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Our Ref: DS
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Date: 20th June 2018

Dear Councillor,

Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held in the **Council Chamber**, on **Thursday, 28 June 2018 at 18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

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

Labour Group

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

Independent / Non-Grouped Member

Councillor Tipping

AGENDA

Open to Public and Press

- 1** Apologies.
- 2** Presentation: Chief Superintendent Jim Allen.
- 3** To confirm the Open Minutes of the Annual Council Meeting (CL/1-CL/24) held on the 17th May 2018 and Civic Council Meeting (CC/1-CC/7) held on the 24th May 2018.
Annual Council 17th May 2018 Open Minutes **5 - 21**

Civic Council 24th May 2018 Open Minutes **22 - 23**
- 4** To note any declarations of interest arising from any items on the Agenda
- 5** To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 6** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 7** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
Council Procedure Rule No.11 Question from Cllr Richards **24 - 24**

Council Procedure Rule No.11 Question from Cllr Dunn **25 - 25**
- 8** To authorise the sealing of the documents.

SEALED DOCUMENTS **26 - 26**
- 9** REPTON NEIGHBOURHOOD DEVELOPMENT PLAN **27 - 101**

10	ADOPTION OF SECTION 27 OF THE POLICING AND CRIME ACT 2009 - LICENSING OF SEXUAL ENTERTAINMENT VENUES	102 - 125
11	POLITICAL PROPORTIONALITY	126 - 128
12	To receive and consider the Open Minutes of the following Committees:-	
	Licensing and Appeals Sub-Committee 30th May 2018 Open Minutes	129 - 132
	Environmental and Development Services Committee 31st May 2018 Open Minutes	133 - 138
	Planning Committee 5th June 2018 Open Minutes	139 - 146
	Housing and Community Services Committee 7th June 2018 Open Minutes	147 - 150
	Finance and Management Committee 14th June 2018 Open Minutes	151 - 155
13	To review the compositions of Committees, Sub-Committees and Working Panels for the remainder of the municipal year.	
14	To review the compositions of Substitute Panels.	
15	To review representation on Outside Bodies.	
16	To review Member Champions.	

Exclusion of the Public and Press:

- 17** The Chairman may therefore move:-
- That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the

header to each report on the Agenda.

- 18** To confirm the Exempt Minutes of the Annual Council Meeting held on 17th May 2018 (CL/25-CL/27).

Annual Council 17th May 2018 Exempt Minutes

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

- 20** To receive and consider the Exempt Minutes of the following Committees:-

Environmental and Development Services Committee 31st May
2018 Exempt Minutes

Planning Committee 5th June 2018 Exempt Minutes

Housing and Community Services Committee 7th June 2018
Exempt Minutes

Finance and Management Committee 14th June 2018 Exempt
Minutes

MINUTES of the ANNUAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 17th May 2018
at 6.00pm

PRESENT:-

Conservative Group

Councillor Stanton (Chairman) and Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Ford, Grant, Harrison, Hewlett, MacPherson, Muller, Murray, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Watson and Wheeler

Labour Group

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

Independent / Non-Grouped Member

Councillor Tipping

CL/1 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Coe, Mrs Coyle, Mrs Hall, Mrs Wyatt (Conservative Group), Dunn and Dr Pearson (Labour Group).

CL/2 **MINUTES OF COUNCIL**

The Open Minutes of the Meeting of the Council held on 12th April 2018 (CL/143-CL/162) were approved as a true record.

CL/3 **DECLARATIONS OF INTEREST**

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

CL/4 **APPOINTMENT OF THE LEADER OF THE COUNCIL**

Pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Ford was Leader of the Conservative Group and Councillor Richards was Leader of the Labour Group.

RESOLVED:-

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

Abstentions: Bambrick, Chahal, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins.

CL/5 **APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

Pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Billings was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

RESOLVED:-

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

Abstentions: Bambrick, Chahal, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins.

CL/6 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined a summary of events attended since the last Council Meeting, including those associated with the charity choir evening at St Georges Church, Ticknall, the William Beesley Memorial Service, the official unveiling of the Diana, Princess of Wales, Memorial Garden and a visit to the Akaal Primary School in Derby.

CL/7 **ANNOUNCEMENTS FROM THE LEADER**

The Leader thanked Members for their support and outlined his primary aims of supporting the economy, jobs, Business Rates retention, building, including council house development, and a sustainable financial position.

CL/8 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive welcomed Dr Jas' presence at the meeting, as part of her research being undertaken for her paper on local government matters.

In relation to both the minute's silence scheduled for the following Tuesday, for victims of the Manchester terrorist attack, and the Royal Wedding, the Chief Executive made reference to central government guidance regarding official flag flying above the Civic Offices.

The Chief Executive also displayed one of the Heritage Trail plaques to be located around the district and referred to the publicity that will accompany their deployment.

A reminder relating to the General Data Protection Regulation Member training session, as booked for the following Tuesday, was also issued.

Councillor Richards, in referring to the minute's silence, queried why it was not also being held in relation to other recent victims of terrorism. The Chief Executive clarified that his announcements in this respect were purely based on Home Office guidance.

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

Council were informed that no questions had been received.

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

Council were informed that no questions had been received.

CL/11 **NOTICES OF MOTION**

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

CL/12 **SCHEME OF DELEGATION**

The Chief Executive presented the report to Council.

Councillor Shepherd made reference to the Planning Services Protocol at 9.4(6) in the report relating to applications for development from government departments. Having ascertained that this exclusion from delegated powers existed before the latest revisions, the Councillor queried how the Infinity Garden Village application could have proceeded. The Chief Executive referred to errors made in not notifying Members at the earliest opportunity, but that a vires situation existed in relation to subsequent action taken with committee approval. Reference was also made to the ongoing review of this matter, now nearing completion for report back.

Councillor Shepherd wished for it to be recorded that a decision had been made outside the scope of the Scheme of Delegation. The Chief Executive expressed his view that whilst the initiative may have been taken outside the Scheme of Delegation, decisions were taken via the policy committee.

Councillor Shepherd felt it would be useful for Members to consider the revisions via tracked changes.

RESOLVED:

In accordance with Council Procedure Rule No. 1.1 (f) of the Council's Constitution, Council approved the amended Scheme of Delegation (Appendix A to the report), to form Part 3 of the Council's Constitution.

Abstentions: Councillors Chahal and Shepherd.

CL/13 **ETHICS STATEMENT**

The Chief Executive presented the report to Council.

Councillor Richards made reference to the debate at the recent Housing and Community Services Committee relating to instances of poor customer service. The Strategic Director (Service Delivery) confirmed that customer care

training was being arranged for front line staff in the Civic Offices and at the Depot.

RESOLVED:

Council approved the Council's proposed Ethics Statement (Appendix A to the report), to be included within Part 5 of the Council's Constitution.

CL/14 **PROTOCOL FOR THE USE OF INFORMATION TECHNOLOGY BY MEMBERS OF SOUTH DERBYSHIRE DISTRICT COUNCIL**

The Strategic Director (Corporate Resources) presented the report to Council.

Councillor Smith made reference to the confidentiality clause in the protocol, querying whether screen protectors could be provided. The Strategic Director (Corporate Resources) undertook to investigate the matter further.

Councillor Tilley queried the detail relating to the roll-out programme relating to the new tablet devices. The Strategic Director confirmed that the relevant information would be circulated to Members.

RESOLVED:

Council adopted the updated Protocol for the use of Information Technology by Members of the Council.

CL/15 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees and Area Forum meetings were approved as a true record:-

<u>Committee</u>	<u>Date</u>	<u>Minute No.'s</u>
Planning	10.04.18	PL/176-PL/187
Environmental and Development Services	19.04.18	EDS/108-EDS/122
Licensing and Appeals Sub-Committee	23.04.18	LAS/35-LAS/38
Etwall Joint Management Committee	25.04.18	EL/17-EL/22
Housing and Community Services	26.04.18	HCS/98-HCS/107

Councillor Richards, in referring to Minute No.HCS/99, sought an update on the letter to the Member of Parliament regarding concerns relating to Universal Credit. The Chief Executive confirmed that the matter will be progressed with the newly elected Leader in due course.

<u>Committee</u>	<u>Date</u>	<u>Minute No.'s</u>
Planning	01.05.18	PL/188-PL/199
Finance and Management	03.05.18	FM/159-FM/168

CL/16 POLITICAL PROPORTIONALITY

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by the Local Government (Committees and Political Groups) Regulations 1990.

A report was submitted which confirmed the political composition of the Council. It also set out the requirements to review representation of the different political groups at, or as soon as practicable after, the Annual Meeting of the Council.

RESOLVED:-

- (1) Council approved and adopted the recommended allocation of seats to the Political Groups for the municipal year 2018/19.***
- (2) Council allocated seats between the Political Groups as set out at Annexe 'A' and invited the two Groups to make nominations to fill the seats.***

CL/17 APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2018/19

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2018/19.

RESOLVED:-

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the ensuing year, as set out at Annexe "B" to these Minutes be received and noted.***
- (2) That the appointments of Chairmen and Vice-Chairmen be approved as indicated.***

CL/18 COMPOSITION OF SUBSTITUTE PANELS

Members reviewed the composition of the Substitute Panels for 2018/19.

RESOLVED:-

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

CL/19 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2018/19

The Leader of the Council announced a number of revisions to the Outside Bodies representation list.

RESOLVED:-

Council approved the amended schedule of persons nominated to serve on Outside Bodies for 2018/19, as set out at Annexe "D" to these Minutes.

CL/20 **APPOINTMENT OF MEMBER CHAMPIONS**

RESOLVED:-

That Council approves the schedule of Members Champions for 2018/19 as set out at Annexe "E" to these Minutes.

CL/21 **APPOINTMENT OF CHAIRMEN AT AREA FORUMS**

RESOLVED:-

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

*Etwell Area Forum – Councillor Mrs Brown
Linton Area Forum – Councillor Murray
Melbourne Area Forum – Councillor Harrison
Newhall Area Forum – Councillor Bambrick
Repton Area Forum – Councillor Smith
Swadlincote Area Forum – Councillor Mrs Coe*

CL/22 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2018/19**

The Chairman of the Committee presented the Annual Report to Council.

RESOLVED:-

Council received the annual report of the Overview and Scrutiny Committee for 2017/18

CL/23 **CYCLE OF MEETINGS 2018/19**

RESOLVED:-

In accordance with Council Procedure Rule No. 1.1 (g) of the Council's Constitution, the cycle of Meetings for 2018/19 (Appendix A to the report) was approved by Council.

CL/24 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder

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

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Annual Council Meeting held on 12th April 2018 (CL/163-CL/166) were approved as a true record.

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

Council was informed that no questions had been received.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

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

<u>Committee</u>	<u>Date</u>	<u>Minute No.'s</u>
Environmental and Development Services	19.04.18	EDS/123-EDS/125
Licensing and Appeals Sub-Committee	23.04.18	LAS/39
Housing and Community Services	26.04.18	HCS/108-HCS/111
Planning	01.05.18	PL/200-PL/203
Finance and Management	03.05.18	FM/169-FM/174

The meeting terminated at 6.50pm.

COUNCILLOR M STANTON

CHAIRMAN OF THE DISTRICT COUNCIL

Annexe B

COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS **2018/19**

FINANCE AND MANAGEMENT COMMITTEE (13)

Conservative Group (9)

Councillor Harrison (Chairman), Councillors Mrs Plenderleith (Vice-Chairman) and Councillors Billings, Mrs Coyle, Ford, Hewlett, Smith, Watson and Wheeler

Labour Group (4)

Councillors Rhind, Richards, Southerd and Taylor

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE (13)

Conservative Group (9)

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Hall, Mrs Patten and Wheeler

Labour Group (4)

Councillors Chahal, Dunn, Taylor and Tilley

HOUSING AND COMMUNITY SERVICES COMMITTEE (13)

Conservative Group (8)

Councillor Hewlett, (Chairman), Councillor Smith (Vice-Chairman) and Councillors Coe, Mrs Coyle, Ford, Grant, MacPherson and Watson

Labour Group (4)

Councillors Rhind, Richards, Shepherd and Wilkins

Independent/Non-Grouped Member (1)

Councillor Tipping

PLANNING COMMITTEE (13)

Conservative Group (8)

Councillor Mrs Brown, (Chairman), Councillor Mrs Coe (Vice-Chairman) and Councillors Coe, Mrs Hall, Harrison, Muller, Stanton and Watson

Labour Group (4)

Councillors Dr Pearson, Shepherd, Southerd and Tilley

Independent/Non-Grouped Member (1)

Councillor Tipping

LICENSING AND APPEALS COMMITTEE (15)

Conservative Group (8)

Councillor Patten (Chairman) and Councillors Mrs Coyle, Harrison, Muller, Mrs Plenderleith, Stanton, Watson and Wheeler

Labour Group (6)

Councillors Dunn, Rhind, Richards, Southerd, Mrs Stuart and Taylor

Independent/ Non-Grouped Member (1)

Councillor Tipping

OVERVIEW AND SCRUTINY COMMITTEE (8)

Conservative Group (5)

Councillor Swann (Chairman), Councillor Mrs Wyatt (Vice-Chairman) and Councillors Atkin, Murray and Mrs Patten

Labour Group (3)

Councillors Bambrick, Dr Pearson & Mrs Stuart

STANDARDS COMMITTEE (6)

Conservative Group (4)

Councillor Harrison (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Mrs Hall and Stanton

Labour Group (2)

Councillors Dunn and Dr Pearson

JOINT CONSULTATIVE COMMITTEE (5)

Conservative Group (3)

Councillors Billings, Ford and Harrison

Labour Group (2)

Councillors Richards and Southerd

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE (3)

Conservative Group (2)

Councillor Mrs Plenderleith (Chairman) and Councillor Billings

Labour Group (1)

Councillor Shepherd

AUDIT SUB-COMMITTEE (5)

Conservative Group (3)

Councillor Grant (Chairman), Councillor Atkin (Vice-Chairman) and Councillor MacPherson

Labour Group (2)

Councillors Dunn and Shepherd

HERITAGE GRANTS SUB-COMMITTEE (4)

Conservative Group (3)

Councillors Hewlett, Smith and Stanton

Labour Group (1)

Councillor Taylor

SINGLE STATUS STEERING GROUP (3)

Conservative Group (2)

Councillors Harrison and Wheeler

Labour Group (1)

Councillor Wilkins

COMMUNITY PARTNERSHIP SCHEME ASSESSMENT PANEL (5)

Conservative Group (3)

Councillors Mrs Coyle, Ford and Watson

Labour Group (2)

Councillors Rhind and Taylor

CORE STRATEGY WORKING PANEL (5)

Conservative Group (3)

Councillors Hewlett, MacPherson and Smith

Labour Group (2)

Councillors Rhind and Richards

LOCAL PLAN OFFICER/MEMBER WORKING GROUP (6)

Conservative Group (4)

Councillor Watson (Chairman) and Councillors Mrs Coyle, Mrs Plenderleith and Stanton

Labour Group (2)

Councillors Shepherd and Taylor

SERVICE AND FINANCIAL PLANNING WORKING GROUP (5)

Conservative Group (3)

Councillors Ford, Harrison and Wheeler

Labour Group (2)

Councillors Richards and Southerd

Annexe C

SUBSTITUTE PANELS 2018/19

FINANCE AND MANAGEMENT COMMITTEE

Conservative Group (9)

Councillors Mrs Brown, Mrs Coe, Coe, Mrs Hall, MacPherson, Murray, Mrs Patten, Roberts and Stanton

Labour Group (4)

Councillors Chahal, Dunn, Tilley and Wilkins

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

Conservative Group (9)

Councillors Mrs Coyle, Ford, Harrison, Hewlett, Murray, Mrs Plenderleith, Smith, Stanton and Watson

Labour Group (4)

Councillors Rhind, Richards, Shepherd and Southerd

HOUSING AND COMMUNITY SERVICES COMMITTEE

Conservative Group (8)

Councillors Atkin, Billings, Mrs Hall, Mrs Plenderleith, Roberts, Stanton, Swann and Wheeler

Labour Group (4)

Councillors Chahal, Dunn, Southerd and Taylor

PLANNING COMMITTEE

Conservative Group (8)

Councillors Billings, Ford, Hewlett, MacPherson, Murray, Mrs Patten, Smith and Swann

Labour Group (4)

Councillors Rhind, Richards, Mrs Stuart and Taylor

JOINT CONSULTATIVE COMMITTEE

Conservative Group (3)

Councillors Hewlett, Mrs Patten and Watson

Labour Group (2)

Councillors Taylor and Tilley

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

Conservative Group (2)

Councillors MacPherson and Roberts

Labour Group (1)

Councillor Chahal.

HERITAGE GRANTS SUB-COMMITTEE

Conservative Group (3)

Councillors Atkin, Watson and Wheeler

Labour Group (1)

Councillors Rhind

SINGLE STATUS STEERING GROUP

Conservative Group (2)

Councillors Ford and Mrs Plenderleith

Labour Group (1)

Councillor Richards

COMMUNITY PARTNERSHIP SCHEME ASSESSMENT PANEL

Conservative Group (3)

Councillors Atkin, Murray and Smith

Labour Group (2)

Councillors Southerd and Wilkins

Annexe D

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS
REPRESENTATIVES OF THE COUNCIL
ON OUTSIDE BODIES FOR 2017/18**

Organisation	Representative(s)
1. Acre Lane, Shardlow Sand & Gravel Site Liaison Committee	Councillor P Watson Councillor Mrs H Coyle (sub)
2. Arts Derbyshire	Councillor J Hewlett
3. Association of Retained Council Houses Ltd. (ARCH)	Councillor J Hewlett Strategic Director (Service Delivery)
4. Burton Hospitals NHS Foundation Trust Governors	Councillor Mrs K Coe
5. Central Midlands Audit Partnership Board	Chairman of Finance and Management Committee Vice-Chairman of Finance and Management Committee (sub)
6. Citizens Advice South Derbyshire and Derby (CASDAD)	Councillor J Hewlett Councillor Mrs K Coe
7. Community Arts Project (“People Express”) Management Committee	Councillor Mrs J Patten Councillor Mrs K Coe
8. Community Transport (Swadlincote) Management Committee	Councillor D Muller
9. D2 Joint Committee For Economic Prosperity	Councillor M Ford Councillor A Billings (sub)
10. Derby Airfield Consultative Committee	Councillor M Ford
11. Derby and Derbyshire Strategic Leadership Forum	Councillor M Ford Councillor A Billings (sub) Chief Executive Monitoring Officer (sub)
12. Derby and Sandiacre Canal Trust Ltd	Councillor M Stanton
13. Derbyshire Hate Crime Practitioners Network Meeting	Councillor Mrs J Patten
14. Derbyshire Partnership Forum	Councillor M Ford
15. Derbyshire Police and Crime Panel	Councillor D Muller Councillor S Swann (sub)
16. Derbyshire Sport	Councillor P Smith

17. Donington Park Racing Circuit Liaison Committee	Councillor P Watson Councillor N Atkin (sub) Councillor J Harrison (sub)
18. East Midlands Airport Independent Consultative Committee	Councillor J Harrison Councillor M Ford (sub)
19. East Midlands Airport Liaison Committee	Aston, Melbourne and Repton Ward Members
20. East Midlands Arts	Councillor Mrs J Patten
21. East Midlands Councils	Councillor M Ford
22. Elvaston Quarry Waste Disposal Site Liaison Committee	Councillor P Watson Councillor Mrs H Coyle (sub)
23. Environmental Education Project Steering Group	Councillor J Hewlett
24. Goseley Community Centre Committee	Councillor Mrs K Coe Councillor S Taylor
25. Heart of the Forest Forum	Councillor M Stanton
26. Hilton Harriers Mease Management Committee	Councillor Mrs J Patten
27. Homestart	Councillor P Smith
28. Local Government Association (London)	Councillor M Ford (General Assembly)
29. Local Government Information Unit	Councillor R Wheeler Councillor M Ford (sub)
30. Melbourne Sporting Partnership	Chief Executive
31. New Albion Revised Liaison Committee	Councillor A MacPherson
32. Parking and Traffic Regulations (outside London) Adjudication Joint Committee	Councillor A MacPherson
33. Pingle Artificial Turf Pitch Management Group	Councillor P Smith
34. Relate	Councillor Mrs J Patten
35. Rosliston and Caldwell Village Hall Management Committee	Councillor R Wheeler
36. Rosliston Forestry Centre Management Executive	Councillor J Hewlett
37. Rosliston Forestry Community Group	Councillor J Grant
38. Rural Action Derbyshire	Councillor M Stanton
39. Safer South Derbyshire Partnership Strategic Group	Councillor M Ford Councillor J Hewlett (sub)
40. Shardlow Heritage Trust Council of Management	Councillor M Stanton

41. Sharpe's Pottery Heritage & Arts Trust Ltd.	Councillor Mrs H Coyle Councillor Mrs K Coe Councillor M Stanton Councillor R Wheeler
42. Sir John Port and John Osbourne Almshouses Charitable Trust	Councillor D Muller
43. Social Care Forum	Councillor P Smith
44. South Derbyshire CVS	Councillor Mrs M Hall Councillor R Tipping
45. South Derbyshire Mental Health Association	Councillor J Hewlett
46. South Derbyshire Music Trust Management Committee	Councillor P Murray
47. South Derbyshire Partnership	Councillor M Ford Councillor A Billings Councillor K Richards Councillor T Southerd (sub) Economic Development Manager
48. South Derbyshire Strategic Sports Group	Councillor P Smith Councillor J Hewlett (sub)
49. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee	Councillor P Watson Councillor Mrs H Coyle (sub)
50. Toyota Community Liaison Committee	Councillor Mrs L Brown Councillor D Muller
51. Waste Less/Save More Project	Councillor P Watson

Annexe E

MEMBER CHAMPIONS 2017/18

Armed Forces Covenant	Councillor Atkin
Arts & Culture	Councillor Hewlett
Consultation, Communication & Engagement	Councillor Murray
Corporate Plan	Councillor Mrs Coyle Councillor Dr Pearson
Design (Planning)	Councillor Mrs Brown
Equality & Diversity	Councillor Mrs Patten
Health & Safety	Councillor Watson Councillor Taylor
Historic Environment	Councillor Stanton
Information Technology	Councillor Billings Councillor Tilley
Older People	Councillor Coe
Performance & Data Quality	Councillor Harrison
Procurement & Business Improvement	Councillor Mrs Plenderleith
Risk Management	Councillor Watson
Safeguarding	Councillor Mrs Coe
Training	Councillor Mrs Hall Councillor Southerd
Waste & Recycling	Councillor MacPherson
Waste Less/Save More	Councillor Watson
Voluntary Sector	Councillor Hewlett
Young People	Councillor Mrs Patten

MINUTES of the CIVIC MEETING
of the SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Town Hall, The Delph, Swadlincote
on 24th May 2018
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Stanton (Chairman), Councillor Mrs Hall (Vice-Chairman) and Councillors Atkin, Billings, Mrs Brown, Ford, Grant, Harrison, Hewlett, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Swann, Watson, Wheeler and Mrs Wyatt

Labour Group

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

CC/1 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Coe, Coe, Mrs Coyle, MacPherson, Murray, Smith (Conservative Group), Councillor Dunn (Labour Group) and Councillor Tipping (Independent / Non-Grouped Member)

Councillors Ford and Roberts joined the Meeting at 6.05pm.

