



**F. McArdle**  
**Chief Executive**

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Our ref: DT/CL  
Your ref:

Date: 30<sup>th</sup> October 2013

Dear Councillor,

**Council**

A Meeting of the **Council** will be held in the **Council Chamber**, on **Thursday, 07 November 2013 at 18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**  
Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman) and  
Councillors Mrs. Brown, Ford, Mrs. Hall, Mrs. Patten and Stanton.

**Labour Group**  
Councillors Chahal, Frost, Mulgrew, Stuart, Taylor and Tilley.



## AGENDA

### Open to Public and Press

- 1 Apologies
- 2 To confirm the Open Minutes of the Meeting held on 26th September 2013.  
Open Minutes **5 - 9**
- 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 To deal with any business remaining from the last Meeting.
- 8 To consider any Notices of Motion in order of which they have been received.
- 9 To receive and consider the Open Reports of the following Committees:  
  
Planning Committee 17.09.13 (PL/35 - PL/41) **10 - 11**  
  
Overview & Scrutiny Committee 18.09.13 (OS/1 - OS/6) **12 - 13**  
  
Licensing & Appeals Sub Committee 23.09.13 (1) (LAS/12 - LAS/13) **14 - 14**  
  
Licensing & Appeals Sub Committee 23.09.13 (2) (LAS/15) **15 - 16**

	Finance & Management (Special) Committee 25.09.13 (FM/41 - FM/43)	<b>17 - 18</b>
	Environmental & Development Services Committee 03.10.13 (EDS/11 - EDS/15)	<b>19 - 20</b>
	Housing & Community Services Committee 10.10.13 (HCS/10 - HCS/16)	<b>21 - 24</b>
	Finance and Management Committee 17.10.13 (FM/44 - FM/51)	<b>25 - 28</b>
<b>10</b>	To authorise the sealing of the documents set out in the report.	<b>29 - 29</b>
<b>11</b>	To review the compositions of Committees, Sub-Committees and Working Panels.	
<b>12</b>	To review the compositions of Substitute Panels.	
<b>13</b>	To review representation on Outside Bodies.	
<b>14</b>	Local Government Ombudsman - Annual Review 2012-2013	<b>30 - 33</b>
<b>15</b>	Annual Audit Letter 012/13	<b>34 - 49</b>

### **Exclusion of the Public and Press:**

- 16** 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.
- 17** To receive the Exempt Minutes of the Meeting held on 26th September 2013.  
Exempt Minutes
- 18** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.



- 19** To receive and consider the Exempt Reports of the following Committees:
- Licensing & Appeals Sub Committee 23.09.13 (Exempt 1) (LAS/14)
  - Licensing & Appeals Sub Committee 23.09.13 (Exempt 2) (LAS/16 - LAS/20)
  - Licensing & Appeals Sub Committee 23.09.13 (3) (LAS/21)
  - Environmental & Development Services Committee 03.10.13 (Exempt) (EDS/16)
  - Housing & Community Services Committee 10.10.13 (Exempt) (HCS/17 - HCS/18)
  - Finance and Management Committee (Exempt) (FM/52 - FM/59)

**50 - 50**

MINUTES of the MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at Civic Offices, Civic Way, Swadlincote  
on 26th September 2013  
at 6.00 p.m.

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Hood (Chairman), Councillor Murray (Vice-Chairman) and Councillors Atkin, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Lemmon, Mrs. Patten, Mrs. Plenderleith, Roberts, 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.

CL/31. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Bale, Jones and Smith (Conservative Group).

CL/32. **MINUTES**

The Open Minutes of the Meeting of Civic Council held on 30<sup>th</sup> May 2013 (Minute Nos. CC/1 – CC/6) were taken as read, approved as a true record and signed by the Chairman. The Open Minutes of the Meeting of the Council held on 4<sup>th</sup> July 2013 (Minutes Nos. CL/20 – CL/28) were taken as read, approved as a true record and signed by the Chairman, subject to Councillor Stuart being recorded as present.

CL/33. **PRESENTATION FROM THE DERBY AND SANDIACRE CANAL TRUST**

Chris Madge (Society Chairman and Trust Director) gave a presentation on the Derby and Sandiacre Canal Trust. He confirmed that the Trust was a registered charity, whose objective was to restore the canal as near to its original line as possible. There were currently 750 members.

The canal route was identified on a slide, and it was confirmed that to complete all proposed work, there would be a basic cost of £45m. Progress so far was identified, along with the next steps for the project.

The presentation was concluded with questions, and Members thanked Mr. Madge for his attendance at the Meeting.

CL/34. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported that she had recently been present at several 100<sup>th</sup> birthday celebrations. She had also visited the Proms in the Park, Woodville Methodist Church Barn Dance and the inauguration of a new Vicar at St John's Church, Newhall.

CL/35. **LEADER'S ANNOUNCEMENTS**

The Leader congratulated Rosliston Forestry Centre for their success in East Midlands in Bloom. He also requested that his congratulations be passed onto staff for their effort in this project.

He also reported that Councillor Bale was currently in hospital after having an infection in his arm. He had passed on the Council's best wishes to Councillor Bale.

The Leader also confirmed that he had written to the Secretary of State for Communities and Local Government on the proposals for grant and new homes bonus for 2015/16 onwards.

He added that, along with other Council Leaders in the country, he had been invited by the Leader of Derbyshire County Council, to sign a joint letter to the Secretary of State on this subject. However, he felt that it was too general to have any worthwhile effect on Ministers and felt that he would be better to follow the advice of the Local Government Association and write on the detailed circumstances of this Council. Much of the work drafting the letter was done by Councillor Harrison and the Director of Finance and Corporate Services, and he thanked them for the work they had carried out. The letter stated that large cuts in funding in a short timescale meant that continuing the Council's policy of cutting costs not services would be difficult. It also laid out the steps that this Council had already taken to increase efficiency and how South Derbyshire did not levy charges for car parking or domestic refuse. These charges were levied by most other authorities, and not charging was in line with the Secretary of State's declared policy, and South Derbyshire's lack of them should be reflected in Government funding. He added that he had received formal acknowledgement of this letter and was hopeful that further discussions would take place.

