussion on the issue of Church Cemeteries for December's meeting. The Director of Finance & Corporate Services said he would ask Malcolm Roseburgh to attend and update the committee.

The meeting terminated at 6.40pm

MRS. A. PLENDERLEITH

CHAIRMAN

Request by Chair to put the work programme sheet at end of agenda.

PLANNING COMMITTEE

28th OCTOBER 2014

PRESENT:-

Conservative Group

Councillor Ford (Chairman), Councillor Mrs Brown (Vice Chairman) together with Councillors Mrs Hall, Jones, Stanton, Watson, Hood.

Labour Group

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

In attendance

Councillors Murray, Frost, Harrison, Hewlett

PL/87 **APOLOGIES**

The meeting was informed that apologies had been received from Councillor Bale. Councillor Mrs Hood substituted for him.

PL/88 **DECLARATIONS OF INTEREST**

Councillor Mrs Hall declared an interest in agenda item number 1.2 (9/2014/0431/SMD). Councillor Mrs Brown declared an interest in item number 2.1 (9/2014/0249/OM).

PL/89 **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/90 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services then submitted a report, dealing with several planning applications, for consideration and determination by the Committee.

PL/91 **THE ERECTION OF 66 DWELLINGS WITH ACCESS ON LAND AT KINGS NEWTON LANE, MELBOURNE, DERBY.**

At the suggestion of the Chairman, members agreed to consider this application first. The Committee was reminded that a site visit of the proposed development had taken place earlier in the day.

The Principal Area Planning Officer explained that the application involved the construction of terraced, semi-detached houses on the site, as well as two flats. Thirty percent of this accommodation would be affordable housing. The report confirmed that the Highways Authority had no objections to the application, provided that proposed improvements to the junction were made. Severn Trent Water had also been consulted and again raised no objections, as long as a scheme was proposed that would provide a satisfactory means of drainage, in order to reduce the risk of creating or exacerbating flooding and to minimise the possibility of pollution.

Members were reminded that the National Planning Policy Framework requires that there should be a presumption that developments in sustainable locations, such as this, ought to be approved when Councils do not yet have a local plan, or a five year supply of building land for new housing,

The Committee heard from Jessica Long, the Chair of the Kings Newton Residents Association, who spoke against the application. She argued that the development would blur the village's separate identity from Melbourne and erode its rural and historic character. She raised concerns about the impact of the development on the local infrastructure, stating that there had already been problems with sewerage capacity and that local schools were full. Ms Long also raised concerns about the impact of extra road traffic generated by the development and how this would exacerbate the traffic problems in Melbourne.

Following this, members heard from Nigel Hainsworth, the agent for the scheme. He argued that it had been drawn-up in consultation with Council officers to ensure that the design of the housing complemented the buildings in the neighbouring conservation area. He also reiterated the point that the Council does not yet have a Local Plan in place, or a five year supply of land for new housing, so therefore the application ought to be approved in line with the National Policy Planning Framework. He also explained that the developers had agreed to make a contribution to pay for additional classrooms and GP facilities.

Local members made it clear that they had concerns about the possible impact of the proposed development on both Kings Newton and Melbourne. There had been considerable growth in the area and, they argued, local communities needed time to adjust to this. They also referred to the recent comments from the planning minister that authorities were not obliged to accept all applications, even if they do not yet have a local plan - if they believe that the dis-benefits of a development would outweigh the benefits.

Members queried whether there would be grounds of rejecting the application in terms of national planning policy because it would make large scale development in the area a reality, regardless of whatever the plan might ultimately say about whether this should happen or not.

During the discussion, the officers pointed out that a similar argument had been used when the Committee had rejected an application for a development in the Linton area, which proportionately, had been bigger. This decision had, been overturned on appeal by the Planning Inspector, who had not accepted

the argument. Members were warned that if the Committee tried to reject the application on these grounds then this decision would also likely be overturned by the Planning Inspector, with potentially significant costs awarded against the authority.

At the conclusion of the discussion, there was a general feeling that the Committee had very little option other than to approve this recommendation, for the reasons outlined. Some members saw this as a consequence of Government policy, which had removed discretion from local councils who did not yet have a local plan in place, in terms of what developments they can and cannot approve

RESOLVED:-

That planning permission is granted subject to the conditions set out in the report by the Director of Community Planning and an additional and an amended condition reported verbally.

PL/92

THE ERECTION OF RESIDENTIAL DEVELOPMENT OF 64 UNITS WITH ACCESS PROVIDED OFF LAND AT VALLEY ROAD, OVERSEAL, SWADLINCOTE.

The Committee then turned to this application. Members were reminded that a site visit of the proposed development had taken place earlier in the day. It would consist of a combination of flats and 2 to 4 bedroomed houses. 19 of the dwellings would be classed as affordable homes. The access arrangements for the site were also explained to the Committee. It was confirmed that the Highways Authority had raised no objections to this.

Once again the Committee was reminded of the presumption to approve sustainable development in the absence of a local plan / five year housing supply. It was pointed out that a raft of Section 106 monies would be made available to help improve local facilities. This would include £30,000 to help fund sports projects.

The Committee heard from Lindsay Holmes, who spoke on behalf local residents opposed to the development. She argued that the extra housing would not benefit the local community, turning it into a dormitory suburb, that it would not be sustainable, given the lack of facilities and that the residents would have to drive to employment and for services etc.