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

It was proposed and seconded that Councillor Stanton be elected as Chairman of the Council for the 2018/19 local government year.

RESOLVED:-

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

(Councillor Stanton then made the Declaration of Acceptance of Office of Chairman, thanking the Members for the honour conferred upon him).

Councillor Harrison joined the Meeting at 6.10pm.

CC/3 **ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL**

It was proposed and seconded that Councillor Muller be elected as Vice-Chairman of the Council for the 2018/19 local government year.

RESOLVED:-

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

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

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

The Chairman named the Air Ambulance as the Chairman's Charity for the ensuing year.

CC/5 **BETTY SHIPTON AND ELIZABETH FROGGATT (BRITISH EMPIRE MEDAL RECIPIENTS)**

The Chief Executive introduced the two British Empire Medal recipients present, applauded by all present.

CC/6 **KEVIN FEGAN (PLAYWRIGHT AND POET) – DIANA, PRINCESS OF WALES, MEMORIAL GARDEN**

The Chief Executive introduced Kevin Fegan, who read his poem 'Memorial Garden', widely appreciated by all in the Town Hall.

CC/7 **LONG SERVICE AWARDS**

The Chairman presented long service awards to Tanya Higgins and Andrew Thornley, both of whom had completed 20 years' service as at 31st March 2018.

It was noted that an award had also been made to Gaynor Bennett for 20 years' service, unable to attend the meeting.

The Meeting terminated at 6.30pm.

COUNCILLOR M STANTON

CHAIRMAN

In accordance with Council Procedure Rule No. 11, Councillor Richards will ask the following question:

“Given the fact that the Conservative Whip was withdrawn from Cllr Robert Coe, pending the results of a court hearing at Nottingham Magistrates Court, after being charged with assault against a female Care Quality Commission inspector.

Now that the court case has been heard and Cllr Robert Coe charged, after eventually changing his plea to guilty to the charge of assault, is the Conservative whip being reinstated and if so what if any sanctions are being imposed against Cllr Robert Coe given that he has in my opinion breached at least 1 of the Nolan Principles of Public Office.”

In accordance with Council Procedure Rule No. 11, Councillor Dunn will ask the following question:

“Does the Leader of the Council have confidence in Cllr Robert Coe being able to satisfactorily represent the residents of Swadlincote ward and South Derbyshire District Council after his guilty plea in court to assaulting a female officer of the Quality Care Commission?”

REPORT TO:	COUNCIL	AGENDA ITEM: 8
DATE OF MEETING:	28th JUNE 2018	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595848 / 595722	DOC:U:\JAYNE\Commtee\COMM REP\Sealed Docs report 28 June 18.docx
SUBJECT:	SEALED DOCUMENTS	REF: J. BEECH
WARD(S) AFFECTED:	VARIOUS	TERMS OF REFERENCE: N/A

1.0 Purpose of Report/Detail/Recommendation

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

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
06.04.18	11954	Transfer – 36 Arthur Street, Castle Gresley
06.04.18	11956	Transfer – 62 Field Avenue, Hatton
09.04.18	11958	Transfer – 34 Nelson Street, Swadlincote
20.04.18	11960	Transfer – 35 Salisbury Drive, Midway
02.05.18	11971	Transfer – 10 Field Way, Newhall
11.05.18	11975	Transfer – 4 Hall Street, Church Gresley
11.05.18	11977	Transfer – 13 Appleton Close, Newhall
01.06.18	11999	Transfer – 29 Church Road, Egginton
01.06.18	12001	Transfer – 2 Cecil Road, Newhall
11.06.18	12006	Transfer – 158 Main Street, Repton

2.0 Financial Implications

2.1 None.

3.0 Corporate Implications

3.1 None.

4.0 Community Implications

4.1 None.

5.0 Background Papers

5.1 Seal Register

REPORT TO:	COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	28th JUNE 2018	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	IAN HEY (01283 228741) ian.hey@south-derbys.gov.uk	DOC:
SUBJECT:	REPTON NEIGHBOURHOOD DEVELOPMENT PLAN	REF:
WARD(S) AFFECTED:	REPTON	TERMS OF REFERENCE: HCS

1.0 Recommendations

- 1.1 That Council notes the report and supporting papers submitted to the Environmental and Developmental Services Committee (E&DS) where it was agreed that, subject to changes recommended by the external Examiner, the Repton Neighbourhood Development Plan should be referred to Full Council with a view to proceeding to a referendum.
- 1.2 That Council agrees to the Repton Neighbourhood Development Plan proceeding to referendum.

2.0 Purpose of Report

- 2.1 This report enables the Council to review the report and supporting documents that were submitted to the E&DS Committee regarding the submitted Repton Neighbourhood Development Plan.
- 2.2 The E&DS Committee agreed to accept the changes identified by the External Examiner and that the Plan should go before the Full Council with a view to the Plan progressing to a referendum. This report is submitted in line with these decisions.

3.0 Detail

- 3.1 Neighbourhood development plans were introduced by the Localism Act 2011.
- 3.2 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of

development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

3.3 The Draft Repton Neighbourhood Development Plan (NDP) has been submitted by Repton Parish Council. This Plan meets the basic conditions of the 1990 Act Schedule 4B in that:

- Repton Parish Council is authorised to act.
- Rules for submission have been complied with.
- The Draft Plan meets the definition of a neighbourhood plan.
- The Draft Plan meets the scope of the NDP provisions, and

The correct procedures in relation to consultation and publicity have been undertaken.

3.4 The external Examiner cannot recommend that the draft report goes to referendum if it does not meet the basic conditions or comply with the definition of a neighbourhood development plan.

3.5 In accordance with the Town and Country Planning Act 1990, Schedule 4B para 14, South Derbyshire District Council is the relevant District Council and is responsible for making arrangements for the referendum to take place.

3.6 Officers have reviewed the Draft Plan and the Examiner's report and consider that it meets all of the conditions within the 1990 Act and that it would be appropriate to proceed to referendum.

3.7 Council is asked to consider the report submitted to the E&DS Committee, the Plan and the Examiner's recommendations and agree to take the Draft Plan to referendum.

4.0 Financial Implications

4.1 Costs of the referendum are initially met by the Council. Following the poll a grant can be claimed from the Ministry of Housing, Communities and Local Government to defray the costs.

5.0 Corporate Implications

5.1 There are no other legal, personnel or other corporate implications apart from any covered in the report.

6.0 Community Implications

6.1 The Repton Neighbourhood Plan has been prepared by Repton Parish Council involving volunteers from the local community. This community involvement is encouraged by the 2011 Localism Act.

6.2 Taking the report to referendum will allow the people of Repton Ward to be directly involved in setting policy for local planning decisions.

7.0 Background Papers

Appendix 1 - Copy of report to Environmental and Development Services Committee on Repton Neighbourhood Development Plan

Appendix 2 - Repton Neighbourhood Development Plan

Appendix 3 - Repton Neighbourhood Development Plan - Independent Examiners Report

APPENDIX 1

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES	AGENDA ITEM:
DATE OF MEETING:	31 st MAY 2018	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	IAN HEY (01283 228741) ian.hey@south-derbys.gov.uk	DOC:
SUBJECT:	REPTON NEIGHBOURHOOD DEVELOPMENT PLAN	REF:
WARD(S) AFFECTED:	REPTON	TERMS OF REFERENCE: HCS

1.0 Recommendations

- 1.1 That Members consider the Repton Neighbourhood Development Plan together with the Examiners Report and recommended changes.
- 1.2 That Members agree to the recommended changes identified by the independent Examiner.
- 1.3 That Members agree to the amended Repton Neighbourhood Development plan proceeding to Full Council to consider taking to the plan to referendum.

2.0 Purpose of Report

- 2.1 This report enables Members to review the plan in light of the independent examiners report and if satisfied recommending that it proceeds to Full Council to consider taking to the plan to referendum.
- 2.2 It confirms that the community of Repton has prepared a draft neighbourhood development plan. This has been submitted by Repton Parish Council to South Derbyshire District Council as the Local Planning Authority (LPA) with supporting documents.
- 2.3 It identifies that an independent Examiner was appointed and has now made recommendations as to changes that would need to be made to the Plan to allow it to proceed to referendum.
- 2.4 South Derbyshire District Council (SDDC) as the LPA is now required to decide whether to accept the Examiner's Report including any proposed modifications to the Plan.
- 2.5 As soon as possible after considering the Examiner's recommendations and deciding to take forward the neighbourhood plan the LPA must publish its

decisions in a Decision Statement, Town & Country Planning Act 1990, schedule 4B para 12.

- 2.6 If the Plan and the recommended changes are taken to and agreed at Full Council on 28th June 2018 the process will progress to a referendum.
- 2.7 The guidelines from the LGA regarding Regulation 17 identify that with a referendum, for all cases (other than businesses) at least 28 days (not including weekends, bank holidays or days of public thanksgiving) before the referendum itself the proper officer of the Council must ensure that the information statement and specified documents are to be published on the website. The information must remain available throughout the period of the referendum.

3.0 Detail

- 3.1 Neighbourhood development plans were introduced by the Localism Act 2011.

What is neighbourhood planning?

- 3.2 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

What can communities use neighbourhood planning for?

- 3.3 Local communities can choose to set planning policies through a neighbourhood plan that is used in determining planning applications.

Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use.

What are the benefits to a community of developing a neighbourhood plan?

- 3.4 Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because unlike the parish, village or town plans that communities may have prepared, a neighbourhood plan forms part of the development plan and sits alongside the Local Plan prepared by the LPA. Decisions on planning applications will be made using both the Local Plan and the neighbourhood plan and any other material considerations.

Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local

people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see.

Must a community ensure its neighbourhood plan is deliverable?

- 3.5 If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

Does a neighbourhood plan have the same legal status as the Local Plan?

- 3.6 A neighbourhood plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan.
- 3.7 The draft Repton Neighbourhood Development Plan has been submitted by Repton Parish Council. This plan meets the basic conditions of the 1990 Act Schedule 4B in that:
- Repton Parish Council is authorised to act.
 - Rules for submission have been complied with.
 - The draft plan meets the definition of a neighbourhood plan.
 - The draft plan meets the scope of the NDP provisions, and

The correct procedures in relation to consultation and publicity have been undertaken.

- 3.8 The Council has undertaken appropriate Regulation 16 publicity via the SDDC web site, giving details of the plan, where it could be inspected and how representations could be made.
- 3.9 Following the Regulation 16 publicity an independent examiner was appointed in accordance with the Town and Country Planning Act 1990 and the plan was submitted for examination in accordance with Regulation 17.
- 3.10 In their report the Examiner is only able to recommend:
- The draft plan is submitted to referendum
 - That modifications are made as specified in the report and that the draft report as modified is submitted to referendum, or
 - The proposal is refused.
- 3.11 The report from the Examiner, attached at appendix B, recommended that the draft plan be submitted to referendum with modifications.
- 3.12 Repton Parish Council has received a copy of the Examiner's report with the Examiner's identified modifications. It has been confirmed that the report is accepted and that they wish to proceed to referendum.

- 3.13 The Examiner cannot recommend that the draft report goes to referendum if it does not meet the basic conditions or comply with the definition of a neighbourhood development plan.
- 3.14 Officers have reviewed the draft plan and the Examiner's report and consider that the draft meets all of the conditions within the 1990 Act and that it would be appropriate to proceed to referendum.
- 3.15 Members are asked to consider the plan (appendix A) and the Examiner's recommendations (Report - Appendix B) Further to this they are asked to confirm the modifications identified and agree to take the draft plan to referendum.
- 3.16 As soon as possible after considering the examiners recommendations and deciding to take forward the draft neighbourhood plan the Local Planning Authority must publish its decisions in a Decision Statement, Town & Country Planning Act 1990, schedule 4B para 12.
- 3.17 Rules covering the polls for the referendum are contained in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and the Neighbourhood Planning (Prescribed Dates) Regulations 2012.

4.0 Financial Implications

- 4.1 Costs of the referendum are initially met by the Council. Following the poll a fixed grant of can be claimed from the Department of Communities and Local Government to defray the costs.

5.0 Corporate Implications

- 5.1 There are no other legal, personnel or other corporate implications apart from any covered in the report.

6.0 Community Implications

- 6.1 The draft neighbourhood plan has been prepared by Repton Parish Council involving volunteers from the local community. This community involvement is encouraged by the 2011 Localism Act.
- 6.2 Taking the draft report to referendum will allow the people of Repton ward to be directly involved in setting policy for local planning decisions.

7.0 Background Papers

Appendix 1- Repton Neighbourhood Development Plan

Appendix 2- Repton Neighbourhood Development Plan- Independent Examiners Report

Parish of Repton Neighbourhood Development Plan 2016 - 2028



Repton & Milton

The Neighbourhood Development Plan for the parish of Repton covers the whole of the Civil parish. The boundaries are clear and well established. The Plan provides a vision for the future of the parish, agreed by residents. It sets out the parish's objectives, together with the policies required for their realisation.

Version 25 – 9 May 2017

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2 Foreword

The parish of Repton is a rapidly changing area, but investment and change will only be worthwhile if it makes a positive contribution to the lives of local people and the future of its community.

The Neighbourhood Plan has been produced by a working group of volunteers acting on behalf of the Parish Council, which is the responsible body, and contains the thoughts and feelings of local people with a real interest in their community. The Parish Council has regularly reviewed the progress of the working group and wholly supports both the plan and the process used in its creation.

The Plan reflects the consolidated views of the residents and businesses of the parish, and covers key themes such as housing, amenities, work, leisure, environment, traffic and transport. The document has been developed through a process of consultation (see CEF3) for details. The Parish Council agreed to produce a Neighbourhood Development Plan (NDP, subsequently referred to as Neighbourhood Plan) in early 2015 and established a steering committee. A launch meeting was held in April 2015 and the working group was formed. This group then structured and conducted the on-going activities. The work conducted during 2015 and 2016 represents a continuation of the community's efforts to understand and shape its development. A parish document 'The Village Design Statement' (CEF9) was written in 2006 as a result of consultation, updated in 2016, and still has value today. The working group benefitted from the experience gained from its production and it has provided valuable background information and evidence, assisting the compilation of the Neighbourhood Plan.

Note that throughout the development of the Neighbourhood Plan a large amount of documentation has been produced and accessed. A system is used throughout this and other

documents to allow easy cross-referencing of this material. Each document has a Consultation Evidence File (CEF) number. For example the Neighbourhood Plan document is CEF1.

Repton Parish Council is very grateful for the support given to the Neighbourhood Plan by the Steering Group; Ewan Thompson (chair), Chris Jerram, John Perks and Peter Rainey

And Working Group from Repton and Milton; Ruth Attwood, Quentin Butler, Roz Cheeseman, Melissa Cooke, Malcolm Coston, Sue Goodwin, Carol Lloyd

Images: Local artist Jackie Adshead

3 Introduction

3.1 How the Plan is organised

The Plan is divided into two sections:

Section 1

The Neighbourhood Planning System

About the Parish of Repton

Vision Statement

Core Objectives

Section 2

Neighbourhood Plan Policies

3.2 The Neighbourhood Plan and the Planning System

3.2.1 How the Neighbourhood Plan fits into the Planning System

The Localism Act, introduced by the Government in November 2011, aims to devolve more decision-making powers from Central Government into the hands of individuals, communities and councils. One of the key aspects to this is the ability of communities to produce Neighbourhood Development Plans, subject to being in line with higher level planning policy. That is, Neighbourhood Plans must comply with a set of Basic Conditions:

The following is taken from the UK Government's Planning Portal website:

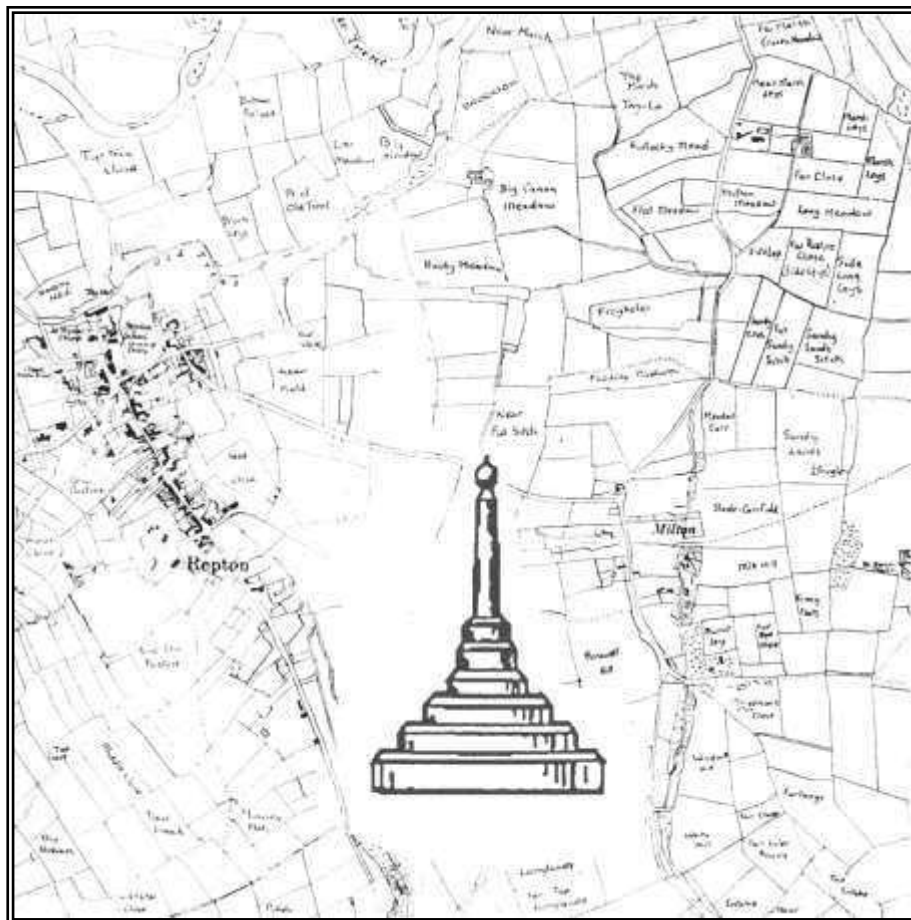
"Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. Revision date: 06 03 2014"

The basic conditions which apply to neighbourhood plans are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan.
- b. the making of the neighbourhood plan contributes to the achievement of sustainable development.
- c. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (South Derbyshire District Council).
- d. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- e. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Details on how the draft Repton Parish Neighbourhood Plan conforms to the Basic Conditions are contained in Basic Conditions Statement (CEF4).

In order to future-proof the Plan, close dialogue with the South Derbyshire District Council has ensured that the Neighbourhood Plan is in line with up to date evidence of any strategic needs identified for the area and the adopted Local Plan.



3.2.2 What is in the Neighbourhood Plan?

Housing in particular is an important part of the Plan, but the issues covered are much wider than this. The Plan is for the parish as a whole and is wide ranging in scope including:

- Protection of the characters of the two villages
- The range of and size of housing required
- What facilities are needed for the elderly
- How to protect the rural environment
- The landscape and historical perspectives
- How and what leisure amenities should be retained and improved
- What employment provision is possible
- The main travel implications
- How walking and cycling provision can be improved

4 About the Parish of Repton

Map of Parish of Repton. Area covered by Repton and Milton Neighbourhood Plan



Repton is a rural parish, set in undulating countryside in the district of South Derbyshire. The parish is made up of the village of Repton, and the much smaller hamlet of Milton. The two communities benefit from an attractive semi-rural character derived from open fields, abundant trees and hedgerows and a wide variety of building styles and features, reflecting the long history of the parish. The village is located south of the river Trent and is relatively close to the main trunk roads of the district; the A50 and A38. The nearest railway station is a mile and a half north at Willington. There are major urban areas in the region, including Derby, Burton-on-Trent and Swadlincote.

Its location, accessibility, scale and appealing countryside setting, combined with its strong community spirit, makes the parish of Repton a desirable place to live. The Repton Neighbourhood Plan has been prepared to ensure that development is planned in terms of location, scale, form and style in a manner which enhances the parish and villages. It has taken into account problems that have been identified and opportunities that can be implemented.

The issues covered are extensive and have been grouped under themes identified from the Village Design Statement. See Consultation Statement (CEF3) and Evidence Paper for Each Theme (CEF31).

Housing

Environment

Amenities and Services

Leisure & Employment

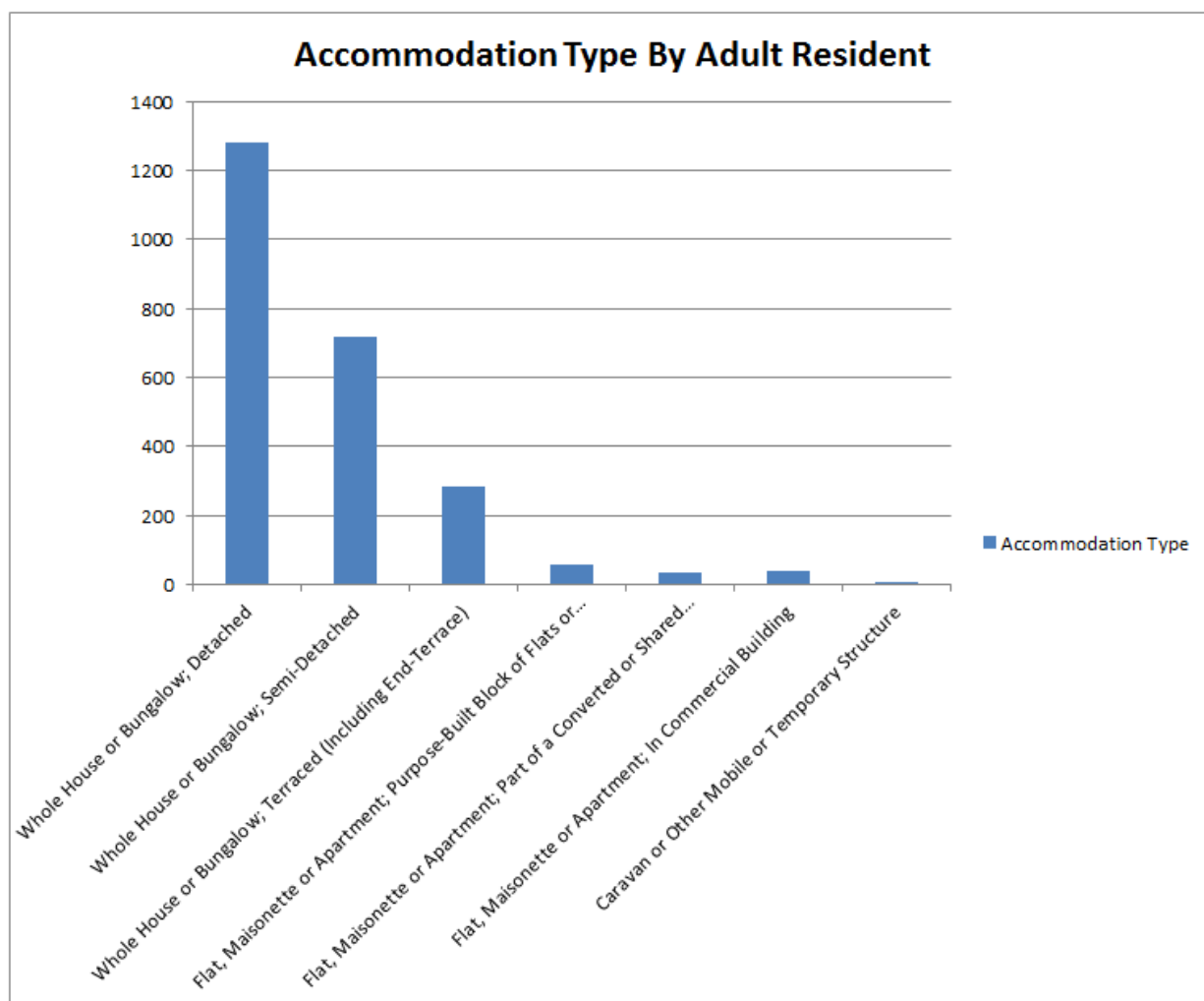
Travel & Transport

An overview of these five themes is considered below, taking into account information from the background reports, together with issues raised by residents from the two villages. More details are contained in the Detailed Justification of Policies (CEF5). A full report of issues raised during the consultation is provided in the Consultation Statement (CEF3) and accompanying documents.