CL/36. **REPORTS OF COMMITTEES****RESOLVED:-**

***That the Open reports of the following Committees be received and noted and any recommendations contained therein be approved and adopted, subject to any matters annotated:-***

***Planning Committee, 25th June 2013 (Minute Nos. PL/1 – PL/8)***

***Overview and Scrutiny Committee, 26th June 2013 (Minute Nos. OS/1 – OS/5)***

***Finance and Management Committee, 27th June 2013 (Minute Nos. FM/23 – FM/27)***

***Licensing and Appeals Sub-Committee, 1st July 2013 (Minute No. LAS/1)***

***Licensing and Appeals Sub-Committee, 1st July 2013 2013 (Minute No. LAS/6)***

***Planning Committee, 16<sup>th</sup> July 2013 (Minute Nos. PL/9 – PL/18)***

***Planning Committee, 6<sup>th</sup> August 2013 (Minute Nos. PL/20 – PL/27)***

***Licensing and Appeals Sub-Committee, 21<sup>st</sup> August 2013 (Minute Nos. LAS/7 – LAS/9)***

***Environmental and Development Services Committee, 22<sup>nd</sup> August 2013 (Minute Nos. EDS/1 – EDS/10)***

***Planning Committee, 27th August 2013 (Minute Nos. PL/28 – PL/34)***

***Licensing and Appeals Sub-Committee, 28th August 2013 (Minute Nos. LAS/10 – LAS//11)***

***(Minute No. LAS/11 - A Member asked if all evidence received had been presented at this Licensing Hearing. The Legal and Democratic Services Manager and Monitoring Officer responded that all evidence for Licensing Hearings was put together in accordance with regulations. In relation to this Hearing, as far as she was aware no other representatives had been received from any other responsible authorities.)***

***Housing and Community Services Committee, 29<sup>th</sup> August 2013 (Minute Nos. HCS/1 – HCS/7)***

***Finance and Management Services Committee, 5<sup>th</sup> September 2013 (Minute Nos. FM/28 – FM/36)***

***(Minute No. FM/31 – The Leader requested that the Minutes be amended to include the Statement he had made under Chairman’s Announcement with reference to the letter he had sent to the Secretary of State. It was also requested that this letter be circulated to all Members.)***

***Etwall Area Forum, 18<sup>th</sup> June 2013 (Minute Nos. EA/1 – EA/8)***

***Swadlincote Area Forum, 2<sup>nd</sup> July 2013 (Minute Nos. SA/1 – SA/9)***

***Repton Area Forum, 3<sup>rd</sup> July 2013 (Minute Nos. RA/1 – RA/7)***

***Newhall Area Forum, 17<sup>th</sup> July 2013 (Minute Nos. NA/1 – NA/8)***

***Linton Area Forum, 24<sup>th</sup> July 2013 (Minute Nos. LA/1 – LA/8)***

***Melbourne Area Forum, 30<sup>th</sup> July 2013 (Minute Nos. MA/1 – MA/8)***

CL/37. **SEALING OF DOCUMENTS****RESOLVED:-**

***That the Sealed Documents listed at Annexe “SMB1” to the Signed Minute Book, which have no specific authority, be duly authorised.***

CL/38. **ANNUAL REPORT 2012/13**

A report was submitted which informed Members of the Council's Annual Report, together with the operational and priority actions for the current and financial performance of the Council in 2012/13.

The Annual Report captured the outcomes from the work that had been done by the Council and in partnership with other organisations over the past year.

**RESOLVED:**

***That the draft Annual Report 2012/13 be noted.***

CL/39. **SCHEME OF DELEGATION**

On 20<sup>th</sup> May 2010, Council approved and adopted a Scheme of Delegation to form part of the Council's Constitution. This Scheme no longer reflected the Council's present management structure and the opportunity had been taken by the Corporate Management Team to review the scheme and amend it accordingly. The revised Scheme of Delegation provided a clear and effective resource within the Council's Constitution to identified those powers delegated to officers and to provide clear guidance on how the exercise of those powers was to be limited or qualified to ensure Members were appropriately involved in the Council's decision-making process.

**RESOLVED:**

- (1) That the revised Scheme of Delegation be approved to form Part 3 of the Council's Constitution.***
- (2) That the Monitoring Officer be delegated the ability to make minor amendments to the Scheme of Delegation, for example, following restructures or changes in job titles.***

CL/40. **SCRAP METAL DEALERS ACT 2013**

A report was submitted which provided information regarding the implementation of the Scrap Metal Dealers Act 2013. This repealed the Scrap Metal Dealers Act 1964, and Part 1 of the Vehicles (Crime) Act 2001, and created a new regulatory regime for scrap metal recycling and vehicle dismantling.

The report provided background details on the Act and also on the two types of licence which was specified, Site Licence and Collectors Licence. A recommended fee structure was also included.

Questions were asked on the enforcement action that could be undertaken following the implementation of this Act.

**RESOLVED:**

- (1) That the fees as set out in the report be approved.**
- (2) That the requirement for a criminal records Basic Disclosure Certificate, or Police National Computer search certificate for each applicant and site manager to accompany all applications, be approved.**
- (3) That applicants be allowed to pay the application fee via an instalment plan, during the transitional period.**
- (4) That the amendments to the Council's Scheme of Delegation as set out in the report be approved.**

CL/41. **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.***

**MINUTES**

***The Exempt Minutes of the Meeting of the Council held on 4<sup>th</sup> July 2013, were duly received and approved.***

**REPORTS OF COMMITTEES**

***The Exempt reports of the following Committees were received and noted and any recommendations contained therein, approved and adopted:-***

***Licensing and Appeals Sub-Committee, 1<sup>st</sup> July 2013***

***Planning Committee, 16<sup>th</sup> July 2013***

***Housing and Community Services Committee, 29<sup>th</sup> August 2013***

***Finance and Management Committee, 5<sup>th</sup> September 2013***

A. HOOD

CHAIRMAN

PLANNING COMMITTEE

17<sup>th</sup> September 2013

**PRESENT:-**

**Conservative Group**

Councillor Ford (Chairman), Councillor Mrs. Brown (Vice-Chairman) and Councillors Bale, Mrs. Hall, Jones, Roberts (substitute for Councillor Stanton), and Watson.

**Labour Group**

Councillors Bambrick (substitute for Councillor Southerd), Mulgrew (substitute for Councillor Bell), Pearson, Richards, Shepherd and Taylor (substitute for Councillor Dunn).

The following Members also attended the Meeting and, with the approval of the Chairman, spoke to the Minutes Nos. indicated:-

Councillor Hewlett – Minute No. PL/39

Councillor Smith – Minute No. PL/40

PL/35. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Stanton (Conservative Group) and Councillors Bell and Southerd (Labour Group).

PL/36. **DECLARATIONS OF INTEREST**

Councillor Ford declared a pecuniary interest in planning application 9/2013/0515/U (Minute No. PL/40), as an acquaintance of the applicant. Councillor Shepherd declared a pecuniary interest in planning application 9/2013/0667/TC (Minute No. PL/41), as he was the applicant.

**MATTERS DELEGATED TO COMMITTEE**

PL37/. **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/38. **THE ERECTION OF 4 DWELLINGS AND ASSOCIATED CAR PARKING AND TURNING AREA AT 45 ALMA ROAD, NEWHALL, SWADLINCOTE (9/2013/0550/FR)**

It was reported that Members of the Committee had visited the site prior to the Meeting. Mr. Hillier (objector) and Mrs. Bacon (applicant), 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 and Planning Services, and also an additional condition to approve hard surfacing material.***

PL/39. **CHANGE OF USE OF LAND TO A SITE FOR 2 PERMANENT HOLIDAY LET MOBILE HOMES AT LAND AT SK3626 9699 HILLS LANE, STANTON BY BRIDGE, DERBY (9/2013/0573/U)**

It was reported that Members of the Committee had visited the site prior to the Meeting. Mr. Sturgess (objector) and Mr. Steedman (agent), 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 and Planning Services.***

Note: At 6.50 p.m. Councillor Ford left the Meeting and Councillor Mrs. Brown assumed the Chair.