The Committee then heard from Nigel Hainsworth, the agent for the application. He reiterated the points made in the report that Overseal was a key service village and a location for sustainable development; and that in this context the NPPF presumption in favour of development ought to apply. He also pointed out that funding would be provided for improvements, which would benefit local communities, including additional health care and educational capacity.

Local members made clear that they opposed strongly the application, pointing out that this was not a sustainable location, with no employment in the area and full schools. They were especially concerned that the traffic

conditions were already very bad and this would make it worse, especially on Lullington Road. They also argued that it would be practical to provide extra places at the school as the classes there were already full to capacity – the additional pupils could not just be slotted in. There was also concern that the suggested number of additional educational places needed might be too low.

The Committee discussed the application. During this discussion it became apparent that there was a lot of concern about the impact that the development would have on traffic in the area. In particular, there was concern that the number of cars associated with the development would be far higher than that suggested. It was noted that the Highway Authority had raised no objections to the proposed access, but there was concern that this assessment may not be correct and so needed to be looked at again.

Members felt that the potential impact on traffic and road safety in the area of the proposed development was a critical issue, but as things stood they did not have enough information in order to make an informed decision. Similarly, members felt that further information was needed to clarify what would be required to meet the likely demand for additional educational spaces.

RESOLVED:-

That determination of the application be deferred in order to allow a further assessment by the Highway Authority of the traffic implications of the proposals to take place and for the required education contributions to be determined.

PL/93

THE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A NEW RESIDENTIAL DEVELOPMENT, 47-51 ALEXANDRA ROAD, SWADLINCOTE

The Committee then considered an application to demolish this building in order to allow the development of 12 houses. The principle of development on the site had been agreed in 2011, however, because of the deterioration the applicant no longer viewed it as practical to use the existing building frontage, so the plans had now been changed for it to be demolished. Although this was an Edwardian building in the conservation area, the professional assessment was that its demolition would not have a significant impact, given the deterioration to the structure.

Members heard from the agent for the site, Janet Hodson, who explained the benefits of the development and what would be involved etc.

There was a general agreement that although for the loss of this old building was regrettable; this would be a good development which ought to be supported.

RESOLVED:-

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

PL/94 **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT 124 REPTON ROAD, HARTSHORNE, SWADLINCOTE.**

The Committee then considered an outline application to build up to five dwellings arranged parallel to Repton Road. Members were reminded that the site of the proposed development had been visited by the Committee earlier in the day. The site currently has an existing planning permission to build up to five holiday cottages, but these would be permanent structures.

The Committee heard from Janet Hodson, who reminded members that the site currently has an existing planning permission to build up to five holiday cottages. This application, she stated, covered a smaller area than the original application. She also argued that given the earlier planning permission, this was no longer a green field site and that the level of development was appropriate for what could be expected for a village of that size.

Concern was raised by local members that this development was on land that lay outside of the Hartshorne boundary and that it was not in a sustainable location. Because of the likely cost of the properties, they were unlikely to be affordable for local residents. It was argued that this would, in effect, be a 'ribbon' development along the line of the road, which the Committee had normally opposed.

RESOLVED:-

That planning permission is rejected against the officer recommendations as it would involve a ribbon development, contrary to planning policies H8 and EV1.

PL/95 **SUSPENSION OF STANDING ORDERS**

Resolved:-

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

PL/96 **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER.**

Members were reminded that the site of the proposed development had been visited earlier in the day. Briefly, the Committee heard that this application was on land near Mickleover, immediately adjacent to the District's administrative boundary with the City of Derby. This was an application for outline planning permission for the residential development of up to 300 dwellings. As part of this, the application detailed road junction plans had been drawn up for vehicular access to the site from the A516 Mickleover By-Pass, which would involve the installation of traffic controls on the road and a reduction of the speed limit from 70 to 50mph at the junction. It was confirmed that the Highway Authority had objected to this as unsuitable.

Members were informed that at a late stage a revised traffic access plan had been drawn up by the Developer, involving the creation of a roundabout. This

revised plan was indicative at this stage and extra work and consultation would be required with the relevant parties before it could be finalised. The Highway Authority had advised that the roundabout was unacceptable in its original form.

The Committee heard from Richard Wain the agent for application, who spoke in favour. He explained that the only issue which needed to be resolved in the light of the Highway Authority's comments was access. He recognised that work needs to take place to finalise this and for that reason called on the Committee to defer determination of the application until December in order to allow this extra work to take place.

The Committee also heard from John Keith who spoke on behalf of local residents opposed to the application. He highlighted the problems associated with the junction. He also argued that the development would predetermine the local plan, for both South Derbyshire and the neighbouring City of Derby on the grounds that, if approved, it would open the door for other major developments, regardless of what the plans might say.

Members then discussed the application. The general consensus was that the original traffic access scheme was unacceptable. It was also felt that given the extra work that would have to take place, there was no guarantee that a revised access scheme would be ready for December. Members felt, therefore, that it would better for them to resubmit the application in its entirety, when all the details had been worked out.

RESOLVED:-

That planning permission is refused in line with the recommendation.

PL/97 **THE CONSTRUCTION OF 26 HOUSES AND 26 APARTMENTS ETC AT WOODVILLE**

The Committee considered this application and the specific proposals involved

RESOLVED:-

That planning permission is approved, subject to the conditions set out in the report from the Director of Community & Planning Services.