The parish of Repton consists of two distinct villages and a large outlying agricultural area which includes part of Foremarke Reservoir and associated commercial interests. The villages are very different in size and makeup and therefore will be described individually. The agricultural land is managed by farms in the villages and therefore will not be evaluated separately.

4.1.1 Housing

2.4 The 2011 census provides details of the population of the parish. Repton parish has a population of 2,867 living in 1086 households, the majority of which are houses, rather than flats or apartments. Most residents live in Repton, as there are only approximately 80 houses in Milton and relatively few outlying properties.



Repton

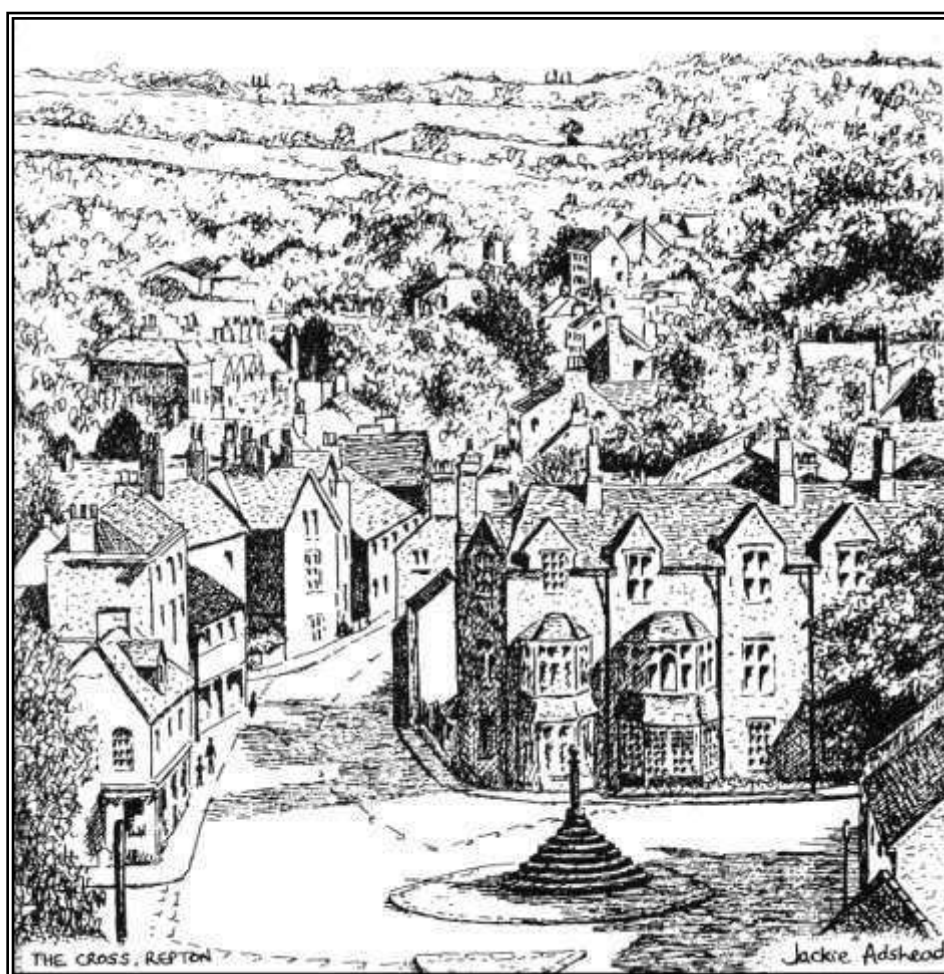
A major distinguishing feature of Repton is the mix of buildings, ranging from the 8th Century through to modern times. It was the ancient capital of Mercia where in AD 653 Christianity was first preached in the Midlands. The conversion of the Mercian royal family led to the building of the 8th century crypt that now forms part of St Wystan's church. Repton was invaded in 873-4 by the Vikings as an over wintering location, the defences included the religious buildings. The Augustinian Priory was founded in 1172 and the church much enlarged between the 13th and 15th centuries. The centre of the village is the Cross, a monument of medieval origins, and its surroundings where there are a significant number of medieval and post medieval buildings. The Cross is an important monument and is grade 1 listed, but unfortunately the surrounding stone setting has not been maintained, due to funding restrictions. There were statute fairs, based round the Cross, from medieval times up to the end of the 19th century. The crypt and the area around the church is of national historical importance. It has featured in many television documentaries, the last one shown in March 2016, and also definitive historical texts.

Further development through the medieval, Georgian and Victorian periods have contributed to a distinctive and varied built environment.

Over the last one hundred years in-fill has taken place, but most of these areas can still be characterised as having open spaces, grassed areas or verges, and mature trees, giving a pleasant aspect. Unfortunately the newer building has not always been carried out in sympathy with the surroundings. To sum up, the character of the village comes from the diversity of its buildings from all ages, yet they complement one another and form a harmonious environment (except for the 2015/2016 development).

Since the Village Design Statement (CEF9) there have been a number of new developments. A small development at the top of Askew Grove has replaced many of the wooden houses and also increased the number of houses in that location. The Trent and Dove development of thirty three houses, at the top of Milton Road includes twenty four for social housing. The Longlands development of forty houses, off Springfield Road, is a mixed development of two, three and four bedroomed houses. There is further significant development on this side of the village and towards Milton, bringing the total agreed planning applications to one hundred and forty eight houses. These developments, taking place in 2015 and 2016, are the largest that have taken place in the parish for decades and have caused considerable upset.

Residents have identified the historical buildings as one of the important and cherished features of the village.



Milton

Milton has seven prominent listed buildings, which are mostly Georgian. These are interspersed with smaller dwellings that add to the character of the area. Predominantly, the buildings in Milton follow a distinct building line, either being built directly to the rear of the pavement or having sandstone walls and hedges which keep the building line intact. Overall, there are about 30 new brick-built houses in the hamlet, however not all enhance the character of the area. The older distinctive buildings provide useful references for new designs of houses or in the restoration/extension of existing buildings. There have been a number of barn conversions, and these have been sympathetic to the village environment.

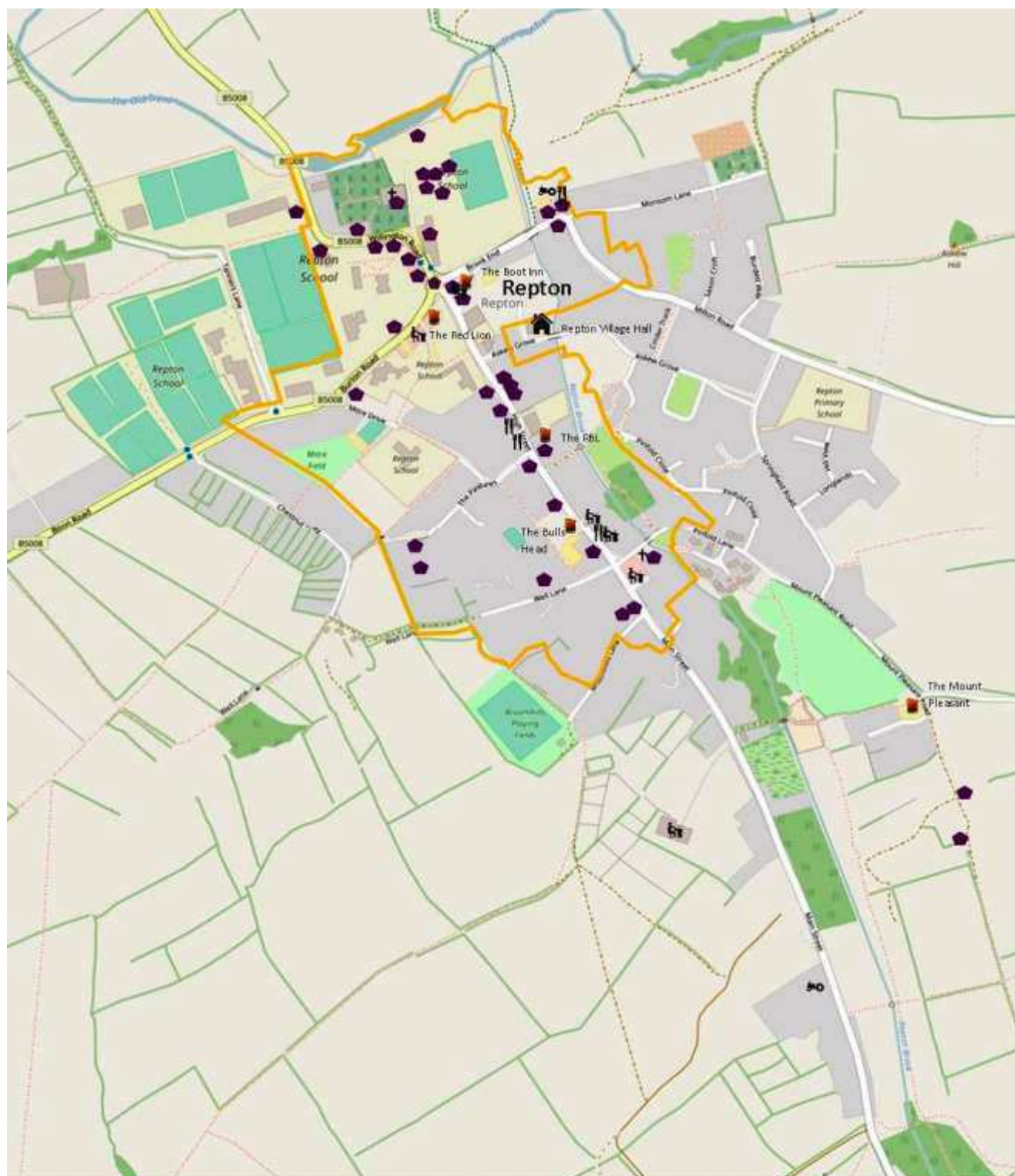
Consultation with residents from both villages have raised similar issues. Retaining the village settlement boundaries, as identified in Local Plan 1, has been a desire, together with concern over the possibility of more large developments on the edge of the villages. People have also raised issues regarding the range of housing types available, particularly for the elderly, and provision of sufficient affordable housing.



4.1.2 Environment

Repton

Map of Repton with conservation area/listed buildings/amenities/retail/businesses



© [OpenStreetMap](https://www.openstreetmap.org/) contributors

Repton is a linear village, with its main axis running roughly south-east to north-west, following the line of Repton Brook, as it flows northwards into the Trent. As a whole the village sits within a valley formed by Repton Brook. There is little skyline development; Burton Road and the new houses at Longlands and Mount Pleasant being exceptions.

Flooding: The river Trent runs approximately one mile to the north and the flood plain which borders the village regularly floods. Repton Brook flows into the Trent and has flooded twice in the past year, and concern has been raised over the frequency of flooding. Work has been done on flood prevention, but with the brook running through the centre of the village and through private property, flooding can cause considerable damage. This has been experienced in recent years.

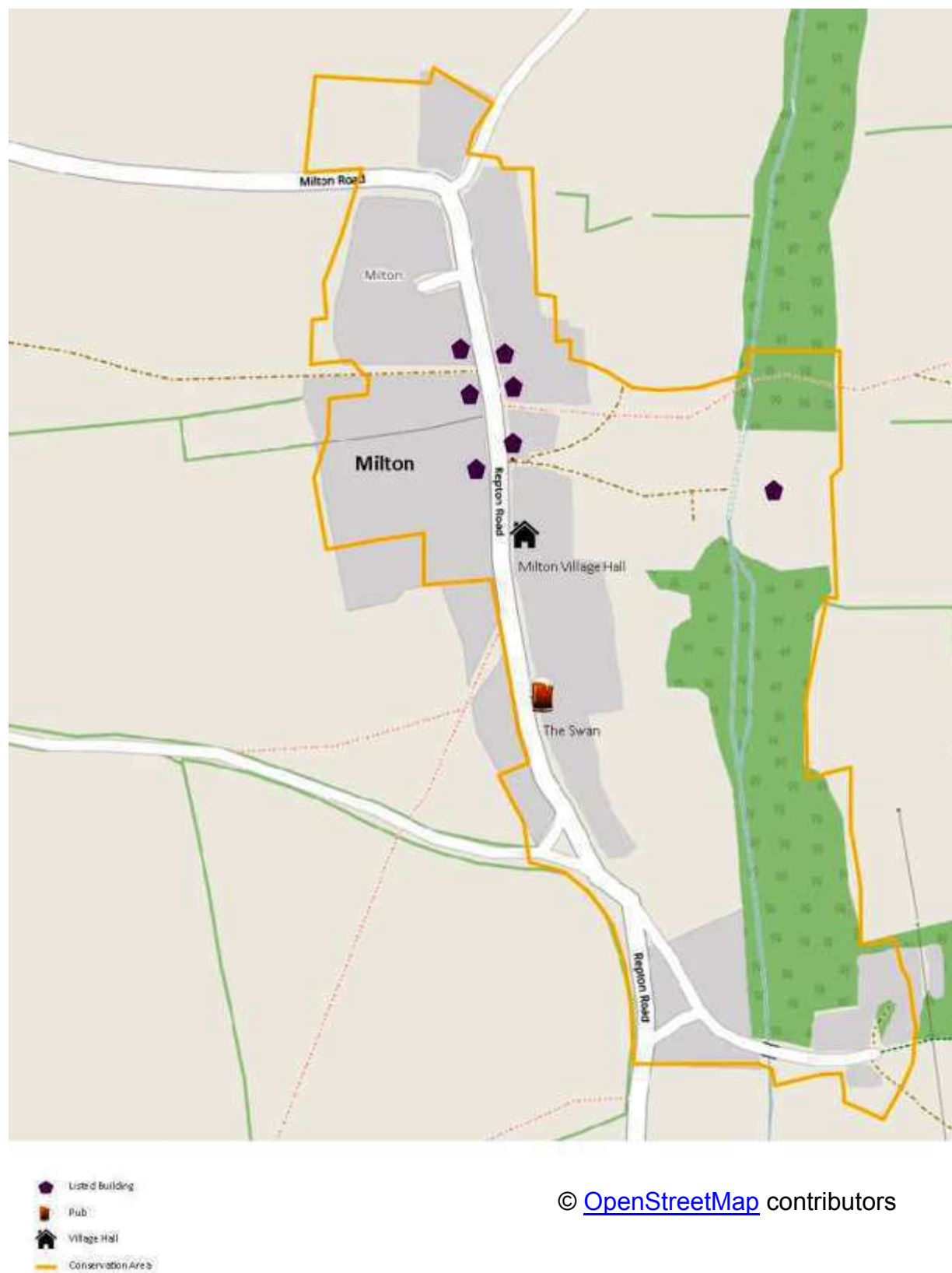
Open Space: Within the confines of the village, there are five significant open spaces which have either full or partial public access. These have been included in a 2016 draft SDDC Local Plan Part 2 as land that contributes to environmental quality. These include the field off Mitre Drive, which houses children's play equipment and caters for scouting activities; Mathews' Farm by the brook, and the adjoining spinney; Saxon Croft field and The Crescent. The Pinfold Lane triangle also provides a green space and Broomhills Playing Fields has been awarded Queen Elizabeth Fields in Trust status. There are also extensive playing fields associated with Repton School. All these green spaces, plus the numerous views out into the countryside that are glimpsed between buildings, combine to bring a sense of space and openness to the centre of the village. During consultation there was strong support for retaining and enhancing these areas. Within the village, except for the very centre, there is a feeling of openness and greenery, in keeping with rural surroundings.

Historical Features: The Cross and St Wystan's Church and the surrounding area are of high historical significance and are of importance to residents and visitors. This and other aspects of the historical features of the parish are recorded in the Historical Assets Register (CEF8)

Conservation area: Repton has a high concentration of Listed Buildings, thirty nine in total, of which six are grade one, and this has been recognised through the Conservation Area. This was originally defined in July 1969, extended in February 1982, and extended again in 2013 (See CEF7).

Milton

Map of Milton - with conservation area/listed buildings/amenities/retail/businesses



The settlement of Milton lies in a shallow valley along the westerly side of its neighbouring brook. There are several gaps between buildings that are an important characteristic of the hamlet and give views to the countryside for residents and users of the many footpaths. There is no building on the ridges and skylines in the main core of the settlement, which is contained by two road junctions; to the north to Repton or Foremark and to the south to Mount Pleasant or Ticknall.

Open Space: There are two distinctive open spaces, one at the junction with Mount Pleasant, known as “The Village Green” or “The Triangle”, which is planted with trees and bulbs, and the second opposite the Village Hall, known as “The Orchard”. The wide grass verge opposite the Village Hall is also used for community activities.

Character and Heritage: Milton has seven prominent listed buildings, that are mostly Georgian. These are interspersed with smaller dwellings that add to the character of the area. Predominantly, the buildings in Milton follow a distinct building line, either being built directly to the rear of the pavement or having sandstone walls and hedges which keep the building line intact.

People identified the rural aspects, open spaces and the historical associations as reasons why they liked living in the parish.



4.1.3 Amenities and Services

Repton

See map section 4.1.2.

2.11 Many amenities have been lost in the relatively recent past, including the surgery part of the health centre, paper shop, public toilets, bank, building society, hardware shop, pharmacy and The Dales residential home for the elderly. The surgery and pharmacy have relocated to Willington and this causes worry, particularly to older residents. The local library has now been replaced by a once a month mobile library. There are four public houses, two of which bring considerable numbers of people into the village with associated parking problems. The shops include a post office, butcher's shop, general store, a dentist, one hairdresser, and a beautician. There are also three food takeaways, and a tearoom. The Village Hall provides a centre for a number of services and social functions e.g. consultations; voting, keep fit classes, society meetings etc., but it urgently requires replacing.

The village has a number of educational establishments; two nurseries, a primary school, a private preparatory school and a public (fee paying) school. The primary school takes a significant number of pupils from outside the village, and the two nurseries, the private preparatory school and public school take the majority of children from outside the village. The Health Centre acts mainly as a venue for health care teams and provides little direct health care for the village.

There have been several problems with collapsed sewers, as some of them are now very old. These are part of a system which includes a pumping station by Brook Farm.

Milton

See map section 4.1.2.

Milton has a pub and a Village Hall, the latter having been upgraded, provides an essential centre for meetings etc., and is used by groups wider than the village. There is a sewage treatment station on the outskirts of the village. Milton is dependent on Repton and neighbouring Willington for the majority of amenities and services and concerns have been raised regarding increased through traffic.

Particular issues raised by residents include; the lack of health centre facilities in the parish, the need to retain retail outlets, the importance of the Village Halls.

4.1.4 Community, Leisure & Employment

Community and Leisure:

Repton

See map section 4.1.2.

The Village Hall is a well-used venue for local organisations, such as the Repton Village Society, and for private functions, as is the scout hut, known as The Den. Unfortunately the Village Hall is becoming structurally unsound and will require replacing in the near future. Another significant social venue is the Royal British Legion, which hosts a range of activities. The parish and United Reformed Churches have the usual associated clubs and classes, which together with the local sporting clubs and allotments, provide opportunities for villagers to meet. In Repton, all ages of the community are provided for; starting with the mother and toddler groups, scouting and guiding, Repton Casuals sports club and the W.I., through to the Evergreens. Some of these are gradually decreasing due to lack of volunteers and facilities. There are only limited social facilities specifically for the youth of the villages. However, Repton does have other amenities that are unusual in a village, including facilities for swimming, tennis and other sports. There is also a music subscription concert programme and choral society. All these are provided by the independent Repton School. Repton has a growing number of visitors interested in the village, its history and its surrounding countryside, particularly as it lies adjacent to the National Forest.

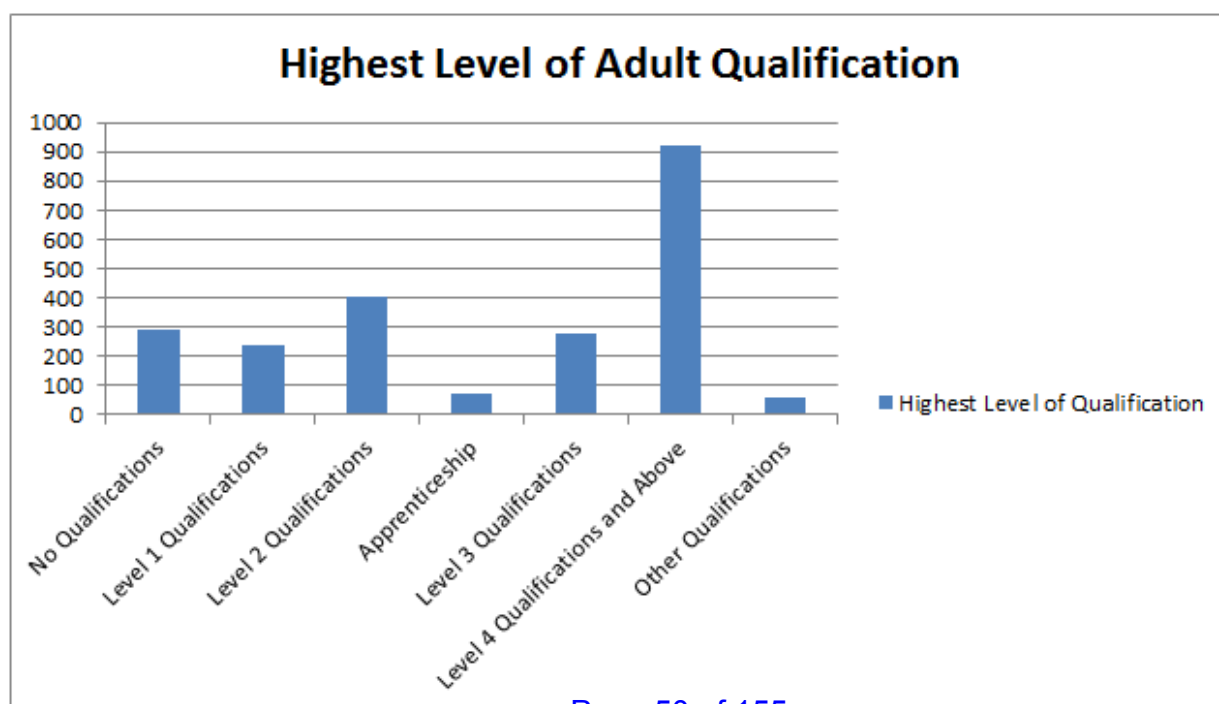
Milton

See map section 4.1.2.