PL/40. **RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE FROM PRIMARILY RESIDENTIAL TO MIXED RESIDENTIAL/OFFICE USE AT 2 MILTON GRANGE, MAIN STREET, MILTON, DERBY (9/2013/0515/U)**

A Summary of the comments made by the objector at the previous Meeting was read to the Committee, and it was reported that 2 further letters had been received in objection to this application.

**RESOLVED:-**

***That, contrary to the recommendation, planning permission be refused on the grounds of undue adverse impact on neighbours amenity.***

(Councillor Ford declared a pecuniary interest in this application as an acquaintance of the applicant and withdrew from the Meeting).

PL/41. **THE FELLING OF A SILVER BIRCH TREE AT THE FIRS, 11 HIGH STREET, TICKNALL, DERBY (9/2013/0667/TC)**

**RESOLVED:-**

***That permission be granted for the felling of a silver birch tree.***

(Councillor Shepherd declared a pecuniary interest in this application as the applicant and withdrew from the Meeting).

M. FORD

CHAIRMAN

The Meeting terminated at 7.05 p.m.

OVERVIEW AND SCRUTINY COMMITTEE

18<sup>th</sup> September 2013

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Bambrick and Bell.

OS/6. **APOLOGIES**

Apologies for absence were received from Councillors Mead and Pearson

OS/7. **MINUTES**

The Minutes of the Special Meeting held on the 15<sup>th</sup> May 2013 and the Minutes of the Ordinary Meeting on the 15th May 2013 were taken as read, approved as a true record and signed by the Chairman.

OS/8. **REGULATION OF INVESTIGATORY POWERS ACT 2000 – REPORT ON USAGE**

The Committee received a report on the Council's use of the Regulation of Investigatory Powers Act (RIPA) since May 2013. Members were reminded of the purpose of the legislation and recent changes to it. The Council had approved the amended RIPA Policy and Guidance document at its Meeting on 24th January 2013. The Overview and Scrutiny Committee was authorised to review the Council's use of RIPA and for the period May to July 2013, there had been no authorisations requested for the use of these powers.

**It was agreed to note the report.**

OS/9. **ENVIRONMENTAL VOLUNTEERING**

The Environmental Development Manager made a verbal report updating the Committee on progress with the project. She stated that she was seeking local companies to become involved in the scheme and asking them for suggested projects to work on. Bison, Toyota, Nestle and Rolls Royce have all been approached. The Environmental Forum had also been invited to submit project ideas for volunteer groups.

The Committee was advised that a casual member of staff had been appointed to the Environmental Education Project Team to provide support to volunteer groups.

It was reported that the aim was to launch the project in March or April of next year to co-ordinate with the preferred season for business volunteering in May onwards.

Members of the Committee asked a number of questions relating to funding of the project and the costs to be charged.

**It was agreed to note the report and to request a further update before the end of the year.**

OS/10. **COUNCIL TAX RECOVERY-OVERVIEW OF PROCEDURES**

The Committee received a report from the Director of Finance and Corporate Services setting out the processes for the collection of Council Tax and in particular the methods for dealing with arrears.

The Members asked a number of questions relating to costs, support for those who are unable to pay, the use of bailiffs and the rules relating to liability for and exemptions from Council Tax.

It was suggested that a presentation could be made to Members of Council by one of the bailiff firms used by Revenue Services and officers undertook to arrange this.

**The Committee agreed to note the report.**

OS/11. **OVERVIEW & SCUTINY WORK PROGRAMME**

A draft work programme was circulated for the Committee's consideration. A verbal update was given by two Members on their shadowing exercise with the Clean Team. The Members praised the hard work of the team.

They also identified a number of issues including the reporting of problems by those on the front line, concern about the roadworthiness of council vehicles, dog fouling and the positioning and emptying of litterbins. They agreed to request a report on the work of the Clean Team to a future meeting of the Committee.

With regard to the Committee's work programme, members discussed the timing of the report on crime and disorder issues. It was suggested that this should be in December.

**The updated work programme for 2013/14 was then approved.**

MRS. A. PLENDERLEITH

CHAIRMAN

The Meeting closed at 7.20 p.m. [Page 13 of 50](#)

LICENSING AND APPEALS SUB-COMMITTEE

23rd September 2013

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillors Watson (Chairman) and Mrs. Patten (Conservative Group) and Councillor Rhind (Labour Group).

**District Council Representatives**

A. Kaur (Legal and Democratic Services Manager), S. Broome (Senior Licensing Officer), R. Boam (Licensing Enforcement Officer) and D. Townsend (Democratic Services Officer).

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/12. **APPOINTMENT OF CHAIRMAN**

**RESOLVED**

*That Councillor Watson be appointed Chairman for the Meeting.*

LAS/13. **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.*

**REVIEW OF AN EXISTING PRIVATE HIRE DRIVER'S LICENCE (Para 2)**

*With the agreement of the Sub-Committee, this matter was adjourned.*

P. WATSON

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

23rd September 2013

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillors Stanton (Chairman) and Mrs. Patten (Conservative Group) and Councillor Rhind (Labour Group).

**District Council Representatives**

A. Kaur (Legal and Democratic Services Manager), S. Broome (Senior Licensing Officer), R. Boam (Licensing Enforcement Officer) and D. Townsend (Democratic Services Officer).

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/15. **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.*

**REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

*With the agreement of the Sub-Committee, this matter was adjourned.*

**REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

*The Sub-Committee considered a review of an existing Private Hire Driver's Licence. The Applicant was issued with a verbal warning as to his future conduct and allowed to retain his Private Hire Drivers Licence.*

**REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

*The Sub-Committee considered a review of an existing Private Hire Driver's Licence, which was granted with standard conditions.*

**REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

*The Sub-Committee considered a review of an existing Private Hire Driver's Licence. The Applicant was issued with a written warning, to remain on record for a period of 12 months, and allowed to retain his Private Hire Driver's Licence.*

**APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 2)**

***The Sub-Committee considered an application for a Private Hire Driver's Licence, which was granted with standard conditions.***

M. STANTON

CHAIRMAN

SPECIAL FINANCE AND MANAGEMENT COMMITTEE

25th September 2013

**PRESENT:-**

**Conservative Group**

Councillor Wheeler (Chairman), Councillor Mrs. Watson (Vice Chairman), and Councillors Bale (substitute for Councillor Jones), Hall (substitute for Councillor Lemmon), Stanton (substitute for Councillor Smith), Murray and Watson.