PL/98 **ERECTION OF A DWELLING WITH AN ATTACHED GARAGE, BRIDGE BARN, SWARKESTONE**

The Committee considered this application and the specific proposals involved.

RESOLVED:-

That planning permission is approved, subject to the conditions set out in the report from the Director of Community & Planning Services.

PL/99 **TREE PRESERVATION ORDER, ASHBY ROAD, MELBOURNE**

The members considered the details of this tree preservation order.

RESOLVED:-

That the Tree Preservation Order be confirmed.

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/100 **EXEMPT 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.

PL/101 **ENFORCEMENT ACTION – COTON IN THE ELMS**

The Committee considered the details involved on this issue.

RESOLVED:-

That the recommendations be approved.

M. FORD

CHAIRMAN

The meeting terminated at 8:50pm.

LICENSING AND APPEALS SUB-COMMITTEE

13TH NOVEMBER 2014

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Stanton (Chairman), Councillor Wheeler (Conservative Group) and Councillor Bell (Labour Group)

District Council Representatives

A. Kaur (Legal & Democratic Services Manager) A. Edwards (Senior Legal Officer). E. McHugh (Senior Licensing Officer) L. Kinsey (Licensing Officer) A. Maher (Clerk to the Sub-Committee)

Also in attendance

For Item 3

R Botkai (solicitor acting on behalf of Sainsbury's Ltd)
C Bell (Sainsbury's Ltd)
P Sellars (Sainsbury's Ltd)
M. Sephton (objector)
M Lee (objector)
Councillor Harrison (observer)

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/71 **APOLOGIES**

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

LAS/72 **DECLARATIONS OF INTEREST**

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

LAS/73 **APPLICATION FOR A PREMISES LICENCE, 'SAINSBURY'S' DERBY ROAD, MELBOURNE, DERBY, DE73 8FE**

The Sub-Committee was asked to determine an application for a new Premises Licence to permit the sale by retail of alcohol at 'Sainsbury's' Derby Road, Melbourne, DE73 8FE, between 7am and 11pm, Monday to Sunday. It was made clear that the Sub-Committee would deal only with this matter and not any planning related matters, which would be subject to a different process.

Members were informed that the application related to a new store; albeit one located in a building that, until recently, had been used by another supermarket.

With the permission of the Chairman, the Sub-Committee heard from Robert Botkai, the solicitor acting on behalf of Sainsbury's. Mr Botkai explained that the company had submitted its standard application for a premises licence and in particular, the time periods when sales would be allowed. He assured the Sub-Committee that, in reality, the company would not sell alcohol at the store for all of these periods. It was likely to cease trading at 10pm on weekdays; possibly earlier, if there was no commercial case for staying open until then.

However, the proposed hours contained in the application would, he suggested, provide flexibility so that the store could respond to changing circumstances; for example if the Sunday trading laws changed, so that it could open for longer than six hours, which is the current legal time limit for trading on that day.

The Sub-Committee then heard from Michael Sephton and Matthew Lee, who had both submitted objections to the application, which focused on the likely impact on what, they argued, was an otherwise quiet residential area. They both highlighted the problems of anti-social behaviour and gave instances where this had occurred around the site in the past; and especially the problems caused by youths from the village and elsewhere congregating in the car park. They also pointed out that the previous supermarket had closed at 8pm. If the new Sainsbury's store was to open until 10pm then, they feared, any anti-social behaviour problems would go on for longer – especially if those involved were able to buy alcohol from the store.

The Sub-Committee discussed the application. During this discussion it was explained that the Derbyshire Trading Standards Service had withdrawn their objections to the application, following reassurances about the operational conditions that ought to be placed on it. It was also made clear that the police had raised no objections to the application, in terms of the possible impact on crime, public safety or anti-social behaviour. The measures to prevent any behaviour problems from occurring were explained. These included the installation of CCTV cameras in the car park, so that it could be monitored and a strict policy of not selling alcohol to those who were under 25 years of age.

RESOLVED:-

To grant the application for a Premises Licence as follows:

Sale by retail of alcohol for consumption off the premise:

– Monday to Sunday 07:00 hours to 23:00 hours.

The grant of the application for a Premises Licence be subject to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the original application form.

LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (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.

LAS/74 **REVIEW OF PRIVATE HIRE DRIVER'S LICENCE**

The Sub Committee reviewed an existing private hire driver's licence and the reasons why this review had become necessary

RESOLVED:-

In line with the Council's Private Hire Licence Conditions, the licence holder be required to pass the Driving Standards Agency Notice within a four week period from the date of the hearing. Failure to do so would result in the suspension of the licence holder's Private Hire Licence.

M. Stanton

CHAIRMAN

The Meeting terminated at: 3.15pm

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

20th November 2014

PRESENT:-

Conservative Group

Cllr Watson (Chairman) and Councillors Mrs Brown, Ford, Mrs Hall, Mrs Patten, Smith and Stanton

Labour Group

Councillors Chahal, Frost, Mulgrew, Southerd, Rhind and Taylor

In Attendance

Councillor Atkin

EDS/48 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Roberts, whom was substituted by Councillor Smith.