The heart of Milton is based around the Village Hall and the Swan public house. The Village Hall supports a vibrant community and holds many functions throughout the year, organised and managed by a lively Village Committee. It is home to the local W.I, lunch club for the elderly and other organisations. Residents worship in nearby churches such as St Wystan's, Repton or St Saviour's, Foremark. A mobile library used to call twice monthly but this has now ceased.

Employment:

The residents of the parish tend to have a level of education that exceeds the national average. Most are employed in jobs outside the parish, leading to regular commutes.



Repton

See map section 4.1.2.

In recent years, the decline in village based industries, and in particular farming (now down to two working farms), has meant a reduction in locally based employment. Also, the number of shops in the village has greatly diminished as residents drive or are bussed to nearby supermarkets. The economy of Repton is that of a rural village, where most of the residents work in nearby towns and cities, but Repton School employs a sizeable number of local teachers and support staff. The only other major local employer is Gibson Technology, who design, build and test racing car engines, but currently all their staff live outside the village. There are a number of builders, architects and other trades based in the village, who add to the village's economy.

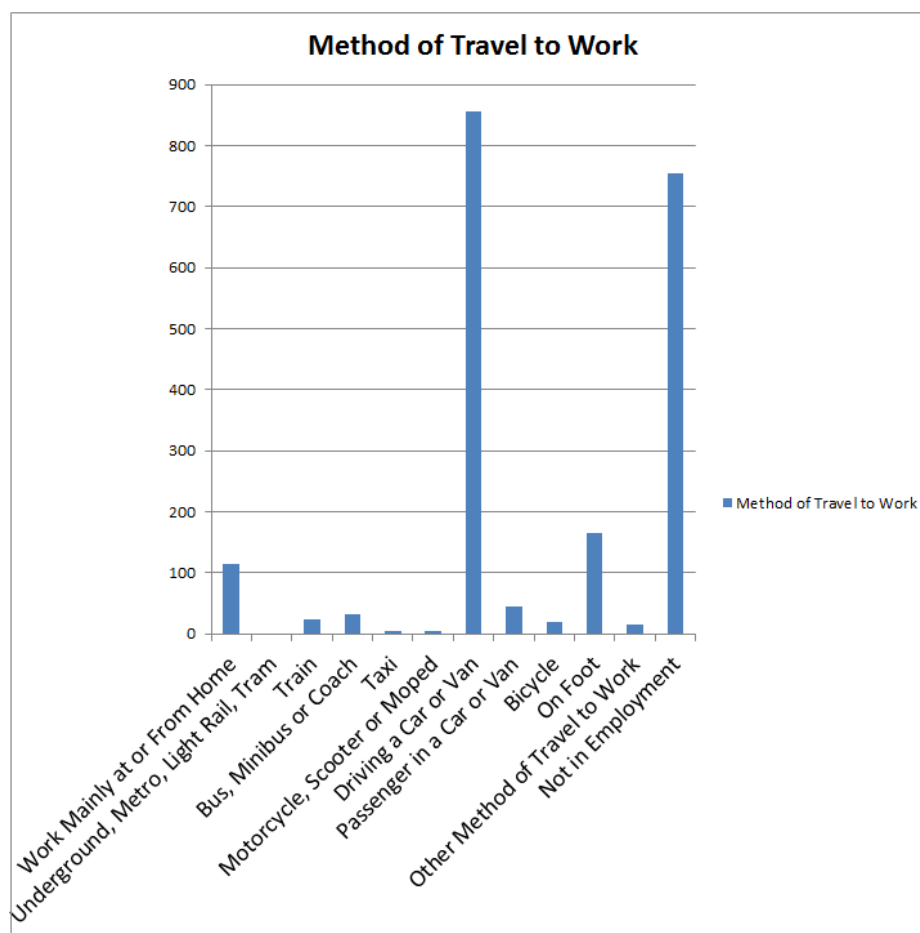
Milton

See map section 4.1.2.

Milton is still farming based but in line with the current agricultural trend, farms have become larger and currently there is one working farm in Milton. However Milton remains predominantly agricultural, with the major part of Milton's approximate 1300 acres being farmed by local long established farming families from within the parish. This creates continuity of husbandry and local agricultural tradition. In addition there are 2 smallholdings and several dwellings with land attached which is often used for equine pursuits. There are some small businesses in Milton, but apart from the public house these are generally individuals working from home and do not offer any additional employment. The majority of residents work in nearby villages, towns and cities, yet Milton retains a strong rural character and a proud sense of community.

The major employment is found in Derby and or Burton upon Trent, but with the nearby road links of the A38 and A50, the areas in which people travel to work is very wide. With limited public transport, this does mean a high car use and the consultation highlighted a worry that any new housing increases an already excessive traffic density.

4.1.5 Travel & Transport



Repton

See map section 4.1.2.

There are five road routes into the village and it is served by an hourly bus service during the day, which reduces in frequency in the evening and on Sunday. There is a mainline train station in the neighbouring village of Willington, about a mile and a half away, with seven trains per day, except on Sundays. Nottingham East Midlands Airport is situated approximately ten miles east of the village. There is an extensive network of footpaths, both within the village and across the surrounding farmland.

Repton lies within two miles of the junction between two major trunk routes, the A50 and A38. Adjacent to this junction is the Toyota car plant, at Burnaston. The proximity of these, and the location of the bridge over the river Trent at Willington (the only one for five miles in either direction), have led to a substantial increase in road traffic through the parish in recent years.

Repton is a very old settlement and the street layout, with little or no off-street parking, so does not easily accommodate the high levels of traffic. Two particular issues are evident. The first is the narrowness of the High Street, Milton Road and Burton Road in the vicinity of The Cross. This leads to severe congestion at times of high traffic density. The situation is compounded here and in other areas of the village, including the junction of Milton Road and Springfield Road, by the various school runs. The street layout around The Cross also affects pedestrians, due to the narrowness or absence of pavements, and crossings.

The other significant issue occurs on the outskirts of the village. The transition from open countryside to build-up area is not abrupt, leading to a tendency for speed limits to be exceeded.

The Trent Villager bus service runs to both Derby and Burton via the villages in between. The bus stops are located at Repton Cross, which is more than a mile from houses at the south-eastern end of the village, and on Burton Road, which is also a considerable distance from the majority of housing. There is also a free weekly bus, which is run by, and to, the Tesco supermarket in Ashby.

There is a perceived risk to cyclists from other vehicles on the causeway from Willington, where the traffic speeds tend to be higher and the road is relatively narrow, making overtaking difficult.

Repton is unusually well provided with footpaths both within the village environment and in the neighbouring farmland. These are extensively used, the accessibility encouraging people to walk from home. A network of hidden footpaths and 'jitties' criss-cross Repton and provide pleasant car-free links between different parts of the community.

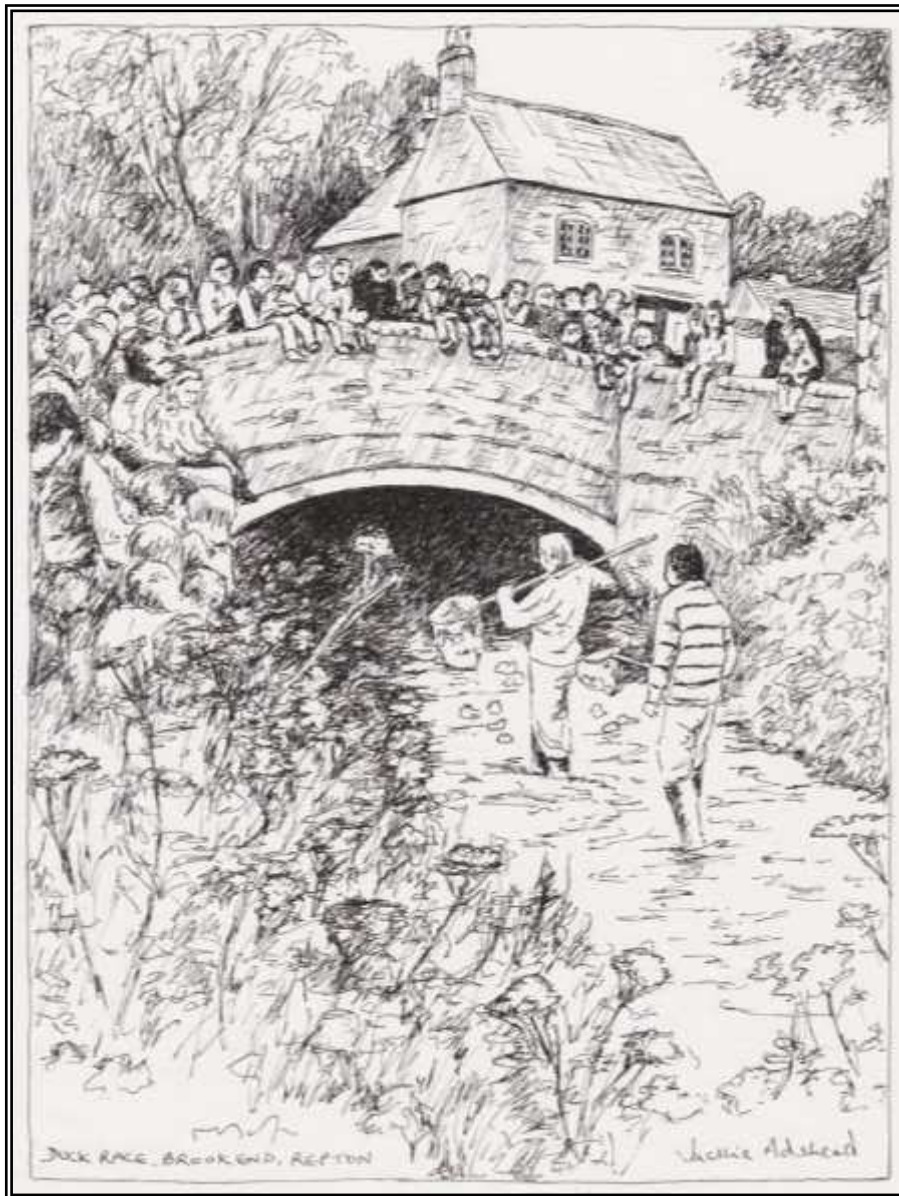
Milton

See map section 4.1.2.

Milton has road links to Repton, Ticknall and Swarkestone bridge (via Foremarke). Traffic levels are high at certain times of the day as the hamlet is used as a through route. There is no longer a public transport service in Milton. The majority of residents rely on their own transport or that of neighbours. This dependence upon the motor car brings with it the problem of car parking because many residents have no garage or driveway facilities and, of necessity, have to park on the main street.

There is a web of footpaths and bridle paths linking Milton across open fields with outlying farmsteads and settlements and with adjacent villages. These are used extensively by walkers, cyclists and horse riders, both residents and visitors.

5 Vision Statement & Core Objectives



The Village Design Statement was written in 2006 and updated for points of factual accuracy during 2016. When originally written, it endeavoured to describe Repton and Milton and their surroundings as they were at that time; highlighting the individual and collective characteristics that make the settlements distinctive. It was compiled by local residents, through a process of public consultation, with help and advice from officers of South Derbyshire District Council and support from Repton Parish Council and Repton Village Society.

The Village Design Statement added local guidelines for Repton and Milton to the overall policies on housing, environment etc. contained in the South Derbyshire Local Plan. The Local Plan and Supplementary Planning Guidelines (including Conservation Area Character Statements) were the first references addressed in a planning application, but the Village Design Statement supplemented them with those aspects particular to Repton and Milton. The purpose of the document was to ensure changes that took place in the future fitted in with what was best in Repton and Milton. It laid down what residents felt was important and was readily available to residents, developers and local planners, to help inform the planning process.

The steering committee and the working group all agreed that we should use such a comprehensive document as the base of the Neighbourhood Development Plan, bringing it up to date using information generated from the consultation process. It was the starting point for developing the Vision Statement and core objectives. Additional significant inputs have been; issues raised by members of the public at Parish Council meetings, the surveys undertaken at the Village Party (CEF11) and SDDC Local Plan Part 1. The vision and objectives have been further refined following consultation with the community. Details are provided in the Consultation Statement (CEF3) and the Evidence Paper for Each Theme (CEF31).

5.1 The Vision Statement

To ensure that the parish of Repton continues to be a vibrant, pleasant, sustainable and safe place in which to live, with facilities that meet the needs and aspirations of the people who live and work there.

5.2 Guiding Principles

The set of principles that provide a means of delivering the vision are:

The preservation of the separate villages of Repton and Milton, so that the individual identity of each community is not lost.

To preserve and enhance the landscape setting and historic character of the villages within the parish, by minimising any negative visual impact of new development.

To ensure that all development, as identified in the SDDC Local Plan, is provided in the right location and the scale to be in sympathy with the area's rural aspect and heritage, respecting the area's character and environment.

To create a parish that has minimum impact on the natural environment, promotes bio-diversity, encourages wildlife, works towards being carbon neutral and mitigates the expected effects of climate change

To sustain the vitality, health and safety of the community and to allow long-term residents the opportunity of remaining part of it.

To reduce the need to use private motor vehicles, to encourage alternative means of travel and to ensure that travel within the villages is appropriate and secure.

5.2.1 Looking at the principles in more detail:

The preservation of the separate villages of Repton and Milton, so that the individual identity of each community is not lost:

The two villages are very different in size, and nature.

Repton is a village with a long history. Of particular note are the buildings around the Cross, some of which date back to the Saxon period. In addition to the oldest buildings that form the core to the village, there has been subsequent building over many centuries that provide a wide variety of different styles. These create different aspects within the village, including open spaces and mature trees, with the whole tending to blend harmoniously together. Further details are provided within SDDC Conservation Area document (CEF7) and the Historical Assets Register (CEF8). It is imperative that this is taken into consideration during planning, as the results of all decisions made will have an impact on this important aspect of the village. Repton has a range of amenities, including a bus service, retail, sports and leisure facilities. These provide residents with services that are reasonably accessible, although some of them would certainly benefit from enhancement and augmentation.

Milton is a hamlet, established well over 1,000 years ago, a totally separate community from Repton. It does not have the services and facilities found in Repton. Nevertheless, it too has a distinctive character, with many attractive buildings and a more rural aspect. Given the differences to Repton, it is appropriate that the planning policies affecting it are different.

To ensure that all development, as identified in the SDDC Adopted Local Plan, is provided in the right location and scale to be in sympathy with the area's rural aspect and heritage, respecting the area's character and environment - and - To preserve and enhance the landscape setting and internal historic character of the villages within the parish, by minimising any negative visual impact of new development:

The two communities benefit from an attractive semi-rural character derived from open fields, abundant trees and hedgerows and a wide variety of building styles and features reflecting the long history of the parish. The rural character is strengthened by grass verges, and green spaces which are both located on the four major roads in Repton and in the majority of housing developments. This is unfortunately not the case for the housing developments of 2015 and 2016. Its location, accessibility, scale and appealing countryside setting, combined with its strong community spirit, makes the parish of Repton a place where people desire to live. The area of the Cross and Church in Repton are obvious landmarks, but the character of the village is much more diverse and will affect, and be affected by, changes in the buildings, roads and related features. As described in detail in the Village Design Statement (CEF9) and SDDC Conservation Area documents (CEF7) and Historical Assets Registers (CEF8), Repton and Milton have a significant and attractive built environment, which is valued and should be preserved and enhanced.

To create a parish that has minimum impact on the natural environment, promotes biodiversity, encourages wildlife, works towards being carbon neutral and mitigates the expected effects of climate change:

Hedgerows, trees and woodland throughout the rural parish visually enhance the countryside, as well as providing an important habitat for wildlife. The natural environment is integral to the

character of the parish. Enhancing it will encourage healthy activities such as walking. Transport is also an important theme. Opportunities should be taken to reduce the use of motor vehicles and avoid queuing stationary traffic, so as to minimise pollution.

To sustain the vitality, health and safety of the community and to allow long-term residents the opportunity of remaining part of it:

There is widespread recognition that the population is ageing and there is an increasing requirement for suitable housing provision for older people, many of whom do not want to leave the parish when they no longer feel able to live in their current home. In addition, residents of all ages need access to health-promoting leisure facilities.

To reduce the need to use private motor vehicles, to encourage alternative means of travel and to ensure that circulation within the villages is appropriate and secure:

The parish needs to ensure the integration of the various neighbourhood areas within the villages through appropriate pedestrian and cycle links. It is important that good public transport, walking and cycling access are provided.



5.3 The Core Objectives

The core objectives are grouped under five headings:

Housing

Open space & Environment

Amenities & Services

Community, Leisure & Employment

Travel & Transport

At the consultation there were comments about the main issues, and the core objectives were developed from these. See the Consultation Statement (CEF3) and the Evidence Paper for Each Theme (CEF31) for details of this process.

Housing

Main comments raised by local people during the consultation included:

Residents did not want to see any more large developments. Having had 148 houses built in the last two years in one area of Repton, they felt any new housing needed to be integrated into the village and on smaller sites.

That The Dales, which had provided residential care in the parish but had been closed and was lying empty, should be redeveloped for housing provision for the elderly. In addition the existing housing for the elderly at Fisher Close should be retained and enhanced.

A lack of affordable housing in both villages.

Residents expressed an appreciation of the historical nature of both villages and a desire to preserve this.

Objective: Integrate small new housing developments within the villages

Objective: Develop The Dales site for supported elderly care accommodation and retain Fisher Close for the same reason.

Objective: Provide some affordable housing for local people

Objective: Retain the historical built environment

Open Spaces & Environment

Main comments raised by local people during the consultation include:

Retention of the separation and integrity of the two villages

Retaining hedgerows and encouraging biodiversity

Landscape and the rural aspects were one of the reasons people chose to live in the villages

Providing open spaces and grass surroundings in keeping with a rural setting, on new developments

Retention and improvement of the present open spaces

Problems regarding increased flooding

Objective: Ensure that the village boundaries remain as in Local Plan 1

Objective: Encourage tree and hedge retention and planting

Objective: Ensure new building does not adversely impact on views and the rural landscape

Objective: New developments to provide appropriate open spaces

Objective: Improve existing open spaces

Objective: Ensure new build does not increase potential flooding

Amenities & Services

Main comments raised by local people during the consultation include:

Lack of health provision in the parish

The importance of the Village Halls

Objective: Address the lack of health facilities within the parish

Objective: Ensure the Village Halls remain fit for purpose

Community, Leisure & Employment

Main comments raised by local people during the consultation include:

Present play facilities not easily accessible

Repton Village Hall in very poor condition with no disabled facilities

Milton Village Hall is an important asset

Need to retain existing retail businesses

To be able to work from home would be an advantage

Small businesses to be encouraged

Objective: Provide play facilities near to new developments

Objective: Rebuild Repton Village Hall with appropriate facilities and retain Milton Village Hall

Objective: Retain the number and mix of shops

Objective: Support new small businesses

Travel & Transport

Main comments raised by local people during the consultation include:

The amount of traffic through both villages

The lack of parking and inappropriate parking

Enjoy the footpaths through the villages

Want to encourage more cycling and walking

Better links with Willington where health and retail provision is sited

Objective: Ensure new housing developments have good pedestrian, cycle and bus connections

Objective: Consider ways to provide new parking within both villages

Objective: Retain and improve footpaths

Objective: Improve connections to surrounding destinations



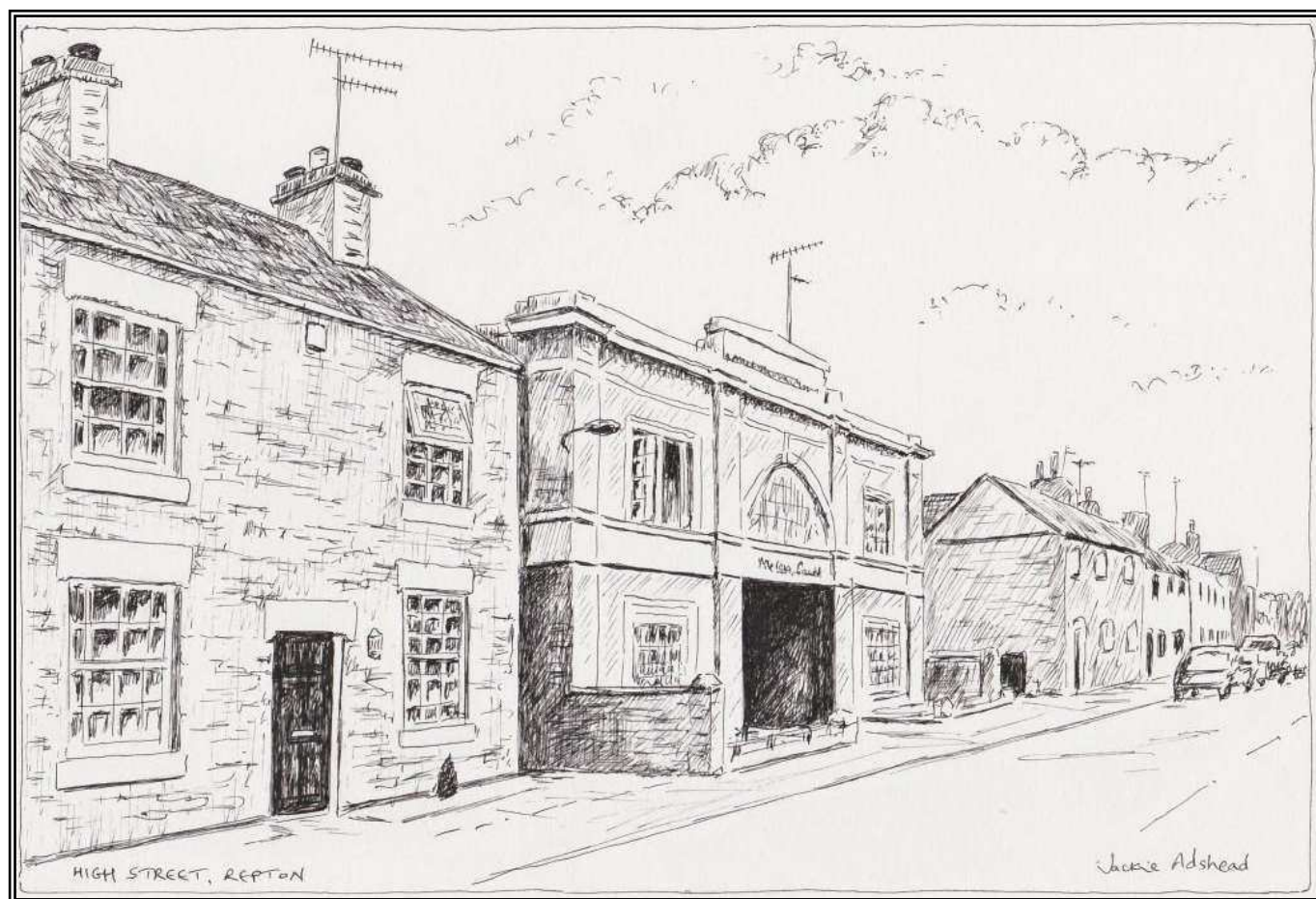
6 Section 2 - Neighbourhood Plan Policies

This section describes the policies that will help enable the parish meet the objectives stated in section 5 of this document. In the following section brief justifications are provided for each policy. A more detailed explanation of the evidence and reason for the policies can be found in the following documents:

Consultation Statement (CEF3), the Basic Conditions Statement (CEF4), Detailed Justification of Policies (CEF5), Justification of Policies with Links to Existing Planning Documents (CEF5a), Evidence Paper for Each Theme (CEF31), Analysis of Questionnaires by Theme (CEF28) and Spreadsheet of Comments from Questionnaire (CEF29). These are the principal documents that cover the process of the identification and generation of the policies but within these documents are references to other documents that are also pertinent.