**Labour Group**

Councillors Bell, Mulgrew (substitute for Councillor Richards), Southerd, Rhind, Taylor and Wilkins.

FM/41. **APOLOGIES**

Apologies for absence from the meeting were received from Councillor Jones, Lemmon, Smith and Richards.

**MATTERS DELEGATED TO COMMITTEE**

FM/42 **ACCOUNTS AND FINANCIAL STATEMENTS FOR 2012/13**

The Committee considered a report from the Director of Finance and Corporate Services presenting the audited accounts for 2012/13.

The Director confirmed that External Audit has signed off the accounts as unqualified, with no errors or misstatements. He said that this demonstrated that the authority presents good value for money and is financially sound. There were no issues to be followed up and this was a good endorsement of the management of the Council and its assets.

The Director took members through the statement, referring to performance against budget, the level of reserves and the Council's balance sheet. He drew particular attention to the deficit in the pension fund which would need to be provided for over the next few years. He recommended the accounts for the Committee to sign-off.

**RESOLVED:-**

- (1) That the report be noted; and that***
- (2) The accounts and annual statements for 2012/13 are approved and the Chairman be authorised to sign them for publication.***

FM/43. **LOCAL COUNCIL TAX SUPPORT SCHEME-FINANCIAL UPDATE**

The Committee considered a report from the Director of Finance and Corporate Services which provided an update on the costs associated with the

Local Council tax Support and Discount Scheme since its implementation in April 2013. The report also dealt with the demand for Discretionary Housing Payments (“DHP”). This was the second report to members on the new scheme.

The Director took Members through some of the detail of the report and highlighted the performance against estimates showing a variance less than £300, 000 and a projected cost of £4.7 million.

He pointed out that approximately 2000 households (being working age claimants) in the District would be paying Council tax for the first time. The report showed that the current collection rate was approaching 40% and that an anticipated final rate of 78% was projected, which would represent a relatively good outturn.

The Director reported that demand for DHP had slowed and that it was expected to stay within budget. He also advised Members that the Government had announced extra funding to support DHP but that this would be based on a bidding process from local authorities. The officer undertook to present a further report on this later in the year.

The report also addressed the issue of the Lone Parents’ Support to Work Project. The Director stated that a considerable amount of work had been done on this with the CVS who had provided excellent support. Funding was being provided to lone parents to access training and information about the scheme.

The members discussed the report and sought clarification on a number of issues including the tapering of Council tax support from eight to four weeks, action regarding non-payment and information provided to those receiving a bill for the first time and the situation with empty properties. The members were informed that details on empty properties and the New Homes Bonus allocation for 2014/15 would be included in the forthcoming Budget Round.

**RESOLVED:-**

***That the report be noted and agreed.***

R. WHEELER

CHAIRMAN

The meeting ended at 6.30 p.m.

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

3rd October 2013

**PRESENT:-**

**Conservative Group**

Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman)  
and  
Councillors Mrs Brown, Harrison (substitute for Councillor Ford),  
Lemmon (substitute for Councillor Stanton).

**Labour Group**

Councillors Chahal, Frost, Shepherd (substitute for Councillor  
Mulgrew), Southerd (substitute for Councillor Tilley).

EDS/11 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors  
Ford, Mulgrew, Stanton and Tilley.

EDS/12 **MINUTES**

The Open and Exempt Minutes of the Meeting held on 22<sup>nd</sup> August 2013  
were approved as a true record and signed by the Chairman.

**MATTERS DELEGATED TO COMMITTEE**

EDS/13 **NEIGHBOURHOOD PLANNING REPORT**

The Committee received a report from Stuart Bachelor the Director of  
Community and Planning Services.

He reminded Members that the Council had made it a priority in the  
Corporate Plan to encourage local neighbourhood plans.

Mr Bachelor explained the legislative background and whereby a rural  
parish or urban neighbourhood can create its own localised plan to guide  
development, provided that it complies with national policy and the District  
Council's Local Plan. He reminded Members that the plans must follow a  
statutory process and that it must go through both an independent  
assessment and be approved by a local referendum.

He advised Members that there would be financial advantages to adopting  
such a plan including the provision for local areas to retain 25% of  
Community Infrastructure Levy sums. The Council can also draw down  
£30,000 from Central Government to fund the local plan process. However,  
Mr Bachelor advised that the process was not one to be entered into lightly  
and that there would be a considerable cost and time input needed to

complete the process. The District Council can offer support and assistance to help local communities and Parishes to produce a neighbourhood plan.

**RESOLVED:-**

***Members approved the proposal for supporting the community in the development of Neighbourhood and associated plans.***

EDS/14 **WORK PROGRAMME**

The committee considered the updated work programme.

**RESOLVED:-**

***The Committee approved the updated work programme.***

EDS/15 **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.***

**A REVIEW OF THE COUNCIL'S STRUCTURE (Paragraph 1)**

***The Committee supported the proposals relating to the review of the Council's structure.***

P. WATSON

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

10<sup>th</sup> October 2013

**PRESENT:-**

**Conservative Group**

Councillor Lemmon (Chairman), Councillor Hewlett (Vice-Chairman) and Councillors Ford, Harrison, Mrs. Hood, Murray and Smith

**Labour Group**

Councillors Frost, Mrs. Heath, Mulgrew, Rhind, Richards and Taylor (substitute for Councillor Shepherd).

HCS/10. **APOLOGY**

An apology for absence from the Meeting was received from Councillor Shepherd (Labour Group).

HCS/11. **MINUTES**

The Open Minutes of the Meeting held on 29th August 2013, were taken as read, approved as a true record and signed by the Chairman.

**MATTERS DELEGATED TO COMMITTEE**

HCS/12. **FIVE YEAR MAINTENANCE AND IMPROVEMENT PROGRAMMES FOR COUNCIL HOUSING 2012-2017**

A report was submitted which provided a half yearly update on the 5 year improvement programme.

It was reported that all of the Council's properties remained compliant with the decency standard as a result of the works undertaken during 2012/13, and the first half of 2013/14, including the completion of unforeseen none decent work such as ad hoc heating failures. The updated stock condition survey and HRA business plan indicated a spend requirement of just over £27m over the 5 year period of 2012/17. From the start of the financial year 2012 to this half year progress report, £6.5m had been spent. The remainder of the programme for 2013/14 was to spend a further £3.8m including disabled adaptations. However, due to the delayed procurement progress some carry forward was likely to be required to be taken into year 2014/15. Full details were included on all projects and programmes, and a table was provided which showed the 2013/14 spend to 31<sup>st</sup> August 2013, and details for actions on any projected over/under spends.

Proposed alterations to the agreed 5 year programme were also outlined, along with progress on disabled adaptations.

A question was asked with regard to sprinkler systems being installed at the same time as upgraded alarm systems in properties. The Director of Housing

and Environmental Services responded that it was proposed to include these within any new build properties and they were also being installed into the homes of identified vulnerable tenants.