EDS/49 **MINUTES**

The Open Minutes of the Meeting held on the 20th November 2014 were approved as a true record.

EDS/50 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received from its members relating to any of the items on today's agenda.

EDS/51 **QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from elected members had been received.

EDS/52 **QUESTIONS BY MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 11**

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

EDS/53 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

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

MATTERS DELEGATED TO COMMITTEE

EDS/54 HEALTH & SAFETY ADVICE SERVICE

Members considered a report on the Health & Safety Advice Service, which the Council provides to businesses in the 'D2 N2' Local Economic Partnership (LEP) area. South Derbyshire had, it was explained, received external funding through the Local Economic Partnership to pay for this service. The business community had welcomed the support and the tangible savings it had helped to achieve.

Further external funding had been provided by the LEP to continue the service until the end of the financial year. The Council proposed to use this funding to 'backfill' the work of the officer charged with providing the service. This would be done by contracting relevant professional support, via an agency. To secure the longer term provision of the service, it was proposed that a bid be submitted to the European Union's Regional Growth Fund to help meet the costs of providing the service during 2015/16.

Members discussed the report and the evaluation of the scheme, which was appended to it. In this context, they noted that comparatively few of those who had used the service had actually provided feedback on it. The Committee felt that willingness to provide feedback should be made a condition for receiving the service. Members welcomed what had been achieved and the contribution which the service had made to local businesses and their customers. They felt that the service ought to continue and that a bid for European Union funding be submitted in order to secure the necessary funding.

Resolved:

To approve continued support for the provision of a regional health and safety business advice service for the remainder of the 2014/15 financial year;

To approve the submission of a bid to the European Union's Regional Growth Fund for the continuation of the service in 2015/16

EDS/55 LOCAL DEVELOPMENT SCHEME

The Committee was asked to endorse the publication of the Local Development Scheme (LDS). Members were reminded that the Council had a statutory duty to maintain an up to date LDS, setting out the programme for preparing those documents required for the Local Plan and also those documents to be written as Supplementary Planning Documents (SPD's).

It was pointed out that since the Committee had last considered the LDS the proposed Local Development Plan had been submitted to the Planning Inspectorate, who would shortly carry out a hearing to determine whether

the plan was 'sound' and whether all legal requirements had been met when preparing it.

Members were also told that the Council has a duty to co-operate with other neighbouring local authorities when preparing the local plan. Some places have carried out this responsibility by producing joint development plans with their neighbours. South Derbyshire, it was explained, had chosen to prepare its own document; albeit one which was 'aligned' to the plans prepared by neighbouring councils.

The Committee was advised that a formal resolution was required, confirming that the authority had consciously chosen to proceed with its own local plan, aligned with the strategic priorities of its neighbours, rather than produce a joint plan with other local authorities. This would help to make sure that the Council's compliance with its duty to co-operate could not be successfully challenged.

Members agreed with this approach. It was recognised that to go back to first principles and to seek to produce a joint document with others would be neither practical nor desirable.

Resolved:-

That the Committee endorse 'option one' identified in Section 3.6 of the report, that the Council continue to progress a separate South Derbyshire Plan, prepared on an aligned basis and with the benefit of joint evidence collated with neighbouring local authorities.

EDS/56 **TICKNALL CONSERVATION AREA CHARACTER STATEMENT**

Members were reminded that the Committee had considered a report dealing with the other Conservation Area Character Statements at its last meeting. It was agreed at this meeting that approval of the Ticknall Conservation Area Character Statement be put on hold, so that further local evidence about the history of the area could be assessed and, if necessary, reflected in the statement.

The Committee was informed that this additional evidence had now been assessed and incorporated into the final draft of the statement. The changes to the original draft largely involved an extension to the area of high architectural potential relating to the pottery industry.

The Committee welcomed the work that had taken place to produce the Conservation Area Character Statement for Ticknall and the contribution made by local people in preparing it. Members agreed that the Statement now be adopted.

RESOLVED:-

That the Conservation Area Character Statement for Ticknall be adopted.

The Director of Community & Planning Services be given delegated powers, to inform land owners of the additional areas of high architectural potential, now covered by the Statement.

EDS/57 **PLANNING AND TRAVELLERS**

The Committee was informed that the Department for Communities and Local Government (DCLG) had published a consultation paper setting out proposed changes on planning policies for traveller sites. In particular, it proposed that when travellers had ceased to travel they should be treated no differently to members of the settled community. It also suggested that planning policy be altered, so that local authorities were required to 'very strictly' limit new traveller site development in open countryside, rather than just 'strictly' limit these developments, as the policy currently specifies.

RESOLVED:-

That the Chief Executive be authorised to prepare with the agreement of the Chairman of the Committee a response to this consultation paper and to submit this response to the Department of Communities and Local Government.

EDS/58 **CORPORATE PLAN**

Members considered the latest performance report for the Corporate Plan 2009-15. This covered the second quarter of the current financial year, or 1st July to 30th September 2014. The Committee was informed that most of the targets included in the plan had been achieved. The reasons for the lack of progress in some areas were explained. For instance, it was pointed out that on GP03, temporary staffing difficulties had meant that the 'Jobs Gazette' had not been produced. This was the reason why the indicator had been categorised as 'red' or as a 'fail' – even though the Council had actually held the biggest ever jobs and career fair, which was the other part of the indicator.