The Neighbourhood Plan policies are important in order to safeguard the parish from inappropriate development and to avoid overloading existing infrastructure and community provision, but extend those where possible and appropriate. These policies should be implemented to ensure a linked and joined up approach to villages, community and environmental development.

6.1 Housing



Our ambition is to promote a balanced and vibrant community where the parish has the services and housing sufficient to meet the needs of residents at all stages of their lives. The Neighbourhood Plan supports regeneration and re-development opportunities that help achieve

social and environmental objectives in the parish. Our aim is to ensure Repton and Milton are attractive, environmentally healthy and sustainable villages to live in, whilst retaining their very distinct characters. When recognising the heritage and history of the parish, the Housing policies seek to protect and enhance the historic built environment of Repton and Milton, whilst also securing its place in the future. Our design ambition for homes is to promote high quality design and materials in the development of buildings which will result in improvements to the lives of residents and visitors to the parish and to the built environment. The Neighbourhood Plan supports housing development that fosters more sustainable means of transport, reflecting the predominantly rural and residential character of the area.

6.1.1 Repton and Milton limits of development

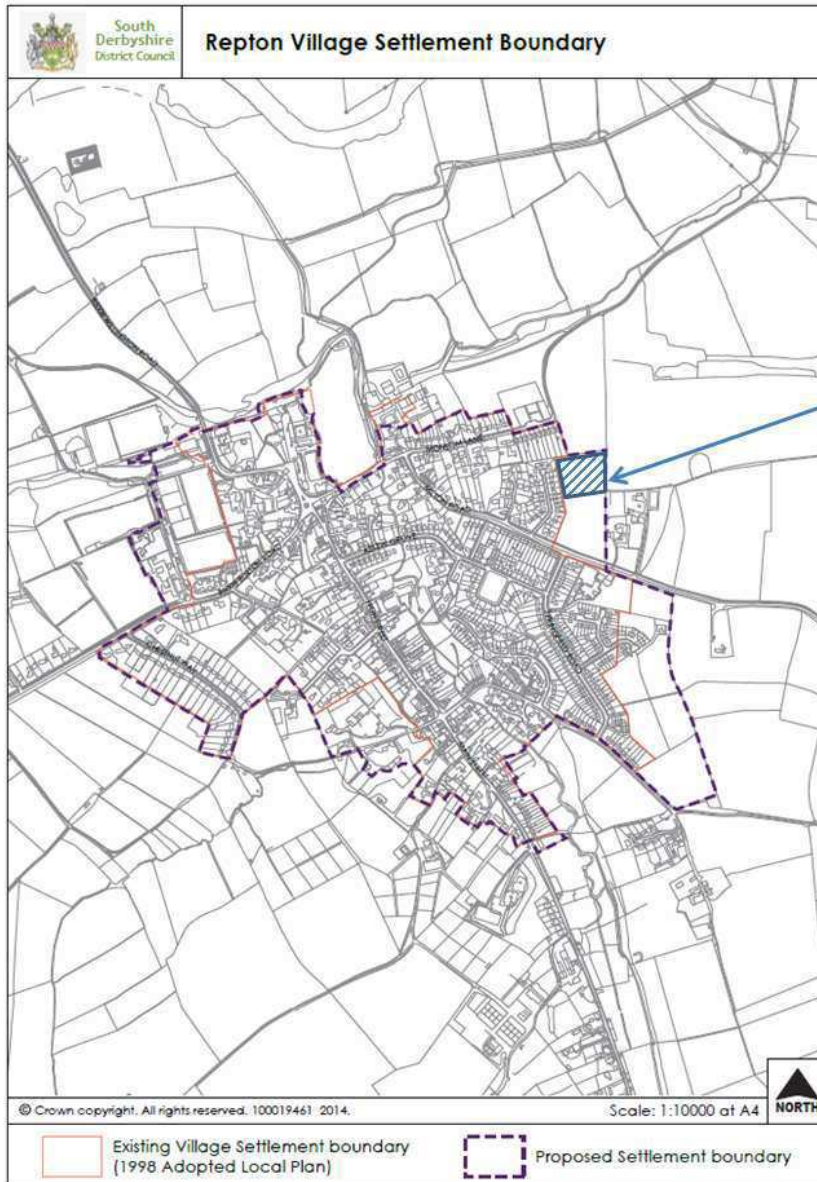
The Neighbourhood Plan proposes to designate the limits to development for the parish which will maintain the existing boundaries of both the villages of Repton and Milton. The villages are quite different and there is strong community support that this should be preserved. Repton is a large village with a range of amenities while Milton is a small rural hamlet. In many cases people have chosen to settle in each village because of the specific characteristics each offer. It would be detrimental for the two to merge, thus resulting in a loss of identity. In addition, the physical separation with open countryside enhances the rural nature of both communities and provides residents with immediately accessible leisure opportunities through the linking network of footpaths.

It should be noted that the settlement boundaries described below are consistent with those currently proposed in SDDC Local Plan Part 2, with one important exception. Community consultation (see CEF28 and CEF29) has shown residents accept the merit of minor alterations to the boundaries of both Repton and Milton to reflect the existing built area, in many cases long established. Residents also accept the housing development in Repton adjacent to Mount Pleasant is currently underway, so it is reasonable to encompass this within the boundary. It should be noted that there was considerable opposition to this development and it is non-strategic, being outside the allocation designated in SDDC Local Plan Part 1.

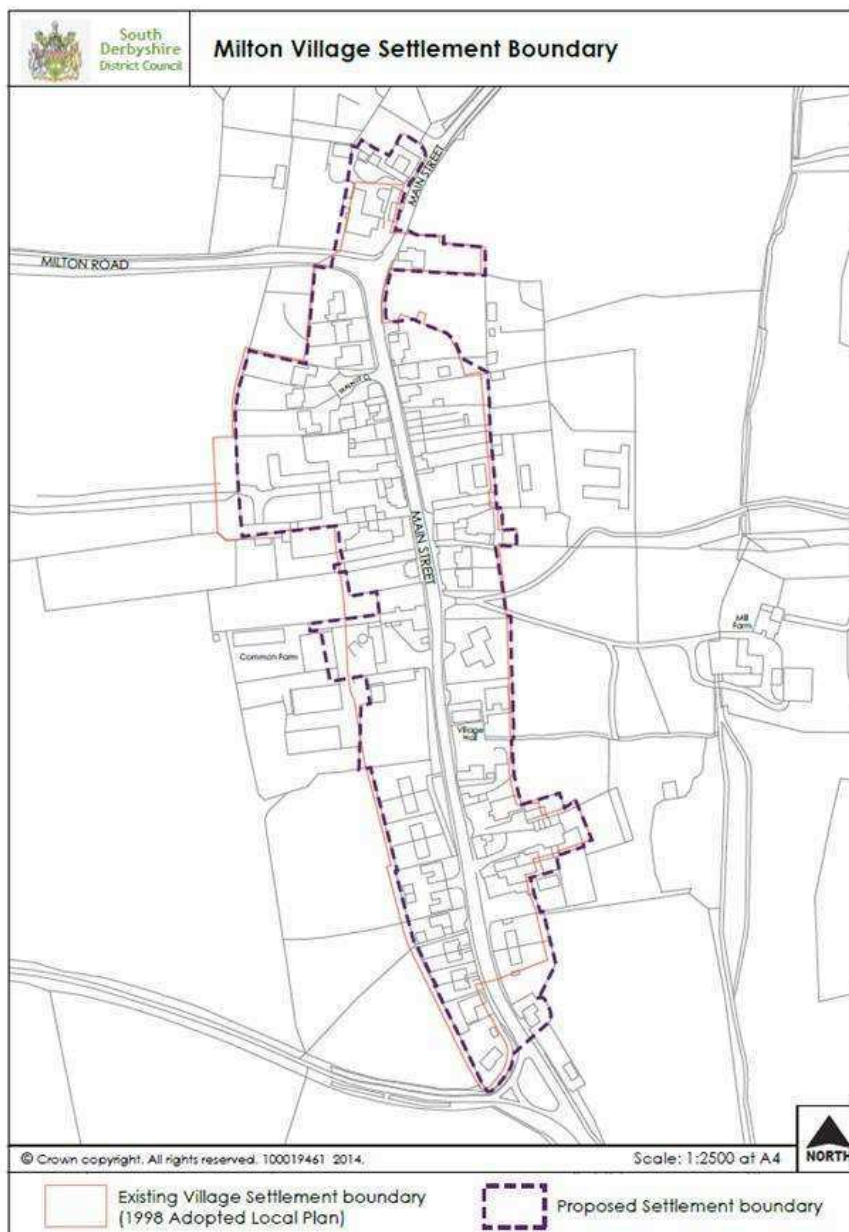
Residents are not accepting of proposals to expand the boundary of Repton to incorporate significant housing developments in the countryside. In particular, it is very clear there is a high level of opposition to the proposal to build 25 houses off Milton Road (SDDC Local Plan Part 2 Policy H23G – Non Strategic Housing Allocations - Milton Road, Repton - S/010). Reasons for opposition to this cited by residents include:

- Lack of sustainability due to distance from services
- More appropriate brown-field locations in the district
- Increased risk of flooding
- Pressure on over-stretched services
- Traffic congestion
- Impact on significant views

6.1.2 POLICY H1: THE LIMITS OF DEVELOPMENT: The limits of development for the villages of Repton and Milton will be maintained as identified on the proposal maps for each village, shown below.



Policy H1 – Repton settlement boundary as proposed in SDDC Local Plan Part 2 – Examination Draft April 2017, with the exception of hatched region where boundary to preclude the higher part of the field above the public footpath.



Policy H1 – Milton settlement boundary as proposed in SDDC Local Plan Part 2.

6.1.3 Development within the settlement confines

Consistent with SDDC Local Plan Part 1, development is permissible within the designated settlement boundaries. It should be recognised that the appropriateness of specific development proposals must be assessed against planning policies and guidelines, including those contained in this document.

The following areas are specifically recognised, accounting for strategic sites identified in SDDC local Plan Part 1:

- 24 houses at Mount Pleasant Road, Repton (SDDC S/088).
- Small residential sites, provided such proposals are well designed and meeting all relevant requirements set out in other policies in this plan, and where such development:
 - a) fills a small, restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of the village where the site is closely surrounded by buildings.

- b) is not considered to be unneighbourly development that requires unsuitable access, reduces the privacy of adjoining properties or is inconsistent with the character of the locality.
- Vacant or derelict properties should be preferentially re-developed.

6.1.4 POLICY H2 DEVELOPMENT WITHIN SETTLEMENT CONFINES: Development should take place within the limits of development for Repton and Milton as defined in policy H1 above. A development proposal for infill development and the conversion of existing buildings will be supported where it has been demonstrated that:

- The scheme is small scale and reflects the size and character of the village:
- The proposal is well designed and considers the distinctive qualities of the village
 - The proposal is infilling in a small gap in the existing frontage or
 - The proposal is formed by a site that is closely surrounded by buildings.
 - The development does not adversely affect neighbouring properties by reason of noise, unsuitable access, loss of privacy, loss of daylight, or visual intrusion that would affect the amenity of adjoining properties.

6.1.5 Provision for elderly accommodation

The parish has an ageing population that wishes to remain within the parish. This is supported by statistical evidence, as well as the results of the 2015 survey. This will only be possible with the provision of suitable housing and services. Recent substantial development off Milton Road and Longlands totalling well over 100 houses has not addressed the identified needs of an ageing population. The retention of The Dales and Fisher Close for this group seeks to redress the balance. It is very clear from the collated responses of residents that this provision should be retained and enhanced (see CEF28 and 29). This is consistent with NPPF paragraphs 50 and 51.

6.1.6 POLICY H3: Retention of The Dales Site and Fisher Close for Elderly Accommodation

- The Dales, Repton should be redeveloped for elderly accommodation, consistent with aim of previous plans.
- Fisher Close, Repton should be retained for sheltered accommodation for the elderly.
- The Dales and Fisher Close areas should be considered in a holistic manner to provide comprehensive elderly provision with excellent access, due to their central location within the village.

6.1.7 Housing mix

There are challenges to accommodate the needs and desires of residents in two key areas. The first is the recognition that the population is ageing but wishes to remain part of the community. The second is the provision for people starting off in the housing market. Often these will be at the younger end of the age spectrum. Policy H3 aims to address the first of these issues to some extent, but there is more that can be done. Limited affordable homes have been built in recent years and there remains a gap between the desires of some potential home owners, often those who have grown up in the parish, and the availability of suitable housing stock.

6.1.8 POLICY H4: HOUSING MIX: New housing development proposals should provide for a recognised housing need in the parish. The provision of affordable smaller homes, especially for young families and young people, and for older people, will be supported. Affordable housing will be preferentially allocated to those who can demonstrate a strong connection to the parish.

6.1.9 Design of new development to be of high quality

As described in detail in the Village Design Statement, Repton and Milton have a significant and attractive built environment, which is valued and should be preserved and enhanced. The 2015 survey shows strong support for these principles. This is consistent with NPPF sections 7 and 12. Any development that takes place should ensure the identity and character of the villages are to be maintained in a manner consistent with the Village Design Statement (CEF9), the SDDC Conservation Area Statements (CEF7) and the Historical Assets Register (CEF8). Proposals for all forms of new development must plan positively for the achievement of high quality and innovative design, at the same time demonstrating they have sought to conserve local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the wider parish.

6.1.10 POLICY H5: DESIGN OF NEW DEVELOPMENTS TO BE OF HIGH QUALITY:

Proposals for new housing must be of high quality and designed to reflect the character and distinctiveness of the villages of Repton and Milton. They must demonstrate how they meet the following:

- **Reflect the design principles in the Village Design Statement**
- **Identify with the local character to create a sense of place appropriate to the location**
- **Consideration of context and character**
- **Appropriateness of the building styles to the historic context as a listed building and/or within the Conservation Areas**
- **Quality for residents**
- **Integration of new proposals into the village and landscape setting**
- **Ensure they have appropriate grass verges or open spaces.**

6.1.11 Design of adequate car parking to fit in with the character of the proposed development

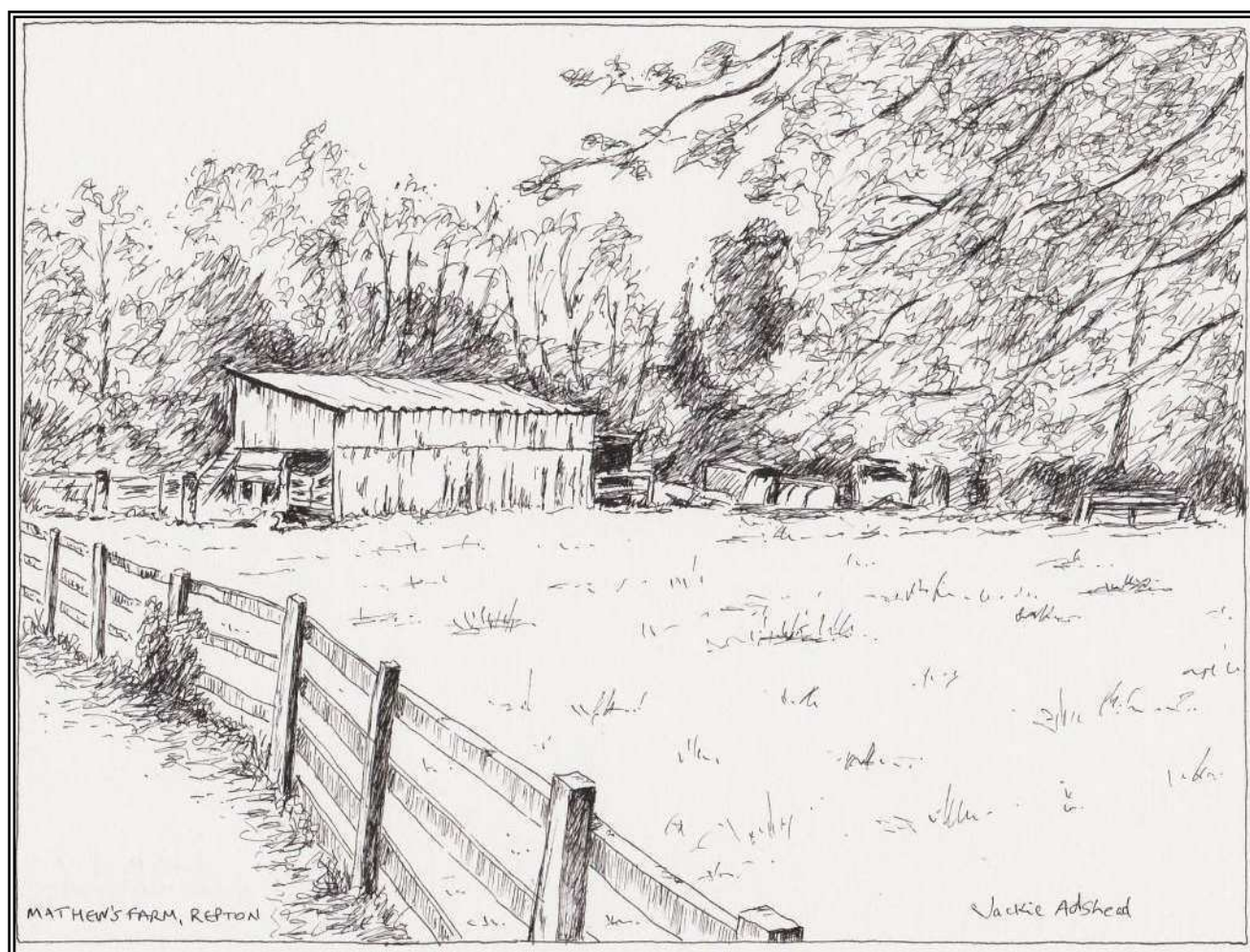
Parking is a significant issue within the parish. There are recent examples where inadequate provision has led to on-road parking, causing distress, disruption and congestion. This should be avoided in future developments. The way in which car parking is designed into new development will have a major effect on the quality of the development. Whilst it is desirable that a suitable amount of car parking is provided in relation to the size and scale of the development, it should be provided in a way that has minimal visual impact on the overall appearance of the development. The Neighbourhood Plan proposes that each new housing development must have off-road parking consistent with the size of accommodation, as defined by the number of bedrooms. Houses with up to 2 bedrooms should have at least 1 parking space, those with 3 to 5 bedrooms should provide at least 2 parking spaces and those with 6 or more bedrooms should provide at least 3 parking spaces.

Electrical charging points are supported to encourage the use of more sustainable vehicles.

6.1.12 POLICY H6 DESIGN OF ADEQUATE CAR PARKING TO FIT IN WITH THE CHARACTER OF THE PROPOSED DEVELOPMENT: New housing and extensions to existing properties will include adequate car parking provision that minimises the visual impact on the buildings and landscape and adheres to the following principles:

- Provision to be in the form of a garage or parking space.
- Provision to be appropriate to the size of the house, as defined above.
- If a garage is proposed it should be large enough to be useable with internal dimensions of a minimum of 6.5m x 3m.
- Garages designed to reflect the architectural style of the house.
- Minimise visual impact of frontage/street scene parking by landscaping that is an integral part of the overall landscaping of the development proposal.

6.2 Open Spaces/Environment



Open spaces are cherished areas which enhance the built environment of the parish. They provide areas for recreation as well as adding to the visual appeal, and there is strong support for both their retention and enhancement. The views both into and out of the villages are a highly significant and much appreciated feature of the parish. They should be retained by avoiding inappropriate locations for new buildings.

6.2.1 Local Green Spaces

It is very apparent that the residents of the parish appreciate the rural nature of their communities and feel strongly this should be preserved. This is reflected in the responses to potential development beyond the village settlement boundaries, as well as the retention and enhancement of existing open spaces. It is also noteworthy that this theme features very prominently in the 'likes' section of the survey which also said that the rural appearance should be enhanced through further planting of trees (see CEF28 and CEF29).