It was noted that much of the current work was being done by contractors from outside the District. The Director of Housing & Environmental Services responded that there was an obligation to seek best value, and also to employ local labour. He added that it was very often difficult to combine these two elements.

**RESOLVED:-**

- 1. That Members approve the half year progression during year two, 2013/2014, of the five year maintenance and improvement programme.***
- 2. That the proposal to accelerate the reroofing and external insulation contracts, and bring forward properties from 2014/2015 into this year's programme be approved.***

HCS/13. **NEW TENANCY POLICY**

It was reported that under the Localism Act 2011, all Local Authorities had a duty to provide a tenancy strategy, setting out the objectives to be taken into consideration by individual affordable housing providers as they made decisions about their own tenancy policy.

With the retained landlord function, South Derbyshire District Council's Housing Service therefore had a duty to publish a tenancy policy which described the types of tenancy it would offer and the way in which these tenancies would be managed. The Tenancy Policy had been developed with full regard to South Derbyshire District Council's Tenancy Strategy. The policy followed the principles and objectives of the Strategy and should be read in conjunction with it. Details of those matters included in the policy, and also the 4 different types of tenancy which would be offered were detailed in the report.

Some Members expressed their concern with regards to certain aspects of this policy. In particular, references were made to people wanting a long term housing solution, and the appeal process.

**RESOLVED:-**

- 1. That the new draft Tenancy Policy be approved in principle, ahead of a 4 week consultation programme.***
- 2. That, if no material changes are proposed following the consultation process, as assessed by the Chairman of the Committee, the amended policy be adopted and implemented immediately. Any material proposals will be the subject of a further Committee report.***

**HCS/14. WORLD WAR ONE COMMEMORATIONS**

A report was submitted which informed members of the developing range of community led projects and events proposed for the commemoration of the start of World War One.

Representatives of the District Council and Swadlincote Tourist Information Centre had been liaising with local groups, most notably the Royal British Legion, Air Training Corp and Magic Attic, to collate a programme of projects and events that would enable South Derbyshire to maximise its commemoration of World War One. Many of these projects were totally led by the organisations mentioned, and the Council proposed to provide practical or promotional support to those organisations. Full details were provided on both the planned and proposed events, and it was confirmed that further events and projects would continue to be investigated including links with Rolls Royce and the Woodland Trust.

In addition, in partnership with South Derbyshire CVS and the Heritage Lottery Fund (HLF), a workshop had been held for community groups/Parish Councils to promote the HLF Scheme for small grants. This would be further promoted throughout the year, with practical support to groups on how to make a successful application.

**RESOLVED:-**

***That the Council's support and involvement in the programme of events to commemorate the hundred year anniversary of the beginning of World War One be approved.***

**HCS/15. WORK PROGRAMME**

Members were asked to consider the updated work programme and review its content where appropriate.

**RESOLVED:-**

***That the updated work programme be approved.***

**HCS/16. 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.***

**MINUTES**

*The Exempt Minutes of the Meeting held on 29<sup>th</sup> August 2013 were received.*

**REORGANISATION OF THE COMMUNITY AND PLANNING SERVICES  
DIRECTORATE (PARAGRAPH 1)**

*Members recommended that Finance and Management Committee approve the proposed restructuring of the Community and Planning Directorate.*

J. LEMMON

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

17<sup>th</sup> October 2013

**PRESENT:-**

**Conservative Group**

Councillor Wheeler (Chairman) and Councillors Bale (substitute for Councillor Mrs. Watson), Mrs. Hall (substitute for Councillor Watson), Jones, Murray, Smith and Stanton (substitute for Councillor Lemmon).

**Labour Group**

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

FM/44. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Lemmon, Mrs Watson and Councillor Peter Watson (Conservative Group).

FM/45. **MINUTES**

The Open Minutes of the Meetings held on 27<sup>th</sup> June and 5<sup>th</sup> September 2013, were taken as read, approved as true records and signed by the Chairman.

**MATTERS DELEGATED TO COMMITTEE**

FM/46. **A REVIEW OF THE COUNCIL'S FINANCIAL STRATEGY**

The Committee received a report which detailed the Financial Strategy. This set out the framework on which the Council plans and manages its financial resources. The report covered the key areas on which the Council's financial plans and monitoring arrangements were based.

**RESOLVED:-**

***That the Council's Financial Strategy be approved.***

FM/47. **A REVIEW OF THE COUNCIL'S MEDIUM TERM FINANCIAL PLAN 2013 TO 2018**

The Committee received a report from the Director of Finance and Corporate Services, who provided a presentation regarding the Council's future financial plans. The plans set out a financial strategy for the Council for the next five years, but with an initial focus on the first three years. It was an attempt to estimate future spending and income for the Council over that period of time and was based on a realistic but cautious assumption of the known facts.

The Council had started 2013/14 with a deficit but planned budget savings of £300,000 during the year were now projected to produce a small surplus. The MTFP had been updated following the Government's Spending Review which

reported in the summer, together with the final out-turn position for 2012/13. This showed that although current general reserves were healthy, the need to draw on them to finance projected budget deficits, meant that the overall financial position was not considered sustainable without remedial action.

Based on the updated projection, a negative reserve balance of minus £975,629 was forecast by 2018/19, with an increasing budget deficit in the interim term. It was reported that the main reason for the weakening financial position was the likely reduction in core funding announced by the Government.

In particular, it was reported that a proposal to top slice the Council's New Homes Bonus allocation from 2015/16 by up to 20%, would reduce resources in the current MTFP by approximately £1.5m between 2015/16 and 2018/19.

Based on these latest projections, in order for a sustainable position to be maintained over the medium term, the Director of Finance recommended that additional budget savings of £1/2m will now need to be made before 2015/16.

The Director reported on the risks relating to the plan and confirmed that contingencies for inflation and other potential costs were being maintained. However, increased pension contributions and the impact of auto enrolment still presented a risk for the financial plan.

With regard to the Housing Revenue Account (HRA) it was reported that the long term financial position was still considered much more sustainable with a healthy reserve balance still being maintained over the 10-year plan.

With regard to future rents, the Director of Finance gave details of the proposed changes to national rent policy from 2015/16 with the ending of rent convergence. It was reported that this could have an overall positive impact on the HRA and this had been reflected in the revised HRA projection.

Members asked a number of questions regarding the risks, the use of balances and expressed concern regarding the impact on the New Homes Bonus.

Following the debate it was:

**RESOLVED:-**

- (1) That the updated financial projection on the General Fund, to 2019, be approved.***
- (2) That the updated financial projection on the Housing Revenue Account to 2024, be approved.***
- (3) That the financial projections provide the basis for planning purposes.***

- (4) *That an action plan to achieve the necessary budget savings on the General Fund be formulated and progress reported to the Committee on a quarterly basis.*
- (5) *That all budgets be challenged and fully scrutinised during the forthcoming budget round 2014 / 15.*

FM/48. **LOCAL COUNCIL SUPPORT SCHEME 2014/15**

The Committee received a report from the Director of Finance and Corporate Services seeking the Members views on the current scheme and proposals for any changes for the following financial year.