In this context, the Committee discussed the Council's performance when dealing with planning applications, which had fallen slightly. This had been caused, it was stated, by staff shortages that had now been rectified and the aim was that this measure should once again be classed as 'green' or in other words achieved within the near future.

RESOLVED:-

To note the performance information in relation to the Council's Corporate Performance Plan for the period 1st July to 30th September 2014.

EDS/59 **COMMITTEE WORK PROGRAMME**

The Committee considered its revised work programme for the year.

RESOLVED:-

To approve the updated work programme

LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (ACCESS TO INFORMATION) ACT 1985

RESOLVED:-

EDS/60 ***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.***

EDS/61 **EXEMPT QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no exempt questions from elected members had been received

EDS/62 **EXEMPT MINUTES**

The Exempt Minutes of the Meeting held on 2nd October 2014 were approved as a true record.

P. WATSON

CHAIRMAN

The meeting terminated at 18.45.

HOUSING AND COMMUNITY SERVICES COMMITTEE

27th November 2014

PRESENT:-

Conservative Group

Councillors Hewlett (Chairman), Smith (Vice Chairman) and Councillors Ford, Harrison, Murray

Labour Group

Councillors Dunn, Frost, Mulgrew, Rhind, Richards, Shepherd

In attendance

Councillors Atkin and Mr Eric Lummis (Tenants Forum).

HCS/39 **APOLOGIES**

Apologies for absence were received from Councillor Lemmon substituted by Councillor Wheeler. Councillor Mrs. Hood substituted by Councillor Mrs. Plenderleith

HCS/40 **Minutes**

The Committee considered the open minutes of the meeting held on 9th October 2014.

RESOLVED:-

To approve as a true record the open minutes of the meeting held on 9th October.

HCS/41 **Declarations of Interest**

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

HCS/42 **Questions raised by members of the public pursuant to Council Procedure Rule No 10**

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

HCS/43 **Questions raised by members of the public pursuant to Council Procedure Rule No 11**

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

HCS/44 **Reports of Overview and Scrutiny Committee**

There were no Overview and Scrutiny Reports to be submitted..

HCS/45 **Housing Revenue Account Business Plan**

A question was raised in relation to the report to the number of people on the housing waiting list.

Bob Ledger explained that in the summer of 2014 the Council wrote to all then registered and the 1,000 families replied represent the genuine need for housing.

Also raised was what if the Council went to Phase 3 on a New Build programme how much it would approximately cost for a 50 house development.

Bob Ledger replied stating that the plan allows for £107-108k as an average including land but a 50 unit development should be able to achieve better economy of scale.

On the Overseal and Coton Park developments the costs are down to £95k to £100k per unit. The fees for Planning and Architect fees are approx. 8-10%.

RESOLVED:-

Members approve, and recommend approval to the Finance and Management Committee of, the updated and refreshed Housing Revenue Account (HRA) Business Plan attached at appendix 1.

HCS/46 **Corporate Plan 2009-15: Performance Management Report (1st July – 30 September 2014)**

Bob Ledger raised awareness of 4 indicators not on target

3.3 SP 03:- This was due to a scheduling issue and the marketing strategy should be launched before end of the financial year.

LP 04:- The Green Flag status at Maurice Park was not retained. Several things were highlighted by Inspectors which would need work for us to be able to achieve Green Flag status next year. These were, the need for a Friends of Park Group, Tired Equipment and maintenance issues. There is a working group looking into these and ways to improve the park.

LM 05:- The Dance in the Forest event was a success but numbers down. Dance workshop provider had withdrawn classes.

SM 10:- The target is expected to be hit for the year.

Councillor Atkin raised a point in relation to the tables on pages 79 & 83 LM 05 & SM16 that they were red – failed, but were presented in the colour green.

Bob Ledger apologised and said that this was an error and they should be red.

RESOLVED:-

That progress against performance targets is considered and approved.

HCS/47 **Work Programme**

Members of the Committee received a report from the Director of Community & Planning Services and Director of Housing & Environmental Services setting out the updated work programme.

RESOLVED:-

That the Committee considers and approves the updated work programme.

LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (ACCESS TO INFORMATION) ACT 1985

RESOLVED:-

HCS/48 ***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

Exempt Items

HCS/49 **Any Exempt questions received by Members of the Council pursuant to Council procedure Rule No 11.**

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

HCS/50 **Exempt Minutes**

The Committee considered the exempt minutes of the meeting held on the 9th October.

RESOLVED:-

To approve as a true record the exempt minutes of the meeting held on the 9th October 2014.

Cllr Hewlett

CHAIRMAN

The meeting terminated at 6.35p.m.

OPEN

FINANCE AND MANAGEMENT COMMITTEE

4th DECEMBER 2014

PRESENT:-

Conservative Group

Councillor Mrs Watson (Chairman) Councillors Jones (Vice Chairman), together with Councillors Mrs Hall, Murray, Stanton, Wheeler and Watson

Labour Group

Councillors Bell, Rhind, Richards. Southerd, Taylor and Wilkins

In Attendance

Councillors Mrs Plenderleith, Atkin and Harrison

FM/65 **APOLOGIES**

The Committee was informed that Councillor Hewlett and Councillor Smith had given their apologies. Councillors Stanton and Mrs Hall substituted for them.