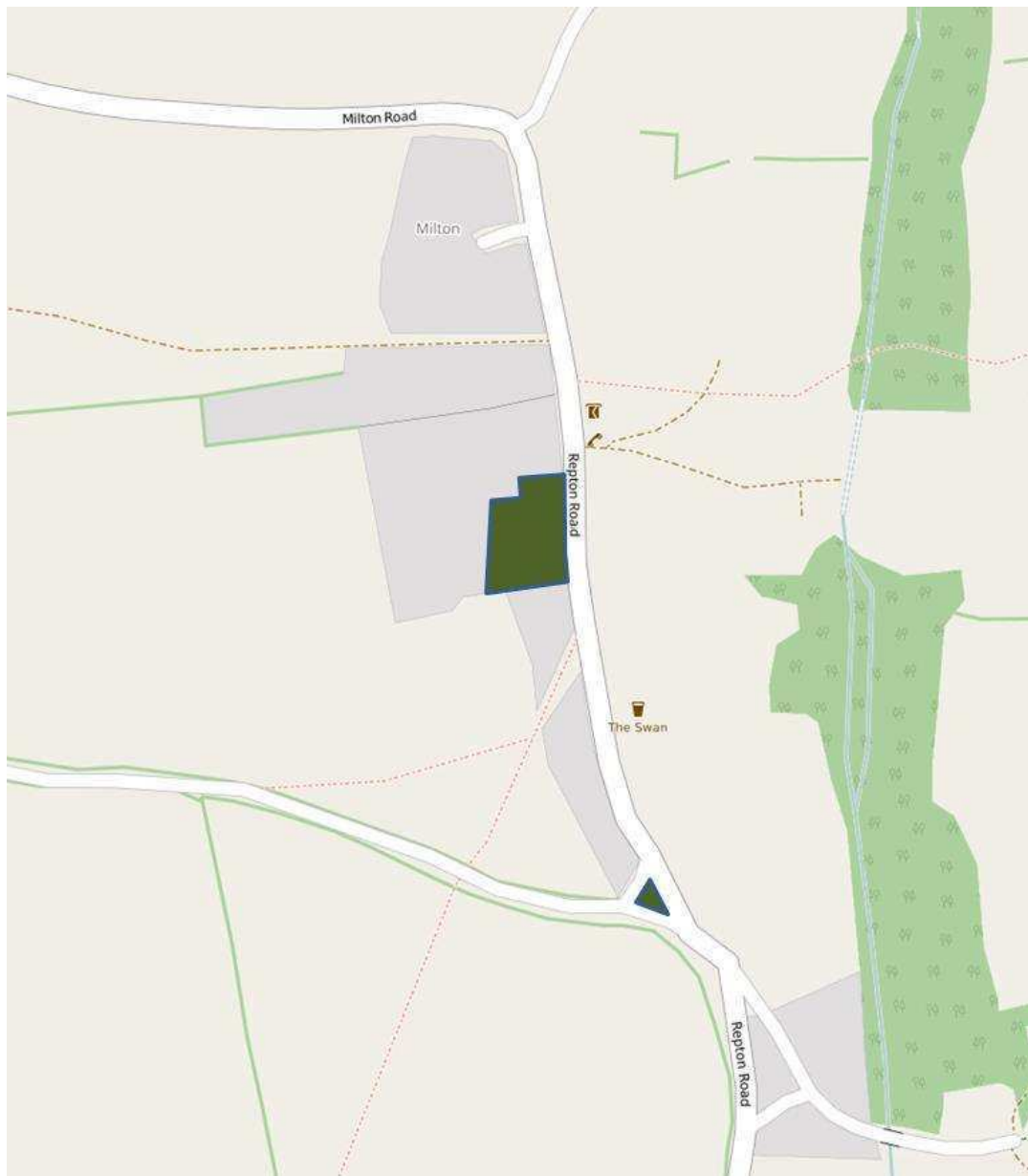
The following Local Green Spaces are designated, consistent with NPPF paragraphs 76 and 77.

- The land adjacent to Milton Road, by Saxon Croft, Repton. This area of grass with scattered trees is surrounded by houses on all sides. It not only provides a well-established open space but it is also in regular use as a path from Milton Road to Monsom Lane.
- Mathew's Farm, between High Street and Pinfold Close, Repton including the wooded area adjacent to the existing open space up to the plot containing a derelict bungalow. This is a pair of fields bordering the brook. It also has mature trees on its edges and more extensive collection of trees on its southern edge. For many years it has operated as a small-holding. Often animals such as sheep and geese are located here. The land is crossed by two footpaths that are in very regular use, such that many residents benefit from this rural space right in the heart of the village.
- The Crescent, Repton. The green space is grass with scattered trees. The land provides an open aspect to the housing and an area where local children play.
- The arboretum on Pinfold Lane, Repton. This small space has been planted with a variety of native trees, typically by families in memory of loved ones.
- The land opposite the arboretum on Pinfold Lane, Repton. This area has been allocated by SDDC and Repton Parish Council as an extension to the arboretum, as demand has exceeded the capacity of the existing area.
- The land adjacent to the brook near the United Reformed Church on Pinfold Lane, Repton. This grassed area borders the brook and has a combination of mature willows and scattered trees. It provides an open aspect in a location surrounded by houses and is regularly used for games by local children.
- The playing field off Mitre Drive. This is the location of The Den (scout hut) and the main children's play equipment. As such it is used by children on a very regular basis. It is also the location for events such as the village party. The land, whilst surrounded by houses, is extensive enough to provide a significant open space with views out into the countryside. A footpath runs along one edge, adjacent to another field. This results in many people benefiting from this open area.
- The wide verge opposite Milton Village Hall and the orchard adjacent to it. This land is the open space right in the heart of Milton. The building line opens up here and there are views into the countryside. A bench allows residents to sit and appreciate this peaceful location. In addition the area is used by the community for local events.
- The Triangle (also known as The Village Green) in Milton at the bottom of Mount Pleasant Road. This small area has grass, trees and spring bulbs. It links the adjacent countryside with the village environment.

6.2.2 POLICY OS1: PROTECTION OF EXISTING OPEN SPACES: Within the areas of Local Green Space described above and shown in dark green on the proposals maps below, development will be ruled out other than in very special circumstances.



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6.2.3 Visual impact of new development on views from the countryside

Repton is a rural parish and the relationship of the built environment with the countryside is important. The villages of Repton and Milton both sit in valleys, with a ridge in between. There is little skyline development, which, coupled with trees within the villages, help integrate both communities with the surrounding landscape. The area is criss-crossed with an extensive network of footpaths, which provide many with an opportunity to experience the countryside without the need to drive. In addition, the historic centre of Repton can often be glimpsed from many of these paths. The views both into and out of the villages are a significant and appreciated feature of the parish. They should be retained by avoiding inappropriate locations for new buildings resulting in unacceptable landscape impact. Development which impinges on the skyline or which results in significant blocking of views of the historic centre of Repton, including St Wystan's church and The Cross, should not be permitted.

A professional landscape survey has been conducted to understand, identify and justify the importance of the visual aspects of potential development in the context of the rural setting. Full details are provided in CEF6.

6.2.4 POLICY OS2: THE VISUAL IMPACT OF NEW DEVELOPMENT ON VIEWS FROM THE COUNTRYSIDE MUST BE MINIMISED: An assessment of views to and from a proposed development should be provided to show how the negative visual impact will be minimised through the design of the site location, layout, buildings and landscaping and how it will be consistent with the findings of the Landscape Character and Visual Amenity Assessment (CEF6).

6.2.5 Hedgerows, Trees and Woodland

Trees, woodland and hedgerows contribute positively to the character and amenity of an area, supporting both biodiversity, health, and well-being. Attractive surroundings encourage walking which in turn supports 'Healthier South Derbyshire'. Repton is on the edge of The National Forest with the potential for growth in tourism. The village itself is of historic interest with frequent groups visiting the church and surrounding area, and this potential needs to be supported. Hedgerows, trees and woodland should be retained and loss minimised, consistent with Local Plan adopted policies.

6.2.6 POLICY OS3 IMPORTANT TREES AND HEDGEROWS: Trees and hedgerows of good arboricultural, biodiversity and amenity value should be protected from loss or damage as a result of development . Wherever possible, they should be integrated into the design of development proposals and their enhancement will be supported. Proposals should be accompanied by a tree survey that establishes the health and longevity of the trees.

Informative: in considering applications for development the tree survey report should include the following:

A) Proposals that affect trees, hedgerows and woodland should clearly demonstrate that:

- i) The layout and form of development have been informed by an appropriate arboricultural and/or hedgerow surveys; and
- ii) Development would not suffer from undue shading either now or in the future; and
- iii) Appropriate protection measures are secured to ensure adequate protection zones and buffers around trees, woodland and hedgerows.

B) The felling of protected trees, groups of trees or woodland and removal of important hedgerows, will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations. Where protected trees are subject to felling, a replacement of an appropriate number, species, size and in an appropriate location will normally be required.

C) Development proposals which will have a negative effect on trees, hedgerows or woodland must satisfactorily demonstrate a net biodiversity gain can be delivered through the delivery of appropriate mitigation, compensation or offsetting, including through new planting or improved management of retained trees and hedgerows. New planting will be expected to be adequately managed to reach full maturity.

D) Where new planting is proposed in built-up areas, consideration should be given to planting tree species which are known to contribute towards improving air quality such as Field Maple, Ash, Common Alder, Norway Maple, Silver Birch, Larch and Scots Pine.

E) Existing public land and roadsides should be improved by naturalistic planting of trees, shrubs and flowers where they are practical and add to the character of the area, and tree planting should be encouraged where it will soften and help to integrate new developments.



6.3 Amenities/Services

6.3.1 Provision of Health Care Facilities

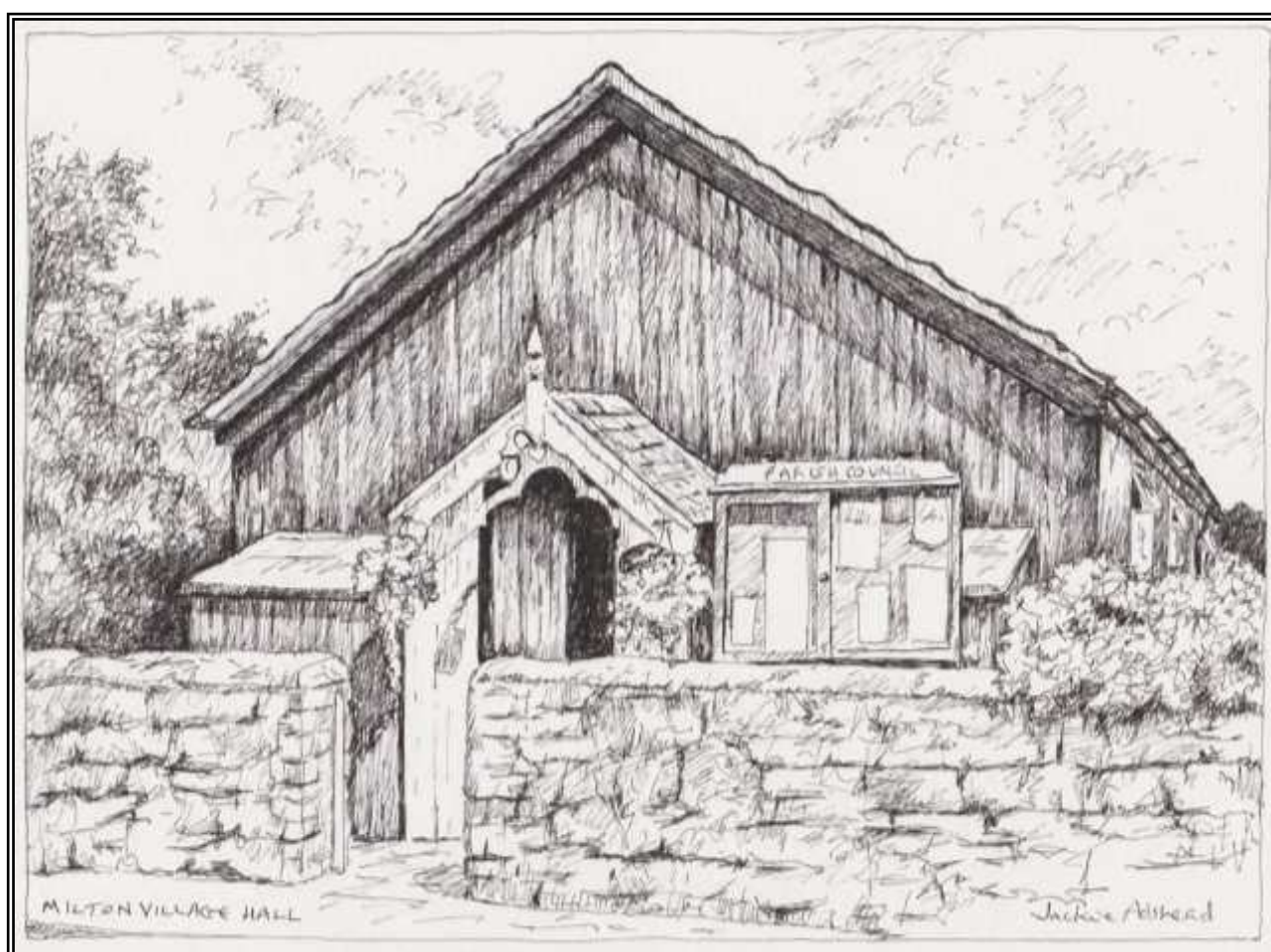
According to NPPF, the planning system should provide a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. This is described in detailed in NPPF section 8 and the following policies reflect that intent. The population of the parish is ageing yet there is no effective health care provision within the parish. Most residents are forced to travel by car to access such facilities.

It should be noted that, whilst there is a health centre in Repton, this serves as an administrative centre for health-care teams and provides little or none of the comprehensive health care the community requires. This forces people to travel, particularly to Willington, to the local doctors' surgery. The survey produced a strong level of support for improved facilities.

6.3.2 POLICY AS1 CONTRIBUTIONS ARE REQUIRED FROM DEVELOPERS OF NEW HOUSING TO FUND ADDITIONAL HEALTH CARE FACILITIES: Financial contributions will be required from developers of new housing sites to fund additional healthcare facilities.

6.3.3 Policy AS2 IMPROVED ACCESS TO HEALTH CARE FACILITIES, EITHER THROUGH THE PROVISION OF SOME SERVICES IN REPTON PARISH OR A BETTER TRANSPORT SYSTEM: The provision of a medical centre will be supported. Any planning application to change the use of an existing building to a facility that is capable of serving the local community will be supported. This support will be subject to any application ensuring that sufficient parking and safe access can be provided at the site.

6.3.4 Village Halls



The village Halls are key facilities that form the hub of both communities. They have a vital role to play in promoting social cohesion. In addition they allow sport and physical activities to be undertaken indoors, with associated health benefits, in line with strategic policies.

Repton has been designated a Key Service Village and Neighbourhood Hub which will offer a wider range of formal sport, physical activity and play opportunities. Some of the facilities exist but many will need to be developed or improved. One aspect is an indoor community facility for informal sport and physical activity, together with local community events. Repton Village Hall

needs to be redeveloped to provide these amenities. Repton Village Hall has poor access for the disabled and needs kitchen facilities upgrading for it to remain at the centre of the community. Milton Village Hall has been refurbished with excellent kitchen facilities and has good access for the disabled. The survey results showed a particular strength of feeling for the retention and enhancement of the Village Halls.

6.3.5 POLICY AS3 DEVELOPER CONTRIBUTIONS WILL BE SOUGHT FROM ALL NEW HOMES TOWARDS THE FUNDING OF A COMMUNITY FACILITY OR FOR ITS IMPROVEMENT: The expectation is that the facilities on the existing sites will be enhanced.

6.3.6 Policy AS4 RETENTION, EXPANSION, ENHANCEMENT OR REDEVELOPMENT OF THE VILLAGE HALLS IN REPTON AND MILTON WILL BE SUPPORTED, CONSISTENT WITH THEIR ROLE AS COMMUNITY ASSETS.



6.4 Community, Leisure and Employment



These three aspects are the core of village life and need to be sustained and enhanced. The development of community facilities is essential as residents do not have the same access to facilities that are easily available in towns and cities. It is community action that provides many leisure aspects that are essential to both physical and mental health. Employment is more problematic, in that a village cannot be expected to provide the means to provide a good choice of work. Employment in agriculture has waned and most residents have to commute some distance to their place of work. It is important to provide as much support as possible to appropriate local work initiatives.

6.4.1 Improved Children's Play Facilities

It is government policy to encourage healthy behaviours in children through physical activity. Appropriately sited play equipment allows this to happen without contributing to traffic problems. Expansion, enhancement or redevelopment of outdoor play equipment targeted at children will be supported. Such play equipment must be sited to maximise usage by the whole community. Where the development of such facilities on site is not physically possible due to the size or configuration of the site, a financial contribution towards new provision or improvements to existing facilities elsewhere will be required.

6.4.2 POLICY CLE1: IMPROVE PLAY FACILITIES: Developer contributions will be sought from new residential development to fund sport and play facilities. These may be enhancements to existing facilities, or the provision of new facilities, depending on the size and location of any new development.

6.4.3 Employment

Economic activity within the community enhances it by the local provision of services. Furthermore, local employment allows the possibility of reduced transport needs. Reduced travel is a central planning aim to limit environmental effects and congestion.

Existing business premises should be retained. A change of use to residential will only be considered if it can be shown that the current use is no longer viable.

Traffic and parking are major issues for the community. Recent developments have highlighted the negative effect successful businesses can have on the villages due to lack of adequate parking provision. There is strong local opinion that these lessons should be learnt when considering future retail or leisure developments.

The intention is that small business use of existing buildings and expansion of existing businesses, including home working, will be supported if there is no adverse effect on the neighbouring area. This will specifically include the provision of adequate off-street parking. In addition, to encourage home working, all new development should be served by a superfast Broadband connection installed on an open access basis, when available. All other new buildings should be served with this standard of connection when available, unless it can be shown that this would not be practical.

Local employment is to be welcomed for the reasons cited above but this must be balanced against any effect on immediate neighbours. Parking is inadequate currently and has consistently featured as a major issue within Repton. Residents feel strongly that measures should be taken to address this shortcoming. Within the Derbyshire Local Traffic Plan one of the Key Projects is “Managing on-street parking to keep traffic flowing”. In addition recent expansion of business activities have created significant parking problems. This situation should not be allowed to be repeated. It should also be noted that the rural nature of the parish makes large-scale developments inappropriate. This view is supported by evidence from the questionnaire (See CEF28 and CEF 29).

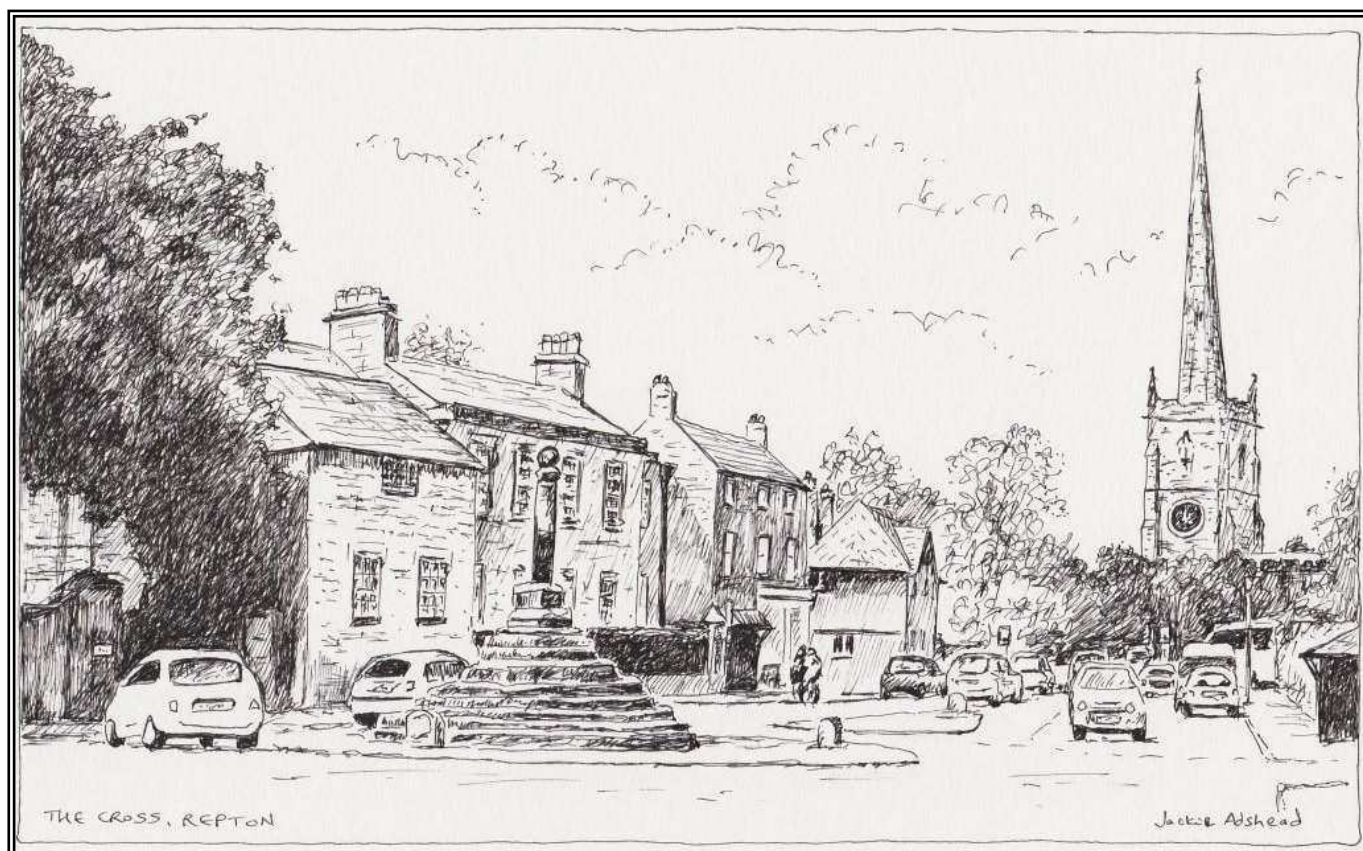
6.4.4 POLICY CLE2: RETAIN AND ENCOURAGE SMALL SCALE BUSINESSES: Proposals for the redevelopment or change of use of existing business use to non-employment uses will only be permitted if the existing use can be independently proved to be no longer economically viable and the site has been marketed at a reasonable price for at least a year without restriction.

6.4.5 POLICY CLE3: RETAIN AND ENHANCE PRIMARY AND SECONDARY RETAIL FRONTAGES: The vitality of the Repton is dependent on primary retail frontages and so it is important that the retail frontages be retained and enhanced and are supported by improved car parking and servicing facilities.

6.4.6 POLICY CLE4: SUPPORT WILL BE GIVEN TO THE EXPANSION OF EXISTING AND THE INTRODUCTION OF NEW BUSINESSES: Proposals for redevelopment or change of use of premises to employment uses will be permitted provided that:

- There would be no adverse impact on amenities of neighbouring businesses or residential properties
- The development is supported by sufficient car parking and access arrangements
- The expansion proposed is of a scale suitable for the village and rural environment. i.e. No large-scale business development will be permitted, neither will large-scale expansion of existing businesses - i.e. businesses that have 15 or more employees or which cover more than 0.2 hectares or are expanded by this amount.
- The proposed use does not adversely affect the environmental qualities of the area
- The proposed use would enhance the vitality and viability of Repton

6.5 Travel and Transport



Issues related to transport and parking have featured strongly during the consultation process. There is a high level of dissatisfaction about increased congestion and parking problems. People feel some of the negative issues associated with an urban environment are now impacting on a rural parish, without the counter-balancing benefits a town would provide. The reality is that many journeys are made by car, as people perceive viable alternatives are limited. Opportunities should be sought to address parking problems and to minimise car journeys by the provision of local facilities and alternative transport options.