The Director reported that the Council was six months into the new scheme and pointed out that a number of options for review were set out in the report. Following a discussion it was agreed that the current system should be left unchanged.

**RESOLVED:-**

*That the current Local Council Tax Support Scheme be reviewed and any changes that are proposed for 2014/15, be subject to external consultation as appropriate.*

FM/49. **AUDIT SUB COMMITTEE**

The Committee received the Minutes of the Audit Sub-Committee Meetings held on 3<sup>rd</sup> April and 19<sup>th</sup> June 2013.

Councillor Harrison, the Chairman of the Audit Sub-Committee spoke to the items contained within the Minutes and emphasised that the external audit opinion was that the Council's finances were in a sound condition and that there were no critical risks identified.

**RESOLVED:-**

*That the Minutes of the Audit Sub-Committee Meetings held on 3<sup>rd</sup> April and 19<sup>th</sup> June 2013 be received and any recommendation contained therein be approved and adopted.*

FM/50. **WORK PROGRAMME**

The Committee was asked to review its work programme.

**RESOLVED:-**

*That the updated work programme is noted.*

FM/51. **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 5<sup>th</sup> September 2013 were received.*

**PREMISES AT MELBOURNE (Paragraph 1)**

*Approval was granted for the disposal of premises at Melbourne, as detailed in the report.*

**LAND AT MELBOURNE (Paragraph 1)**

*The Committee approved the lease of land as detailed in the report.*

**LAND AT SWADLINCOTE (Paragraph 1)**

*To approve the grant of vehicular right of way and easement as detailed in the report*

**DISCRETIONARY, MANDATORY AND HARDSHIP RELIEF (Paragraph 1)**

*The Committee agreed the details as provided within the report.*

**WRITE OFF REPORT (Paragraph 1)**

*The Committee approved the write-off of sums due to the Council in accordance with Financial Regulations.*

**RESTRUCTURE REPORT (Paragraph 1)**

*The Committee approved proposals for the restructure of Community and Planning Services*

R. WHEELER

CHAIRMAN

<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> NOVEMBER 2013</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEBRA TOWNSEND 01283 595848</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SEALED DOCUMENTS</b>	<b>REF:</b>
<b>WARD (S) AFFECTED:</b>	<b>VARIOUS</b>	<b>TERMS OF REFERENCE: N/A</b>

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## **1.0 Purpose of Report/Detail/Recommendation**

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

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
03.10.13	10710	Transfer – 7 Mill Close, 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



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<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 14</b>
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> NOVEMBER 2013</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>FRANK McARDLE CHIEF EXECUTIVE (EXT. 5702)</b>	<b>DOC:U:\JAYNE\Commtee\COMMRE PLGO Annual Review 12_13.docx</b>
<b>SUBJECT:</b>	<b>LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER 2012/13 AND UPDATE ON RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE</b>	<b>REF: J Beech</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	

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## **1.0 Recommendations**

- 1.1 To accept the Local Government Ombudsman's Annual Review 2012/13.
- 1.2 To note that there were no decisions of maladministration causing injustice against the Authority during 2012/13.

## **2.0 Purpose of Report**

- 2.1 This report will provide Members with a summary of complaints made to the Local Government Ombudsman ("LGO") against this Authority during the year 2012/13.
- 2.2 It will also bring Members up to date on developments in the LGO service.

## **3.0 Detail**

- 3.1 On 16<sup>th</sup> July 2013, the Council received the Annual Review Letter for the period 2012/13 from the LGO. In contrast to previous years, the LGO has only stated how many complaints were received, but has not provided any statistical data. The reason for this is that the LGO has changed its business processes considerably during the course of 2012/13 and would, therefore, be unable to provide a consistent set of data for the entire year.
- 3.2 The Ombudsman's Office received 11 complaints about the Council in 2012/13. The Ombudsman decided not to investigate 8 of the complaints, 2 investigations were discontinued and 1 complaint was not in the LGO's jurisdiction. There were no findings of maladministration causing injustice during this period.
- 3.3 In order to provide some background information for Members, the Council's LGO Link Officer has produced a table of complaint decisions, which is attached at **Annexe 'A'**. This provides a breakdown of the type of complaints received and a summary of the decisions.

- 3.4 The LGO has stated that it is committed to sharing information about the Council's performance and will be providing more detailed information in next year's Annual Review Letter. However, the format of such information is currently being reviewed, to ensure that the data is relevant and can best support local accountability and service improvements.

### **LGO Developments**

#### LGO governance arrangements

- 3.5 As part of the work to prepare the LGO service for the challenges of the future, it has refreshed its governance arrangements and has a new executive team structure which will be responsible for the day to day management of the service.
- 3.6 Due to the sickness absence of one of the two Local Government Ombudsmen, the LGO service has had to adapt to working with a single Ombudsman and has formally taken the view that this is the appropriate structure with which to operate in the future. A review is currently being undertaken to enable the LGO to develop its future governance. Delegations have been amended so that investigators are able to make decisions on the Local Government Ombudsman's behalf on all local authority and social care complaints in England.

#### Publishing Decisions

- 3.7 Last year, the LGO stated that it would be publishing the final decisions on all complaints on its website. This was considered to be an important step in increasing transparency and accountability, as it was felt that the public and bodies should be able to see the full range of decisions and feel reassured that the LGO was fair, thorough and impartial. The LGO retains discretion not to publish a decision if, for example, it would not be in the interests of the complainant to publish, or where there is a reason in law not to.
- 3.8 Publication will apply to all complaints received after 1<sup>st</sup> April 2013 and the first decisions are due to appear on the LGO website over the coming weeks.

#### Assessment Code

- 3.9 Earlier in the year, the LGO introduced an Assessment Code to help determine the circumstances where it would investigate a complaint. This code is applied during the initial assessment of all new complaints. Details of the code can be found at: [www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code](http://www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code)

#### Annual Report and Accounts

- 3.10 The LGO has published *Raising the Standards*, its Annual Report and Accounts for 2012/13. This details what has been done over the last 12 months to improve performance, drive up standards in the complaints system and to improve the performance of public services. The report can be found on the LGO website at: [www.lgo.org.uk](http://www.lgo.org.uk)

### **4.0 Financial Implications**

- 4.1 None directly arising from this report.

## **5.0 Corporate Implications**

- 5.1 A good complaints system is an opportunity for the Council to show that it cares about providing a good service, and that it genuinely values feedback on whether there are any problems which need attention. It is, therefore, imperative that we get feedback, not only through our own complaints system, but also from the Ombudsman, and that this information is widely distributed to show that this Authority takes complaints seriously and deals with them sympathetically.