FM/66 **DECLARATION OF INTEREST**

The Committee was informed that no declarations of Interest had been received from elected members of the Committee.

FM/67 **MINUTES**

The Open minutes of the meetings held on the 25th September and the 16th October were approved as a true record.

FM/68 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO.10**

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

FM/69 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

FM/70 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

The Committee heard about the progress made by the Overview & Scrutiny Committee (OSC) on its investigation into customer services and that a report would be submitted to the next meeting of the OSC.

Members welcomed the progress that had been made in the investigation.

FM/71 **CORPORATE PLAN PERFORMANCE MONITORING**

This report set out the progress which had been made against the Corporate Plan targets during the period 1st July to 30th September 2014 under the 'Value for Money' theme. Members were told that all targets for relevant projects and performance measures had been achieved, apart from one relating to Customer Access. The Committee was reminded that a review was underway to look at the viability of transferring some customer contact work from Planning Services to Customer Services. It was made clear that although the timetable for completing this review had slipped, this had not caused any significant problems.

Members were informed that overall performance on sickness absence levels had improved, but that the figures had been skewed by an increase in the number of employees absent due to long term sickness; from 7 to 9. These 9 absent employees, it was pointed out, accounted for 171 of the 262 days lost through sickness in September.

The Committee was told of the action that had been taken to address the problem. There were indications that the number of days lost due to illness was coming down and this should be reflected in the performance figures for the next quarter.

Members discussed the report. What emerged from this discussion was that there was no specific pattern for illnesses, especially among staff who were off for short periods of time. It was also made clear that the issue of 'trigger points' – or in other words the length of time after which point sickness absences could be investigated further – was being discussed with the trade unions. Finally, the Committee was told that a new Health & Safety Officer had been appointed, who was expected to start work before Christmas. Members welcomed this appointment and made it clear that they thought it important the authority have its own, on-site, health & safety expertise.

Resolved:-

To note and approve the progress towards achieving Corporate Plan performance targets.

FM/72 **BUDGET AND FINANCIAL MONITORING**

Members then considered the Budget & Financial Monitoring Report, which explained how Council had performed against its budgets during the first half of the 2014/15 financial year. The Committee heard that there was expected to be an budget surplus of about £147,000 and an estimated decrease in net expenditure of £476,000. [Page 37 of 47](#)

The Committee was told that since its last meeting, Derby City Council had agreed to participate in the Derbyshire Business Rates 'Pool' arrangement and to act as the 'accountable body' for its administration. Members welcomed this development.

The report also explained that the Council had now repaid a significant market loan. This would save the authority interest payments of approximately £828,000.

Members were reminded that they had agreed in September to revise the Council's lending policy and counterparty list, following on from changes in the rules regulating the banking sector and the potential impact of depositor 'bail-ins.' It was explained that it had already been necessary to update this list.

Members welcomed the report. They thanked the officers for their work in helping to ensure that the Council was in a robust financial position.

Resolved:-

To approve the first half-year budget and financial monitoring figures for 2014/15

FM/73

COMPLAINTS, COMPLIMENTS AND FREEDOM OF INFORMATION REQUESTS

The Committee received a report explaining that the authority had received 30 compliments and 37 complaints between 1st April and 30th September 2014. In addition, it had also received 324 Freedom of Information requests over the same period. This was an increase of 88 information requests compared to the previous year.

Some specific questions were asked about complaints relating to the Woodville ward. The Director of Finance & Corporate Services agreed to investigate these.

Members asked about the increase in the number of complaints relating to housing and customer services. Many of these complaints, it was explained, were about waiting times and how benefit claims had been handled.

Finally, the Committee heard that there were strict guidelines in place, prescribing the limited circumstances when public bodies can make charges for responding to Freedom of Information requests.

To note the complaints and freedom of information requests received by the authority during the first half of 2014-15.

FM/74

CORPORATE SERVICES CONTRACT AND STRATEGIC PARTNERSHIP ANNUAL REPORT 2013/14

Members then considered this report, which contained information on the Contract and wider partnership between the Council and Northgate Property Services (NPS). Under this Contract, NPS were required to achieve certain objectives. Their progress was monitored through a set of key performance indicators (KPI's). The report also explained that a sanctions framework exists, which could be imposed if the targets were not successfully achieved.

In this context, the report reminded members that there had been delays in processing housing benefits claims, which had been reported to the Committee at a previous meeting. It was recognised that the volume of work had increased because of nationally determined changes to the benefit system. However, it was also pointed out that a significant amount of public funds had been passed to the company to help them meet these challenges. The report explained that, taken together, there had been a total of 12 separate failures across Housing Benefits and other Customer Services during 2013/14. Discussions with the company had taken place to decide best to address these failings. Changes had been introduced and the time required for processing Housing Benefit applications was now falling. But it was not yet certain whether this improvement would be sustained over a longer period.

Concern was raised about how the backlog of benefit applications would be dealt with and the need to ensure that claimants continue to receive an appropriate level of service from the company when their applications are processed.

Members were also informed about performance on other aspects of the Contract. It was pointed out that they were still below target in terms of procurement savings. The Council had seconded an officer to assist NPS with this.

Similarly, it was pointed out that the Contract placed an obligation on the company to bring in a hundred jobs into South Derbyshire. It was explained that some progress had been on this and that plans were in place to bring extra posts into the service centre. These staff would carry out work for a range of authorities and not just South Derbyshire.