6.5.1 Parking

Parking is inadequate currently and has consistently featured as a major issue within Repton. Residents feel strongly measures should be taken to address this shortcoming. Within the Derbyshire Local Traffic Plan one of the Key Projects is “Managing on-street parking to keep traffic flowing”. In addition recent expansion of business activities have created significant parking problems. The problems caused by recent developments should be avoided when planning future ones. Added to this, any viable opportunity should be sought to address the current situation.

6.5.2 POLICY T1: NEW DEVELOPMENT TO PROVIDE PARKING ON SITE FOR OCCUPANTS AND VISITORS; Proposed development should demonstrate they will provide adequate on site car parking.

6.5.3 POLICY T2: Should an opportunity arise, to ensure that sufficient land is made available in order to enhance / improve parking facilities within Repton.

6.5.4 Public Transport

Enhanced public transport is an obvious way to reduce congestion and pollution associated with car journeys. Local Plan part 1 clearly supports “Improve accessibility by sustainable transport modes”. A number of respondents suggested that the current bus service is not adequate in frequency or routing. Bus stops are a distance away from new housing and current road widths and on street parking impede the possibility of further pick up points.

To promote the use of public transport, an increase to the frequency, timing and routing of the existing bus service should be encouraged. As part of this, the use of smaller buses to provide greater public transport connectivity throughout the parish of Repton and neighbouring towns and villages should be considered.

6.5.5 POLICY T3 ENCOURAGE BETTER PLANNING OF PUBLIC TRANSPORT: Repton Parish Council will liaise with South Derbyshire District Council and Derbyshire Highways agencies and the bus and rail operators to encourage better planning of public transport.

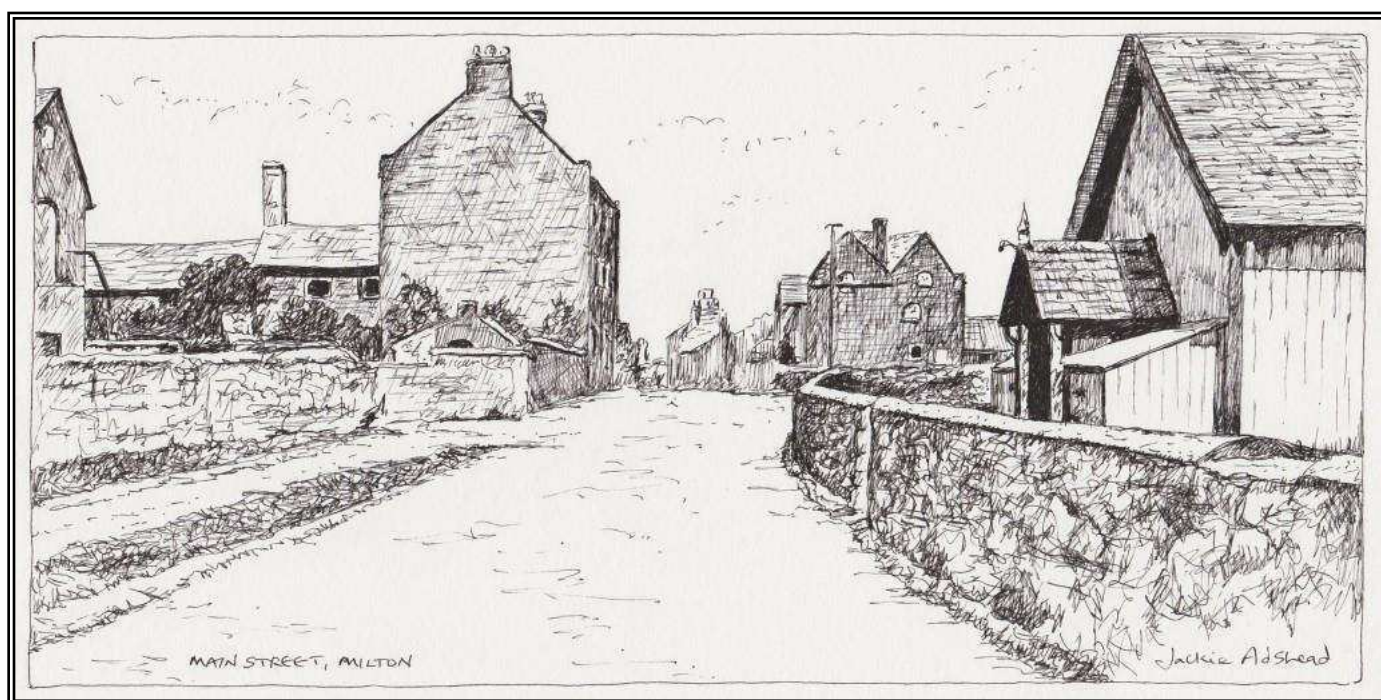
6.5.6 Safe cycling and walking routes

Walking and cycling provide the dual benefits of improving the health of the community whilst going some way to addressing traffic problems. It is important to promote these activities through the provision of appropriate facilities. The Local Plan part 1 contains the following policy “Establish cycle-ways and multi-user trails as part of a wider route network”. It is apparent that a large number of respondents to the survey wish to encourage cycling and walking as safe options.

Opportunities should be taken to provide within the parish of Repton “safe” cycling and walking routes where, as far as possible, cyclists / pedestrians are separated from vehicular traffic. Any significant development either within the parish of Repton or adjoining the parish of Repton should include a scheme for provision of cycleways and a scheme for improvement of current routes to cater for cyclists and walkers alike. Cycleways and pathways within the parish should

be routed to connect with more established routes such as the National Forest Way and Cloud Trail. Support is given for a cycle path to Willington, either following the bridle-path from Brook End to the former ferry crossing at Willington (thus requiring a new bridge), or by a widening of the path on the B5008 causeway between Repton and Willington to allow shared pedestrian and cyclist use – See DCC Local Transport Plan 3. Support is also given to providing walking and cycling routes that link with public transport.

6.5.7 POLICY T4: IMPROVE EXISTING PEDESTRIAN AND CYCLE CONNECTIONS WITHIN AND BETWEEN THE VILLAGES AND TO SURROUNDING AREAS: A strategy for improvement for pedestrian and cycle connections should be provided to include provision of new networks which connect to new destinations and the countryside. In particular a cycle path to Willington is supported.



7 References

For other documents referred to in this Neighbourhood Plan see the Consultation Evidence File (CEF), referring to the relevant document number. This document is CEF1.



Parish of Repton Neighbourhood Development Plan 2016-2028

A report to South Derbyshire District Council

**David Kaiserman BA DipTP MRTPI
Independent Examiner**

20 March 2018

Executive Summary

I was appointed by South Derbyshire District Council on 30 January 2018, with the agreement of Repton Parish Council, to carry out the independent examination of the Parish of Repton Neighbourhood Development Plan 2016-2028.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 20 February 2018.

The Parish Council, as the appropriate qualifying body for the preparation of the Plan, state that their vision is *“to ensure that the parish of Repton continues to be a vibrant, pleasant, sustainable and safe place in which to live, with facilities that meet the needs and aspirations of the people who live and work there”*. The Plan contains detailed policies which are designed to realise that vision, and I am satisfied that, in so doing, it accords in principle with relevant national and local planning policies, while at the same time reflecting the result of the comprehensive local consultation exercises which the Parish Council carried out before settling on the final draft of the Plan.

Subject to a number of recommendations (principally for changes to the way in which certain policies are expressed), I have concluded that the Parish of Repton Neighbourhood Development Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

Contents

- Introduction
- Procedural matters
- The Parish of Repton
- The basic conditions
- Other statutory requirements
- National policy
- The existing Development Plan for the area
- The consultation exercise (Regulation 14)
- Representations received (Regulation 16)
- General observations about the Plan
- The vision
- **The Policies**

[note: some of the policy titles shown here have been re-worded as per my recommendations; *these are shown in italics*. Policies T2 and T3 are recommended to be deleted and placed under a separate heading of “Community Aspirations”].

Policy H1: The limits of development

Policy H2: Development within settlement confines

Policy H3: *Accommodation for elderly people*

Policy H4: Housing mix

Policy H5: *Design of new developments*

Policy H6: *Design of car parking*

Policy OS1: *Local green spaces*

Policy OS2: *The impact of new development on views of and from the countryside*

Policy OS3: Important trees and hedgerows

Policy AS1/AS2: *Health care facilities*

Policy AS3/AS4: *The village halls*

Policy CLE1: *Improvements to sport and play facilities*

Policy CLE2: *Retention of small-scale businesses*

Policy CLE3: *Retention and enhancement of retail frontages*

Policy CLE4: *Support for existing and new businesses*

Policy T1: *Car parking in new developments*

Policy T2: Parking facilities within Repton

Policy T3: Better planning of public transport

Policy T4: *Improvements to pedestrian and cycle connections*

- Conclusions and Recommendation.

Introduction

1. This report sets out the findings of my examination of the Parish of Repton Neighbourhood Development Plan (the RNP), submitted to South Derbyshire District Council (SDDC) by the Repton Parish Council. The Neighbourhood Area for these settlements (which includes the hamlet of Milton) is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF) in 2012, which continues to be the principal element of national planning policy. Detailed advice is provided by Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014 and periodically updated.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that the Plan should proceed to referendum. If this results in a positive outcome, the NP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the NP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

Procedural matters

6. I am required to recommend that the RNP either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents (“CEF” being a reference to Consultation Evidence Files submitted with the Plan):
 - the submitted RNP (CEF 1)
 - the RNP Basic Conditions Statement (CEF4)
 - the RNP Consultation Statement (CEF3)
 - detailed justification of policies (CEF5)
 - links to existing planning documents (CEF5a)
 - Repton Village Design Statement (CEF9)
 - evidence paper for each theme (CEF31)

- the RNP Strategic Environmental Assessment Screening Report
 - the representations made under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)
 - selected policies of the adopted development plan for South Derbyshire
 - relevant paragraphs of the NPPF (March 2012)
 - relevant paragraphs of the PPG (March 2014 and updates).
8. I carried out an unaccompanied visit to the Plan area on 20 February 2018, when I looked at the overall character and appearance of the two settlements (together with their wider context) and at some of those areas affected by specific policies in the Plan.
9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the RNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

The Parish of Repton

10. Repton is well described in the introduction to the Neighbourhood Plan as “a rural parish, set in undulating countryside”. At the time of the last census, it was home to around 2867 residents living in 1086 households. Most people live in Repton itself, with only about 80 households being in Milton. Each settlement has a long history and a distinctive character, which the RNP is keen to acknowledge and preserve. The general shape of the landscape reflects this objective: the road between the two settlements, for example, crosses a noticeably higher and level area of agricultural land which means that neither settlement is readily seen from the other, even though they are only around 1½ miles apart. Each village has a long history, something that is clear from the range of architectural styles on display, and the fact that Milton, a linear hamlet, has 7 listed buildings; Repton has 39 (six being designated Grade 1), most lying within a conservation area.
11. Policy H1 of the adopted South Derbyshire Local Plan, which deals with the settlement hierarchy for the District, designates Repton as one of 10 “Key Service Villages”, being appropriate in principle for development of all sizes, since such villages “offer a degree of self-containment in terms of availability of everyday services and facilities”, including public transport (there is a railway station at Willington, about 1½ miles away to the north). Derby, Burton-on-Trent and Swadlincote are relatively easily accessible, due to the proximity of the major A50 and A38 trunk roads. By definition, it can therefore be said that development within the settlement boundaries would be considered broadly “sustainable” in terms of national policy.
12. In common with many similar villages, Repton has experienced significant residential growth in recent years, with not all of that development demonstrating careful attention to its historic and architectural context. At the same time, there has been a gradual loss of local services (the Plan records the village losing a surgery, paper shop, public toilets, bank, building society, hardware shop, pharmacy and The Dales residential home for the elderly). A monthly mobile service has replaced the original library. However, there remain four pubs, a post office, two retail shops, a dentist and a few other services, together with three food takeaways and a tearoom. There are also two nurseries, a primary school, a private preparatory school and the well-known independent Repton School. Each settlement has a village hall, which are the venues for a wide range of local activities.

The basic conditions

13. I am not required to come to a view about the ‘soundness’ of the Plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make the Plan, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the Planning Practice Guidance¹. I deal with each of these conditions below in the context of the RNP’s policies but, in brief, all neighbourhood plans must:
- have regard to national policy and guidance [Condition (a)];
 - contribute to the achievement of sustainable development [Condition (d)];
 - be in general conformity with the strategic policies in the development plan for the local area [Condition (e)];
 - not breach, and otherwise be compatible with, EU obligations, including human rights requirements [Condition (f)];
 - not be likely to have a significant effect on a European site (as defined in the *Conservation of Habitats and Species Regulations 2010*) or a European offshore marine site, either alone or in combination with other plans or projects; and
 - comply with any other prescribed matters.
14. The Basic Conditions Statement (BCS) prepared in connection with the RNP is dated May 2017. This statement, which is required under section 15 of the Neighbourhood Planning Regulations 2012, has been produced by the Plan’s Working Group, on behalf of the Parish Council. It summarises the key legal requirements associated with the submission of the Plan to SDDC, and then seeks to address the Basic Conditions themselves. [The BCS mis-numbers the four conditions (a), (d), (e) and (f) as (a), (b), (c) and (d) respectively. In the following paragraphs, my observations relate to the correct references].
15. The main part of the BCS deals first with Condition (e). There is comment about the alignment of the RNP with Part 2 of the South Derbyshire Local Plan (SDLP) but no detailed or systematic assessment of “general conformity with the (area’s) strategic policies”, many (indeed most) of which are likely to be contained within Part 1 of the SDLP, which was adopted in June 2016. Many neighbourhood plans choose to show their compliance with Condition (e) by including in the BCS a simple schedule showing the relationship between each policy and relevant policies in the Local Plan (as the RNP itself does in relation to the NPPF – see below), but this has not been done in the present case.
16. I have noted, however, that supporting document CEF5a includes a full commentary on the relationship between the RNP’s policies and the Local Plan. While not in a formal sense part of the Basic Conditions Statement, I consider that it provides sufficient evidence that the RNP would be in general conformity with the strategic policies for the area. With the exception of comments made at the Regulation 16 stage by Gladman Developments (which I deal with later in my report), no representations have been made to the effect that Condition (e) is not met. For the avoidance of doubt, no representations on the matter have been made by SDDC.
17. In one respect, the BCS has been overtaken by events in relation to the Local Plan. This concerns the issue of the settlement boundary and housing proposals in the area of Milton Road, on the eastern edge of Repton village. At the time the RNP was submitted, SDLP Part 2

¹ Reference ID: 41-065-20140306

was not adopted (this happened in November 2017); in its conclusions, the BCS reflects this by accepting that RNP Policy H1 conflicts with the draft Local Plan, adding that attempts were to be made to resolve the problem. The Consultation Statement (Section 9) deals with the history and eventual resolution of this matter at some length, and I return to it in more detail below.

18. Basic Condition (a) is then addressed. This is done helpfully by means of a schedule of relevant National Planning Policy Framework paragraphs and a list of those RNP policies which are said to “conform” to them. Finally, there are brief comments in relation to Basic Condition (f). There is no explicit reference to Condition (d).
19. With hindsight, it would have been helpful to this examination had the BCS been more forensic in its exploration and description of the Plan’s compliance with the statutory requirements. However there is no prescribed form which a Basic Conditions Statement should take, and I make no further comment on the matter, other than to say that I have generally addressed the issue by considering each policy with the Basic Conditions in mind, and made any specific recommendations accordingly.

Other statutory requirements

20. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
 - that the Parish Council is the appropriate qualifying body (*Localism Act 2011*) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
 - that the Plan period must be stated (which in the case of the RNP is confirmed as covering the period 2016 to 2028); and
 - that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
21. A screening report is required in order to determine whether the Plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority’s responsibility to engage with the statutory consultees.
22. SDDC duly carried out a screening exercise on the pre-submission (version 24) of the RNP, and their conclusions, contained in a detailed statement dated April 2017 and summarised in an accompanying letter, are that the Plan would be unlikely to have any significant environmental effects, and thus that no SEA is required. A similar conclusion is reached in relation to the Habitats Regulations. The responses from the relevant statutory consultees (Natural England, Historic England and the Environment Agency) support that assessment, and I have no reason for taking a different view.
23. It is a requirement under the Planning Acts that policies in development plans (including neighbourhood plans) must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is

generally met, although I have some observations to make about whether certain policies ought more appropriately be described as “aspirations”, to be identified separately in the Plan: these are the subject of specific recommendations.

National policy

24. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG² that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

The existing Development Plan for the area

25. The adopted development plan for the area consists of the two parts of the South Derbyshire Local Plan (SDLP). Part 1 covers the period 2011 to 2028 and is the strategic element of the Plan, setting the vision, objectives and strategy for the spatial development of South Derbyshire. It also sets out the scale of housing and employment development required within the District over the plan period, allocates strategic sites and contains policies used in the determination of planning applications. Part 2 includes other (non-strategic) housing allocations and detailed development management policies. Part 1 was formally adopted on 13 June 2016, and Part 2 on 2 November 2017. For convenience, throughout my report I will refer to these simply as parts of the (adopted) Local Plan.

The consultation exercise (Regulation 14)

26. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them could be made. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
27. The Consultation Statement was prepared in July 2017, following some recommendations by SDDC in respect of an earlier version. It is a comprehensive record of the Working Group’s approach to involving the local community in the production of the Plan, beginning with a brief history of various activities within the Parish designed to engage local people in planning and related matters, and it is supported by a Consultation Evidence File which records the details of the various exercises and the results obtained. A well-designed series of links from the Repton Village website makes it a straightforward matter to access all the relevant material.
28. An important milestone was the production of a Village Design Statement (2006), which has been used as a starting point for the preparation of the RNP itself. The Consultation Statement records the fact that over 100 households contributed to its development, involving three drafts before its finalisation and submission to SDDC as “a document to provide additional planning guidance”. The VDS was updated in October 2016, to correct what were described as factual inaccuracies, and it is clear that a great deal of the background

² At paragraph 041. ID: 41-041-20140306

thinking and evidence-gathering needed for the RNP has its origins in this earlier exercise, and that it has continuing validity.

29. I have no need to summarise the various stages that the consultations on the RNP itself went through before the final draft was settled, short of recording that the first public event was held in April 2015, followed by comprehensive exercises at each key stage, including public meetings and discussions; questionnaires to all households and businesses in the Parish, as well as public access points; drop-in sessions; engagement with local children and clubs; and specific consultation with statutory bodies. Close contact has also been maintained with officers of the District Council.
30. I am more than satisfied, having read the Consultation Statement, that the requirements of Regulation 14 have been fully met.

Representations received (Regulation 16)

31. The only representations made in response to the submitted Plan are from Gladman Developments Ltd, who are “concerned that the Plan in its current form does not comply with basic conditions (a), (d) and (e).....does not conform to national policy and guidance and.....does not contribute to the achievement of sustainable development”.
32. Gladman make specific objections to Policies H1 and H2, and I will respond to these concerns under the relevant headings below. I am not altogether clear whether some of the other matters they raise are to be treated as objections to the RNP in their own right, in particular:
- they comment that “recent PPG updates make clear that neighbourhood plans should conform to national policy requirements and take account (of) the latest and most up-to-date evidence of housing needs.....”. Gladman do not say to which PPG updates this observation relates, but they put no evidence forward to suggest that the RNP has failed to have proper regard to the housing requirements for the area. I would also point out that Basic Condition (a) will have been met so long as it can be shown that a neighbourhood plan “has regard” to national policies and advice, there being no requirement that it must “conform” in those terms;
 - there is an implication that NPPF paragraph 16, dealing with the presumption in favour of sustainable development, is not addressed (or not adequately addressed) by the Plan, but again no further explanation is given. Basic condition (d) requires evidence that a neighbourhood plan “contributes to the achievement of sustainable development”, with no further guidance as to what that contribution might be or how the extent of it might be assessed and demonstrated. This position is consistent with the limited role of neighbourhood plans (including the general need to “plan positively” referred to in NPPF paragraph 16), as compared with the much wider remit of local plans. This is not at odds with the first bullet-point of paragraph 17 of the NPPF, also referred to by Gladman, which calls for “*succinct local and neighbourhood plans setting out a positive vision for the future of the area*” which “*provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*”;
 - there is a reference to a PPG update (19 May 2016) to the effect that “where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention.....”. It is the case that RNP does not include

such a policy, but since nowhere in the Plan is there any reference to a review, this objection (if that is what it is) seems to be irrelevant;

- finally, Gladman say that the PPG “makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded”, and this leads them to have reservations about the Plan’s ability to meet basic condition (a). The quotation is not referenced, but appears to be a version of paragraph 044, which reads: “*blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*”. This is taken from the section in the PPG dealing with rural housing. Gladman do not expand upon their suggestion that the RNP might conflict with this advice, and so I make no general comment of my own at this point.

33. I have some specific recommendations to make in due course in respect of RNP policies H1 and H2.

General observations about the Plan

34. The following comments may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:

- the NP Working Group have spent considerable time and energy, in full consultation with the local community at large, in identifying the issues and objectives that they wish to include in the Plan, and this entirely reflects the aims of the “localism” agenda;
- the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to; as already noted, I have also thought it desirable to draw attention to certain deficiencies in the Basic Conditions Statement;
- the Plan properly focuses on land use policies, reflecting Planning Practice Guidance, but again I have some recommendations about how some of these are expressed (and, in some cases, whether they should be described more accurately as aspirations);
- I have addressed the policies in the order that they appear in the submitted plan. I have set out my views about each of them, irrespective of whether or not any modification is thought necessary;
- my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

35. The Foreword to the Plan sets the context by stating that “*The parish of Repton is a rapidly changing area, but investment and change will only be worthwhile if it makes a positive contribution to the lives of local people and the future of its community*”. It continues by emphasising the degree of local support for this ambition, recording the decision of the Parish Council to set up a steering committee to oversee the detailed activities of the volunteer working group. It also explains how access can be had to the large number of background documents supporting the Plan’s preparation.

36. The Plan itself is split into two sections: the first explains the relationship between the Neighbourhood Plan and the wider planning system, provides a detailed description (including

the interesting history) of Repton and Milton; and then sets out the broad vision and detailed objectives which underpin the Plan's policies. Section 2 contains the policies themselves.

These are grouped as follows:

- housing
- open spaces / environment
- amenities / services
- community, leisure and employment
- travel and transport.

37. The document as a whole is set out in a logical manner, with generally a clear distinction throughout between the policies themselves and the contextual material (although I consider that there is room for improvement in this respect, and I make a specific recommendation on the point below). It contains a set of seven maps, mostly prepared to a high standard, which relate to appropriate policies. Three bar-charts explain some of the social characteristics of the resident population, and the Plan is illustrated throughout with attractive illustrations prepared by a local artist.