## **6.0 Community Implications**

- 6.1 One of the roles of the Local Government Ombudsman is to investigate complaints about Councils from members of the public. Its aim is to get Councils to put things right if they have gone wrong and if this has affected members of the public directly.

## **7.0 Conclusion**

- 7.1 The Annual Review Letter and the publishing of complaint decisions on the LGO website are useful additions to other information held by the Council, highlighting how people experience or perceive its services. They should also be seen as an opportunity to continue to improve the services offered by the Council.

## **8.0 Background Papers**

- Annual Review Letter 2012/13 from the Local Government Ombudsman
- LGO Link Newsletter No. 15 (June 2013)
- LGO Link Q & A Sheet (July 2013)

**LOCAL GOVERNMENT OMBUDSMAN**  
**COMPLAINT DECISIONS 2012/13**

Category	Summary of Decision	Decision		
		Not in Jurisdiction & discretion not exercised	To discontinue investigation	Not to initiate an investigation
Housing	Not to investigate - complainant had not completed the Council's complaints procedure	✓		
Planning & Development	The Council had no obligation to publicise a planning application for a superstore/residential development nor had it misunderstood the classification of road		✓	
Environmental Services & Public Protection & Regulation	No evidence of administrative fault which would warrant a formal investigation into the handling of a rubbish collection issue			✓
Environmental Services & Public Protection & Regulation	Complaint about noise nuisance not pursued given the history of the complaint, the intention to take legal action and the Council's current offer to reopen the case			✓
Environmental Services & Public Protection & Regulation	No evidence of fault in the way the Council dealt with a complaint about the safety of trees overhanging the complainant's property			✓
Environmental Services & Public Protection & Regulation	Council not at fault in handling a complaint regarding the passing of information to an individual			✓
Benefits & Tax	The Ombudsman could not achieve anything more positive for the complainant regarding a Council Tax Benefit claim and there were alternative remedies through the tribunal and court system			✓
Corporate & Other Services	No evidence of fault in the way the Council's Monitoring Officer made a decision about a Code of Conduct complaint			✓
No category stated	Ombudsman considered complaint about blocking of driveway to be a Police matter and complaint about CCTV not to be a matter for the Council			✓
Planning & Development	No evidence of maladministration (nor in the public interest to pursue) regarding complaint that an applicant had made a false representation in a planning application		✓	
Planning & Development	No evidence of fault in the Council's decision to approve a retrospective application to erect decking			✓

<b>REPORT TO:</b>	<b>FULL COUNCIL</b>	<b>AGENDA ITEM: 15</b>
<b>DATE OF MEETING:</b>	<b>7th NOVEMBER 2013</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF FINANCE and CORPORATE SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN STACKHOUSE (01283 595811)</b> <a href="mailto:kevin.stackhouse@south-derbys.gov.uk">kevin.stackhouse@south-derbys.gov.uk</a>	<b>DOC:</b> u/ks/grant thornton/audit letters/covering report
<b>SUBJECT:</b>	<b>ANNUAL AUDIT LETTER 2012/13</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

## **1.0 Recommendations**

1.1 That the report is considered and approved.

## **2.0 Purpose of Report**

2.1 For Grant Thornton, as the Council's appointed auditors, to present the Annual Audit Letter for 2012/13.

## **3.0 Detail**

3.1 The Annual Audit Letter summarises the key issues arising from the work that the External Auditor's have undertaken at the Council during 2012/13. The Letter is designed to communicate key messages to the Council and external stakeholders, including members of the public. The letter is published on the Audit Commission's website and also on the Council's website

3.2 The Letter covers key messages and conclusions from work on:-

- Auditing the 2012/13 year end accounts.
- The accuracy of grant claims and returns to various government departments and other agencies.
- Assessing the Council's arrangements for securing economy, efficiency and effectiveness to ensure that Value for Money (VFM) is achieved.

3.3 This includes comments on the Council's financial performance and position, its financial systems and other project based work undertaken in the year. The detailed report is attached.

#### **4.0 Financial Implications**

4.1 None directly.

#### **5.0 Corporate Implications**

5.1 None directly.

#### **6.0 Community Implications**

6.1 None directly.

#### **7.0 Background Papers**

None



# The Annual Audit Letter for South Derbyshire District Council

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**Year ended 31 March 2013**

10 October 2013

**Kyla Bellingall**

Director

T 0121 232 5359

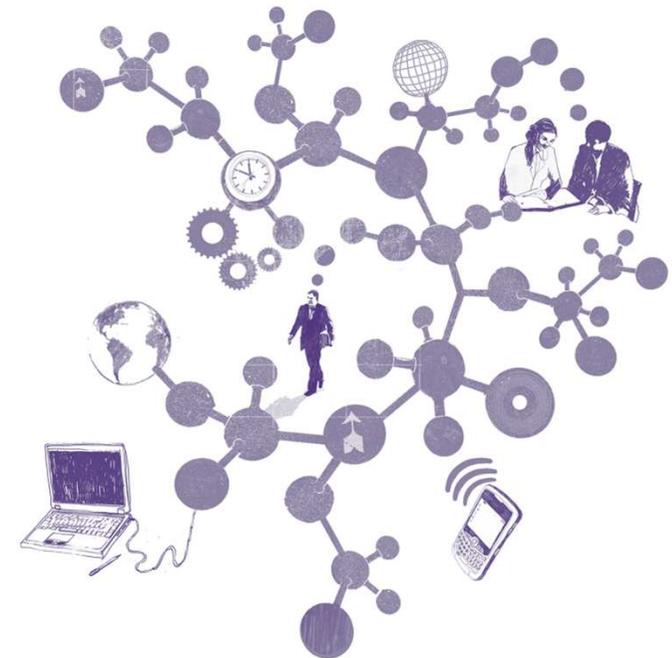
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## **Appendices**

A Reports issued and fees

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## Section 1: Executive summary

**01. Executive summary**

02. Audit of the accounts

03. Value for Money

04. Certification of grant claims and returns

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# Executive summary

## **Purpose of this Letter**

Our Annual Audit Letter ('Letter') summarises the key findings arising from the following work that we have carried out at South Derbyshire District Council ('the Council') for the year ended 31 March 2013:

- auditing the 2012/13 accounts and Whole of Government Accounts submission (Section two)
- assessing the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources (Section three)
- certification of grant claims and returns (Section four).

The Letter is intended to communicate key messages to the Council and external stakeholders, including members of the public. We reported the detailed findings from our audit work to those charged with governance in the Audit Findings Report on 25 September 2013.

## **Responsibilities of the external auditors and the Council**

This Letter has been prepared in the context of the Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission ([www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)).

The Council is responsible for preparing and publishing its accounts, accompanied by an Annual Governance Statement. It is also responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources (Value for Money).

Our annual work programme, which includes nationally prescribed and locally determined work, has been undertaken in accordance with the Audit Plan that we issued in March 2013 and was conducted in accordance with the Audit Commission's Code of Audit Practice ('the Code'), International Standards on Auditing (UK and Ireland) and other guidance issued by the Audit Commission.