The Committee discussed the report. One of the points which emerged during this discussion was that there had been a very large increase in the number of phone enquiries dealt with. Members were concerned that many people may have to call multiple times and that sometimes they had to wait for unacceptably long periods before their calls were answered. Members gave examples of their own experience in this respect.

There was a general consensus that progress must be made to improve the amount of time taken to process housing benefit claims and to ensure that the Contract objectives were achieved. It was agreed that a further report be brought to the Committee in January 2015 on this, specifying what action had or was planned to be taken.

The Contract and Strategic Partnership Annual Report for 2013/14 be approved.

FM/75 **PROPOSED CAPITAL INVESTMENT AND EVALUATION OF BIDS**

Members were reminded that the Committee had previously discussed the way in which the Council could use capital funding to provide one-off support to pay for improvements in local communities.

In this context, the report recommended that £300k be allocated for this support. It also set out the practical arrangements that would have to be put into place for these allocations to be made. In particular, it recommended that the Service and Financial Planning Working Group now be convened in order to consider relevant bids in line with the approved evaluation criteria.

The Committee agreed to this proposal and appointed Councillors Watson, Harrison, Wheeler, Southerd and Taylor to serve on the Finance Planning Working Group. Given the tightness of the proposed timetable, it was also agreed that bids be encouraged from community and other groups as soon as possible for the Group to consider

Resolved:-

That an initial sum of £300,000 is set-aside from the General Reserve Fund Reserve to fund new capital investment on a one-off basis.

That the Service and Financial Planning Working Group be convened to consider relevant bids in with the approved evaluation criteria as set out in the report.

That Councillors Watson, Harrison, Wheeler, Southerd and Taylor serve on the group.

That the exercise be completed during the forthcoming budget round, with recommendations for funding reported back to the Committee at its meeting on the 19th February 2015

FM/76 **LOCAL COUNCIL TAX SUPPORT SCHEME 2015/16**

The Committee was asked to decide if it wished to retain the Local Council Tax Support Scheme during 2015/16. It was felt that the scheme had worked well and ought to be retained.

Resolved:-

That the current Local Council Tax Support Scheme be retained for the 2-15/16 financial year.

FM/77 **HOUSING REVENUE ACCOUNT BUSINESS PLAN**

The Committee was asked to approve the updated Housing Revenue Account Business Plan, which had been developed by a members and tenants sub group. The plan had been discussed and approved by the Housing and Community Services Committee. Members were informed that under the plan an additional 110 new build and acquisition properties could be afforded within the next five years, in addition to the 50 properties which had been agreed.

The Committee welcomed the Business Plan and especially the provision of additional affordable properties.

Resolved:

To approve the updated Housing Revenue Account Business Plan.

FM/78 **COMMITTEE WORK PROGRAMME**

The Committee considered its revised work programme for the year.

Resolved:-

To approve the updated work programme

FM/79 **EXCLUSION OF PUBLIC AND PRESS**

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.

FM/80 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11**

The Committee was informed that no questions had been received.

FM/81 **TO RECEIVE THE EXEMPT MINUTES**

The Exempt minutes of the meetings held on the 25th September and the 16th October were approved as a true record.

FM/82 **MELBOURNE PUBLIC CONVENIENCES**

The Committee was asked to approve the sale of the public conveniences on Market Place Melbourne.

Resolved:-

That the recommendations be agreed

FM/83 **LAND AT SWADLINCOTE**

The Committee considered a report on a request by a resident to purchase part of the Council's open space to provide off street parking Following discussion, members agreed to follow officer advice and to reject the request.

Councillor Wilkins voted in favour of approving the request.

Resolved:

That the recommendation to reject the request be agreed.

CLLR ANN WATSON

CHAIRMAN OF THE MEETING

The meeting terminated at 7.35pm

OVERVIEW AND SCRUTINY COMMITTEE

10th DECEMBER 2014

PRESENT:-

CONSERVATIVE GROUP

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

LABOUR GROUP

Councillor Bambrick, Councillor Mrs Heath, Councillor Mrs Hood and Councillor Pearson

OS/23. **APOLOGIES**

Apologies for absence were received from Councillor Mrs J Mead.

OS/24. **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

None received.

OS/25. **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

None received.

OS/26. **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

None received.

OS/27. **PROGRESS REPORT ON NHS DENTAL SERVICE PROVISION (Verbal report by Councillor Mrs Patten)**

Councillor Mrs Patten reported that a low response has been received on the dental provision. There does seem to be some provision in Swadlincote, although it seems there are some residents not using a dental service.

Hatton residents were looking towards Tutbury as there was no NHS provision across their own area. Quite a few residents in Hatton were on a dental plan and the same could be said for Hilton and Etwall.

Councillor Mrs Patten's recommendation would be to pass it on to County to find out why there has been no commissioning since 2006.

The Chair requested Councillor Mrs Patten to write a formal letter to Councillor Bambrick, which would formally finish off the review.

Kevin Stackhouse confirmed the number of responses from the on-line feedback was 12.

There have been gaps identified and the next step would be NHS England, which is a County issue.

Councillor Atkin read out an email he received from a private dental practice in Melbourne, stating that to understand how dental practices are funded can be difficult but went on to explain the current system as:

'In 2006 a new contract was introduced. Prior to this the dentist was paid on a fee per item basis, so that every item had a charge. The new contract was different based around three bands.

Since 1st April 2006 NHS dentists in England and Wales have been paid according to how many "Units of Dental Activity" (UDA) they do in a year. The actual value of a UDA is set by the local Commissioning Group. The average value is around £20 and it varies around the country. In fact two practices on the same road may have totally different UDA values. Each dental procedure has been classified into a band which determines what patients pay and the amount of UDAs a dentist gets. The main bands are:

Band 1 (1 UDA) – Diagnosis, treatment planning and maintenance. Examination, x-rays, scale and polish, preventative work, for example an assessment of a patient's oral health, minor changes to dentures.

Band 2 (3 UDAs) – Treatment. Simple treatment, for example fillings (including root canal treatment), extractions and periodontal (gum) treatment.

Band 3 (12 UDAs) – Complex treatment that includes a lab element, for example bridges, crowns and dentures (excludes mouth guards).

The patient cost is:

Band 1 £18.50

Band 2 £50.50

Band 3 £219.00

If the patient is exempt from NHS charges (ie they are under 18 years or are a pregnant lady) then they obviously pay nothing. The money the practice receives from the patients that do pay is deducted from the monthly amount that is paid to the practice by NHS England.

At 1st April 2006 the total value of the practice contract was based on historic data. Each practice was set a figure of how many UDAs they had to provide each financial year. The Commissioning Group/Local Area Team allow a 2% under or over performance. No extra money is available for an over perform. If you under perform the options are to make up the shortfall in the next year (whilst also making the required target as well), or there is a withholding of monies. Also the contract is reduced the next year. This is sometimes viewed as a treadmill.

The contract is fixed. No extra money to increase this has been available. It is my understanding that the Local Area Team feel that the area has sufficient coverage of NHS dentistry, as patients could access NHS treatment in Swadlincote (25 mins away by car!!).

The NHS funding all comes from the Commissioning Groups, but ultimately from NHS England.

Private patients either pay as a fee per item basis, or via an insurance scheme, such as Denplan.'

The Chair said she was happy to accept the recommendation for this to be passed on to County for further recommendation.

OS/28. **REVIEW OF CUSTOMER SERVICES AND PAYMENTS**

The Chair gave an overview on her visit, together with Councillor Mrs Heath to the Customer Services desk, Civic Offices at 10am Monday 3rd November and Monday 1st December. A member of staff took them through the Customer Services areas and behind the scenes to the Call Centre. They had the opportunity to ask questions. The waiting area was no more than a third full at any time and enquiries were being dealt within approximately 10 minutes.

During the visits they spoke informally to some of the residents who were waiting, asked why they were waiting and, if it was for Council Tax payments,

whether they would welcome a kiosk to make a quicker payment. Opinion was divided fairly equally: some would prefer to hand their cheque/cash directly to a person and were reasonably content to wait; others through the option of a kiosk would speed things up.

During both visits, they were able to see at first hand the processes Customer Services have put in place to reduce waiting times to the minimum – both in the Council Offices and over the telephone. They were satisfied that the processes were as efficient as possible – and it was the sheer volume of enquiries that was causing the pressure at peak times.

The Review was to also consider the installation of a kiosk. From visits to Derby City the Chair agreed kiosks would be a good idea. There are two machines in Derby City that deal with around 3,000 transactions per month. The machines have been in use for around two and a half years and in that time have only broken down three times. The Chair reported that these machines very easy to use and two machines in Derby City have replaced eight cashiers. South Derbyshire deals with around 2,500 payments but would probably be processing about 2,000 transactions. The cost of two machines would be in the region of £33,000. The only on-going costs would be a maintenance plan. Derby City would be happy to share their business case with SDDC.

Using machines would significantly reduce the flow of traffic through the office. People can pay until the offices close. Part payments can be taken by the machines. Cheques could be problematic, more like professional fees, need further investigation on this. Security wise it is good as the machines can take up to £9,000 as opposed to £1,000 from Customer Service Assistant before taking money out of front office.

The Chair confirmed she would be happy to submit a recommendation to Finance & Management to look at obtaining two machines and to look at the physical restrictions of the building to alleviate pressures on Customer Services.

Kevin Stackhouse said hopefully the recommendation will go to the special budget of F&M on 16th January 2015.

OS/29. **CEMETERY PROVISION UPDATE**

Kevin Stackhouse updated the committee, saying the main message being we are still struggling on our own managed sites to secure any more spaces. We have identified some land in Findern that would extend the cemetery space there. We know Etwall are under pressure for providing space for burials in

the future. He went on to say there is a piece of land at Newhall Cemetery we are looking at and also there is land at Findern, which is farm land but it is our land. Over time the farmer has encroached on it but we have claimed it back and fenced it off.

Councillor Atkin said from looking at the report he is not satisfied everything is covered within the cemetery provisions and would suggest creating a new data base of all the grave yards and cemeteries within South Derbyshire and all plots including those reserved. Councillor Atkin said he is happy to take on the project and will liaise with Malcolm Roseburgh. Chair confirmed she is happy for Councillor Atkin to work on this and bring it back to the meeting February/March 2015.

The meeting terminated at 6.40pm

MRS. A. PLENDERLEITH

CHAIRMAN