## **Audit conclusions**

The audit conclusions which we have provided in relation to 2012/13 are as follows:

- an unqualified opinion on the accounts which give a true and fair view of the Council's financial position as at 31 March 2013 and its income and expenditure for the year
- an unqualified conclusion in respect of the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources
- an unqualified opinion on the council's Whole of Government Accounts submission.

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## **Key areas for Council attention**

We summarise here the key messages arising from our audit for the Council to consider as well as highlighting key issues facing the Council in the future.

### **Medium Term Financial Position**

The Council's overall financial position is, like those of most councils, very challenging. There are projected budget gaps in each of the years covered by the Medium Term Financial Plan (to 2017/18). Figures released by CLG in July 2013 have indicated that further savings will be needed. We are satisfied that the Council is taking sensible action to safeguard its financial future and the essential services which it provides, but significant risks and uncertainties remain and it is vital that the Council continues to:

- Maintain tight financial control
- Keep the MTFP up-to-date and plan for a range of scenarios
- Effectively manage its efficiency savings plan to ensure that the required savings are delivered.

## **Acknowledgements**

This Letter has been agreed with the Director of Finance and Corporate Services and will be presented to Audit Sub Committee on 18 December 2013.

We would like record our appreciation for the assistance and co-operation provided to us during our audit by the Council's staff.

**Grant Thornton UK LLP**  
**October 2013**

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## Section 2: *Audit of the accounts*

01. Executive summary

**02. Audit of the accounts**

03. Value for Money

04. Certification of grant claims and returns

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# Audit of the accounts

## **Audit of the accounts**

The key findings of our audit of the accounts are summarised below:

### **Preparation of the accounts**

The Council presented us with draft accounts on 30 July 2013, in accordance with the agreed timetable. Supporting working papers were made available from the start of the audit fieldwork, which commenced on 30 July 2013.

The draft accounts and supporting working papers were of a high standard.

### **Issues arising from the audit of the accounts**

We identified one material adjustment. This related to £6.6m of internal recharges that had been incorrectly allocated within income and expenditure. This was corrected by management and did not affect the Council's reported net expenditure or reserves position. We also identified a number of adjustments to improve the presentation of the financial statements.

There were no unadjusted misstatements. All adjustments identified during the audit have been made within the final set of financial statements.

### **Annual governance statement**

We reviewed your Annual Governance Statement and we have no matters that we need to report.

## **Conclusion**

Prior to giving our opinion on the accounts, we are required to report significant matters arising from the audit to 'those charged with governance' (defined as the Audit Sub Committee at the Council). We presented our report to the Audit Sub Committee on 25 September 2013 and summarise only the key messages in this Letter.

We issued an unqualified opinion on the Council's 2012/13 accounts on 26 September 2013, meeting the deadline set by the Department for Communities and Local Government. Our opinion confirms that the accounts give a true and fair view of the Council's financial position and of the income and expenditure recorded by the Council.

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## Section 3: Value for Money

01. Executive summary

02. Audit of the accounts

**03. Value for Money**

04. Certification of grant claims and returns

---

# Value for Money

## Scope of work

The Code describes the Council's responsibilities to put in place proper arrangements to:

- secure economy, efficiency and effectiveness in its use of resources
- ensure proper stewardship and governance
- review regularly the adequacy and effectiveness of these arrangements.

We are required to give a VFM conclusion based on the following two criteria specified by the Audit Commission which support our reporting responsibilities under the Code:

**The Council has proper arrangements in place for securing financial resilience.** The Council has robust systems and processes to manage effectively financial risks and opportunities, and to secure a stable financial position that enables it to continue to operate for the foreseeable future.

**The Council has proper arrangements for challenging how it secures economy, efficiency and effectiveness.** The Council is prioritising its resources within tighter budgets, for example by achieving cost reductions and by improving efficiency and productivity.

## Key findings

### Securing financial resilience

We have undertaken a review which considered the Council's arrangements against the three expected characteristics of proper arrangements as defined by the Audit Commission:

- financial governance
- financial planning
- financial control.

Our work highlighted that the Council has adequate arrangements for securing financial resilience. Its overall financial position is challenging with projected budget gaps in each of the years covered by the Medium Term Financial Plan (to 2017/18). The Council's arrangements mean that it is well placed to address this challenge.

### Challenging economy, efficiency and effectiveness

We have reviewed whether the Council has prioritised its resources to take account of the tighter constraints it is required to operate within and whether it has achieved cost reductions and improved productivity and efficiencies.

Our work highlighted that the Council is responding well to the challenges of the Local Government Finance Settlement and delivering savings through restructuring. The Council has identified £300k of savings in 2013/14 and is targeting its resources effectively.

## Overall VFM conclusion

On the basis of our work, and having regard to the guidance on the specified criteria published by the Audit Commission, we are satisfied that in all significant respects the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2013.

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## Section 4: Certification of grant claims and returns

01. Executive summary

02. Audit of the accounts

03. Value for Money

04. Certification of grant claims and returns

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## Certification of grant claims and returns

Our work on certification of grant claims is on-going. Our work to date has not identified any issues which we wish to highlight. The detailed findings of our work will be reported in our Grant Certification report upon completion of our work.

# Appendices

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## Appendix A: Reports issued and fees

We confirm below the fee charged for the audit and provision of non-audit services.

### Fees

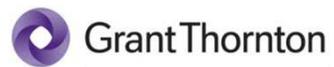
	Per Audit plan £	Actual fees £
Audit Fee	64,800	64,800
Grant certification fee	31,400	31,400
<b>Total fees</b>	<b>96,200</b>	<b>96,200</b>

### Fees for other services

Service	Fees £
Review of Housing Capital Spend: Phase 1 & 2	17,450

### Reports issued

Report	Date issued
Audit Plan	March 2013
Audit Findings Report	13 September 2013
Annual Audit Letter	10 October 2013
Certification report	To be issued in December 2013



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LICENSING AND APPEALS SUB-COMMITTEE

23rd September 2013

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillors Stanton (Chairman) and Mrs. Patten (Conservative Group) and Councillor Rhind (Labour Group)

**District Council Representatives**

A. Kaur (Chief Legal Officer) and S. Broome (Senior Licensing Officer), R. Boam (Licence Enforcement Officer) and D. Townsend (Democratic Services Officer).

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/21. **APPLICATION FOR A PREMISES LICENCE – DILIP ENTERPRISES LTD, COSTCUTTER, ETWALL ROAD, MICKLEOVER, DE3 0DN**

The Sub-Committee considered an application for a Premises Licence at Costcutter, Etwall Road, Mickleover, DE3 0DN.

**RESOLVED:-**

***That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated in the Signed Minute Book at ‘SMB 1’.***

M. STANTON

CHAIRMAN

The Meeting terminated at 12:40 p.m.