The vision

38. The overall vision is *"to ensure that the parish of Repton continues to be a vibrant, pleasant, sustainable and safe place in which to live, with facilities that meet the needs and aspirations of the people who live and work there"*. Six "Guiding Principles" are then set out, which may be summarised as:
- the preservation of the separate identities of Repton and Milton;
 - the preservation and enhancement of the villages' landscape and historic features and setting;
 - ensuring that new development is sympathetic to its context;
 - the creation of a parish that has a minimum impact on the natural environment;
 - the need to sustain the vitality, health and safety of the community; and
 - a desire to reduce reliance on the private car.
39. Each of these goals is then described in more detail before "Core Objectives" are set out, grouped under the five policy heads.

The policies

General comments

40. I have previously drawn attention to the advice in paragraph 041 of the PPG, to the effect that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.
41. One aspect of this consideration is the description of the policies themselves. As drafted, some of the RNP's 21 policies have titles which incorporate the *intentions* of the policy: as a general rule, I consider that all the titles should be neutrally expressed. As an example, Policy T1 as drafted reads "New development to provide parking on-site for occupants and visitors": my recommendation is to change this simply to "Car parking in new developments". I have also referred earlier to the desirability of separating out clear land-use policies from more generalised aspirations.

42. These two conclusions on the way policies ought best to appear in the RNP are developed in detail (where appropriate) below.
43. In addition, the policies as drafted are printed in a mixture of bold capital, bold lower-case and light lower-case letters. This is occasionally confusing. There is a general need for the policies themselves and the preceding material which supports them to be more clearly differentiated. One common way this is done is by means of a shaded “box” or something similar (this report adopts the device), **and I recommend that this improvement be made, in the interests of clarity.**

Policy H1: The limits of development

44. The primary objective of this policy is to ensure that the distinctiveness of the two villages of Repton and Milton is maintained. It was clear from my visit that the physical relationship between the two built-up areas and the surrounding countryside is a critical one in this respect – due to the many changes in levels, views of the surrounding open land are rarely far away.
45. Settlement boundaries for both villages are defined in Appendix A to Part 2 of the Local Plan; however, while the envelopes shown for Milton in the RNP and the SDLP are identical, there is a difference in relation to those drawn up for Repton. My understanding of the background to this mis-match is as follows:
- there is broad consistency between the RNP and the SDLP in relation to Repton - in particular, the settlement boundary reflects the allocations of land at Longlands for the construction of around 124 dwellings (Part 1 policy H9) and at Mount Pleasant Road for about 24 dwellings (Part 2 policy 23H). It was clear to me from my visit that development of these areas is now well-advanced;
 - part 2 of the SDLP also allocates land at Milton Road for around 25 dwellings (policy 23G). The policy limits built development to the area lying to the south of a public right of way which bisects the site roughly 60-40 along an east-west alignment, the remainder being effectively designated as open space³;
 - a web-search indicates that on 16 May 2017, the Council granted outline planning permission for up to 25 dwellings on this land (ref: 9/2016/1118). This was accompanied by an illustrative layout showing that all the proposed development would take place on the land to the south of the right of way, in accordance with the restriction set out in policy 23G;
 - the plan accompanying the submitted version of the RNP (under policy H1) is at odds with the adopted settlement boundary for Repton shown in the appendix to the Local Plan, since it proposes the removal of the “open space” element of the Milton Road site from the designated boundary of the village.
46. I inspected the site on my visit to the village. It is partially screened from Milton Road by hedgerows and trees (no doubt more effectively later in the year), but cannot be seen from Burdett Way, a road consisting of bungalows and dormer-bungalows immediately to

³ The sixth bullet-point of the policy reads “open space to be provided north of the public right of way”

the west. The land as a whole dips gently from north to south and from east to west and despite the existence of the track across it, it has the appearance of one parcel of rough grazing, with hedgerows to its northern, southern and eastern boundaries creating a sense of unity and enclosure. In my view, this supports the argument for treating the whole of the site as lying within the village envelope.

47. Section 6.1.1 of the RNP and Part 9 of the Consultation Statement record that there was considerable local opposition to the Milton Road proposal, which also was expressed during the examination into Part 2 of the Local Plan. The Neighbourhood Plan Working Group have been very clear that, given the strength of feeling locally about the whole issue of extending the settlement boundary of the village, they had no mandate to accept its modification so as to include the totality of the Milton Road site⁴.
48. Gladman Developments consider that the discrepancy between the two plans results in a failure of the RNP to comply with Basic Condition (e). I do not agree with that assessment. The condition requires “*general* conformity with the *strategic* policies in the development plan for the area” [my emphases]: given those clear guidelines, it does not seem to me that the relatively minor difference in the two boundaries is of such a scale or significance that the policy risks failing to satisfy Condition (e) for that reason. No other conditions are engaged.
49. Nevertheless, there is, scope for confusion if the issue is not addressed, especially given the fact that the SDLP has only recently been adopted. The RNP would take precedence over the SDLP once the Plan were “made” (s.38(5) of the Act), but it would be in the broader public interest if the conflict were avoided entirely. ***I therefore recommend that the settlement boundary be brought into complete alignment with that of the adopted Local Plan, by the inclusion of all the land identified under SDLP policy 23G.***

Policy H2: Development within settlement confines

50. This policy states that “*development should take place within the limits of development for Repton and Milton as defined in policy H1 above. A development proposal for infill development and the conversion of existing buildings will be supported where it has been demonstrated that.....*” (followed by a series of criteria). A preamble is set out in paragraph 6.1.3, but instead of restricting itself to an explanation of or justification for the policy (as would be the normal expectation in development plan documents), it more or less repeats the policy itself, albeit using somewhat different wording and, confusingly, duplicating some requirements but not all of them.
51. Gladman suggest that policy H2 is “not in complete conformity with the policies of the development plan” because SDLP policy BNE5 (Development in Rural Areas) sets out five criteria which describe the circumstances in which development *outside* defined settlement boundaries would be permitted. I accept that this is potentially a more strategic point; however, there is no obligation for a neighbourhood plan to replicate current Local Plan policies (indeed, there is general advice that duplication of policies should be avoided in the development plan system), and I therefore do not take the view that the absence of any reference to the permitted exceptions to policy H2 in the SDLP results in a failure of the RNP to meet the requirements of Basic Condition (e).

⁴ My understanding on this point is that this conclusion was reached before Part 2 of the SDLP was adopted in November 2017

52. That said, and in the light of the historic significance of this general issue to the local community, it seems to me that greater certainty over the full implications of policies H1 and H2 would be achieved were Gladman's suggested re-wording of H2 to be adopted in principle. More generally, I am satisfied that the intended concentration of development within the two villages accords with the presumption in favour of sustainable development set out in paragraph 14 of the NPPF.
53. ***I therefore recommend that no alteration be made to policy H2, but that the preamble to it (paragraph 6.1.3) be re-drafted so as to:***
- a) restrict it to setting out the policy objective, ie of integrating small new housing developments within the villages; and***
 - b) include the following: "Outside the settlement boundaries defined in policy H1, proposals for development will be assessed against the requirements of policy BNE5 of the adopted South Derbyshire Local Plan".***
54. I note here that SDLP policy H1 (Settlement Hierarchy), in identifying Repton as a Key Service Village, says that "development of *all sizes* within the settlement boundaries will be considered appropriate" [my emphasis]. On the face of it, this might be seen as being in conflict with the tenor of the criteria under RNP policy H2, which has a clear emphasis on small-scale schemes and infill sites. However, no objection to the policy has been made by SDDC and in practice I am satisfied that the other criteria it contains are sufficient to ensure that all proposals for new building within the village (and within Milton) would be assessed in accordance with established detailed planning guidelines. I also note, from my visit to the area and an examination of the maps accompanying policy OS1, that most (if not all) of the larger undeveloped areas within Repton are either school grounds or are to be safeguarded from development.

Policy H3: Retention of The Dales site and Fisher Close for elderly accommodation

Recommended re-wording: "Accommodation for elderly people"

55. This policy seeks to ensure that the Plan makes suitable provision for the ageing population of the Parish by advocating the redevelopment for this purpose of a site known as The Dales, a residential care centre which document CEF5 says closed in 2013, and the retention of land at Fisher Close⁵ for sheltered accommodation. I noted from my visit that these two locations are close to each other, a short distance from the village hall; however, neither is **identified on a map, and I recommend that this omission be rectified.**
56. I am satisfied that there is a local evidence base for a policy such as this, as well as more general support in the NPPF (including at paragraph 50). I have noted Derbyshire County Council's letter to SDDC dated 12 August 2016 which comments on the pre-submission consultation draft of the RNP, and suggests a re-wording of the policy (at that time covered by the then policies H5 and H6). The re-wording was essentially designed to ensure that viability considerations were taken into account in the proposed allocations, but this has not been adopted by the RNP Working Group in the final draft of the Plan.
57. There has been no formal objection to the policy by the County Council. However, there needs to be greater clarity about what it means in development management terms. As it stands, it reads as an aspiration ("The Dales, Repton, *should* be redeveloped...", and "Fisher Close,

⁵ CEF5 describes this as "the area around Fisher Close (remaining) allocated for sheltered housing"

Repton, should be retained...."). ***I recommend a re-wording which makes it clear that The Dales site is allocated for elderly accommodation, and that the existing allocation of land for this purpose in the Fisher Close area is to be retained.***

Policy H4: Housing mix

58. It is clear from the consultation process that there is significant backing within the Parish for a policy which seeks to satisfy unmet needs for affordable homes for young families, young people generally and for older residents. Policy H4 would support such an objective, and in this respect it reflects NPPF paragraph 50 and gives local expression to SDLP policy H20.
59. I do, however, have some concern about the way the first sentence of the policy is worded: it reads "New housing development proposals should provide for a recognised housing need in the parish", which could be taken to mean that all housing proposals would have to pass that test. This may not have been the intention, but such an interpretation may cut across the general presumption in favour of sustainable development set out in paragraph 14 of the NPPF. Moreover, I have not been given any empirical evidence to support such a rigorous approach.
60. ***I therefore recommend that a small modification be made to the first sentence of policy H4, such that it reads: "New housing development proposals should, wherever feasible, contribute towards meeting recognised housing needs in the parish", with the rest of the policy remaining as drafted.*** With this amendment, I consider that the policy meets the Basic Conditions.

Policy H5: Design of new developments to be of high quality

Recommended re-wording: "Design of new developments"

61. Policy H5 sets out a series of expectations for new development within the Parish. The intention of improving the quality of the built environment is squarely supported in both the NPPF and the Local Plan, and consequently the policy satisfies the Basic Conditions. It properly emphasises the need for schemes to reflect their context and, in particular, to have regard to guidance set out in the Village Design Statement.
62. I have two minor recommendations, however: the fifth bullet-point would require schemes to demonstrate "quality for residents", which is very imprecise. ***This requirement should be either clarified or deleted.*** The seventh bullet-point requires proposals to "ensure that they have appropriate grass verges or open spaces", which might be taken to mean that *all* schemes will be expected to incorporate such features. ***I recommend that the seventh bullet-point be deleted, and that the sixth be re-worded: "integration of new proposals into the village and landscape setting, including the provision of grass verges or open spaces where appropriate".***

Policy H6: Design of adequate car parking to fit in with the character of the proposed development

Recommended re-wording: “Design of car parking”

63. Policy T1 requires adequate car parking provision in new developments. Policy H6, to summarise it, seeks to ensure that the design of such parking is appropriate to its context. The policy meets the Basic Conditions – however, as drafted, its requirements relate both to new housing schemes and to (all) extensions to existing housing: since these are generally small in scale, the policy would be too onerous in many cases, and sometimes impracticable. ***I therefore recommend that the policy begin by saying “new housing and (where appropriate) extensions to existing properties.....”.***
64. In addition, the second bullet-point states: “provision to be appropriate to the size of the house, as defined above”. I take this to be a reference to the preamble to the policy (paragraph 6.1.11), which sets out detailed requirements related to the number of bedrooms. These are significant development management requirements which ought to be seen to be part of the policy itself, rather than something which supports or justifies it. Furthermore, these considerations belong more appropriately to policy T1, which is about the adequacy of parking provision rather than its design. ***I therefore recommend that the second bullet-point be deleted.*** I will return to the point later when dealing with policy T1.

Policy OS1: Protection of existing open spaces

Recommended re-wording: “Local Green Spaces”

65. Paragraph 6.2.1 of the Plan records the fact that there is considerable local support for policies to protect existing local open spaces within the settlements, and it goes on to list nine areas to be preserved as Local Green Spaces, a term which derives from NPPF paragraph 77. This states that there are three criteria for such designations, namely:
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.*
66. I have no reason to doubt the conclusions of the assessments that have been carried out in order to satisfy those criteria. I made a point of seeing most of the sites in question on my visit to the villages, to the extent that they could be viewed from the public highway. Many of them are small green areas intimately associated with the housing which encloses them, with a concentration around the small stream which passes along an attractive shallow valley in the centre of Repton which continues southwards to define the eastern edge of Milton. These green areas clearly add greatly to the character of the villages.
67. The policy appropriately states that development is ruled out on these areas, other than in very special circumstances. However, in order to make the implications of the policy clearer, ***I recommend that each of the nine sites is numbered and that that these references are***

marked on the two maps. As a footnote, the map bases on my copy of the Plan were a little difficult to read, so any sharpening of the images would also be a useful improvement. In addition, the maps (which are presently untitled) should make it clear that they relate to Repton and Milton respectively.

Policy OS2: The visual impact of new development on views from the countryside must be minimised

Recommended re-wording: “The impact of new development on views of and from the countryside”

68. The preamble to this policy makes it clear that the concern relates to views both into and out of the villages. For this reason, I have recommended a re-wording of the policy’s title, as set out above.
69. There is no issue arising in relation to the Basic Conditions; however, as drafted, the policy requires an assessment to be made “....to show how *the* negative visual impact will be minimised...”, which appears to pre-suppose the inevitability of harm. ***I recommend that the word “the” be replaced by “any”.*** In addition, the preamble contains a significant and specific statement which ought properly to be within the policy itself: “Development which impinges on the skyline or which results in significant blocking of views of the historic centre of Repton, including St Wystan’s Church and The Cross, should not be permitted”. ***I recommend that this sentence be made part of policy OS2 and, in order to make the intention firmer, that the word “should” be replaced with “will”.***

Policy OS3: Important trees and hedgerows

70. This policy seeks to protect important trees and hedgerows from loss or damage as a result of development. The objective clearly meets Basic Condition (a) (according in particular with NPPF paragraph 109).
71. I note that the policy itself is followed by an “informative” which sets out a range of detailed expectations. While I consider that there is a case for including at least some of these development management requirements within the main part of the policy, I have decided not to make that point the subject of a specific recommendation.

Policy AS1: Contributions are required from developers of new housing to fund additional health care facilities

Policy AS2: Improved access to health care facilities, either through the provision of some services in Repton Parish or a better transport system

Recommended re-wording (one policy): “Health care facilities”

72. I have taken these two policies together, since they seek to address the same social issue, namely that residents of the Parish have to travel (particularly to Willington, roughly 1½ miles away from Repton, centre to centre) to find appropriate health care facilities. In response to this, policy AS1 states simply that “financial contributions will be required from developers of new housing sites to fund additional health-care facilities”. No minimum scale of housing scheme is suggested which might be “caught” by the policy.

73. The relevant part of PPG paragraph 003 supports the principle of policies for seeking developer contributions being included within development plans (including neighbourhood plans) “to enable fair and open testing” of them. In addition, paragraph 007 states that “policy for seeking planning obligations should be grounded in an understanding of development viability through the plan making process”. While I do not doubt that the social need is there, policy AS1 is not supported by any evidence about its practical deliverability in development management terms, and takes insufficient account of the guidance in the PPG, including the issue of viability. That having been said, a more nuanced reference to obligations would avoid any significant conflict with national guidance.
74. Policy AS2 contains a more generalised objective of securing better access to health care facilities, including by improvements to the transport system. Those parts of policy AS2 which support the provision of a medical centre (including planning applications to change the use of an existing building for that purpose) present no difficulties; however, that element which seeks improvements to the local transport system does not meet the requirement for development plan policies to relate to “the development and use of land”.
75. For these reasons, ***I recommend that the two policies be combined under the heading “Health care facilities”, and that a replacement policy AS1 be inserted which reads: “The provision of local health care facilities within the Parish will be supported. Proportionate contributions will be sought from developers of new housing to assist in meeting this objective.”***
76. ***I further recommend that reference be included within paragraph 6.3.1 (the preamble to these two policies) to the effect that improvements to the local transport network will also be sought in order to achieve better access to health care facilities, and that that intention be included under a separate heading in the Neighbourhood Plan reading “Community Aspirations”.***

Policy AS3: Developer contributions will be sought from all new homes towards the funding of a community facility or for its improvement

Policy AS4: Retention, expansion, enhancement or redevelopment of the village halls in Repton and Milton will be supported, consistent with their role as community assets.

Recommended re-wording (one policy): “The Village Halls”.

77. I am satisfied from reading the preamble to these two policies (paragraph 6.3.4) that the focus is entirely on village halls for the two villages, other community provision being dealt with in the following section of the Plan.
78. The suggestion is made that Repton Village Hall needs to be redeveloped if it is to provide the range of community facilities that its importance as a “Key Service Village and Neighbourhood Hub” demands; the existing hall serving Milton is said to have been refurbished, and no particular deficiencies are highlighted (policy AS4 nonetheless appears to keep open the possibility of its replacement).
79. The general observations I have made under policies AS1 and AS2 about the meaningful role of developer contributions towards the provision or improvement of social infrastructure apply equally here. Consequently, I consider it appropriate for the issue to be dealt with in the same way. ***I therefore recommend that the two policies be combined under the heading***

“The Village Halls”, and that a replacement policy AS2⁶ be inserted which reads: “The retention, expansion, enhancement or redevelopment of the village halls in Repton and Milton will be supported as appropriate, consistent with their role as community assets. Proportionate contributions will be sought from developers of new housing to assist in meeting this objective.”

Policy CLE1: Improve play facilities

Recommended re-wording: “Improvements to sport and play facilities”

80. NPPF paragraph 73 gives support to the objectives set out here. While the title of the policy as currently worded makes no mention of “sport”, the policy itself does, and it is logical that they should go together in this way. It is not site-specific: the intention is to seek developer contributions “to fund sport and play facilities”, with no scale or location indicated. They might take the form of enhancement to existing facilities or provision of new ones “depending on the size and location of any new development”.
81. I consider it very desirable that the way reference is made in the Plan to the role of developer contributions (irrespective of the community benefit involved) is broadly consistent. This is especially the case given that the scale of new building within the Parish, beyond what has already been given planning permission, is clearly going to be limited. For this reason, ***I recommend that the policy be re-worded to read: “The provision and improvement of sport and play facilities within the Parish will be supported. Proportionate contributions will be sought from developers of new housing to assist in meeting this objective.”***

Policy CLE2: Retain and encourage small scale businesses

Recommended re-wording: “Retention of small-scale businesses”

82. This policy, as with the related policy CLE4, finds support at NPPF paragraph 28, as well as paragraph 30 (which encourages more sustainable transport solutions). It provides that proposals which would involve the loss of existing businesses as a result of applications for changes of use will only be permitted if they can be shown to be no longer viable: evidence of marketing will be required if this to be argued. There are no mechanisms put forward for *encouraging* businesses, and my recommendation for alteration to the title of the policy removes the reference. The policy satisfies the Basic Conditions.

Policy CLE3: Retain and enhance primary and secondary retail frontages

Recommended re-wording: “Retention and enhancement of retail frontages”

83. The desire to retain and enhance Repton’s retail shopping facilities is supported by NPPF paragraph 28. While the Basic Conditions are clearly met by the policy intention, there is a lack of clarity in its wording. The title of the policy refers both to the village’s primary and secondary retail frontages, whereas the policy itself only mentions the former. Neither of the zones involved is identified on a map; from my visit I could see that the small number of commercial activities in the village are confined to the area close to the post office on High Street, a few detached units away from the village core along Main Street and a couple more along Burton Road.

⁶ This assumes that the original policies AS1 and AS2 are replaced as recommended

84. In addition, while the policy says it is “important that the retail frontages be retained and enhanced and are supported by improved car parking and servicing facilities”, there is no reference to the hoped-for means of achieving any of this. To that extent, it is no more than an aspiration. If the policy is to remain, its implications for property owners, tenants or prospective developers or investors need to be made as clear as reasonably possible.
85. ***I recommend that:***
- a. the Plan include a map showing Repton’s primary and secondary retail frontages;***
 - b. some explanation be given of the implications of the policy for those affected by it, including the difference (if any) between the two levels of retail frontage. As an alternative, consideration should be given to restricting the scope of the policy to the primary frontages only;***
 - c. if, however, the intention is that the primary mechanism to be employed through development management to achieve the objective is similar to that proposed for small businesses generally (essentially, a viability test), that policy CLE3 be deleted entirely, reliance then being placed on policy CLE2 (which includes retail businesses). In that eventuality, the need for better parking and servicing arrangements mentioned in policy CLE3 should be relocated to the suggested “Community Aspirations” section of the Plan.***

Policy CLE4: Support will be given to the expansion of existing and the introduction of new businesses

Recommended re-wording: “Support for existing and new businesses”

86. Whereas policy CLE2 sets out the steps to be taken in an attempt to retain existing business premises, policy CLE4 seeks to provide more general support for the local economy by permitting new small-scale employment uses subject to a number of criteria, including any local environmental impact and the adequacy of parking and access. This gives effect to NPPF paragraph 15, and meets the Basic Conditions.

Policy T1: New development to provide parking on site for occupants and visitors

Recommended re-wording: “Car parking in new developments”

Policy T2: Should an opportunity arise, to ensure that sufficient land is made available in order to enhance / improve parking facilities within Repton

Recommendation: delete and relocate under “Community Aspirations”

87. It is clear from the public consultation process that parking facilities within Repton are considered inadequate by local residents (and I could see some of the difficulties for myself at the time of my visit). Policy T1 aims to address the issue by requiring any new development to be accompanied by “adequate on-site parking”, which sensibly allows consideration of proposals on their individual merits. However, there may be circumstances where it is neither desirable nor feasible for *any* parking to be provided on-site; for this reason, ***I recommend that the phrase “where appropriate” be inserted into the policy.*** This formulation also avoids the use of rigid standards (for example, setting down a strict relationship between bedroom

numbers and parking spaces, as suggested in the preamble to policy H6), and would reflect the criteria-based approach advocated in paragraph 39 of the NPPF.

88. Since policy T2 does not relate to a specific area of land or the approach to be taken in respect of potential planning applications, ***I recommend that it be deleted and relocated to the “Community Aspirations” section of the Plan.***

Policy T3: Encourage better planning of public transport

Recommendation: delete and relocate under “Community Aspirations”

89. The desirability of improving public transport clearly chimes with national planning policy on a number of fronts, and it is entirely appropriate that the RNP should seek to address the issue. However, there are no clear land-use implications connected with policy T3 ***and for that reason I recommend that it be deleted and relocated to the “Community Aspirations” section of the Plan.***

Policy T4: Improve existing pedestrian and cycle connections within and between the villages and to surrounding areas

Recommended re-wording: “Improvements to pedestrian and cycle connections”

90. Again, this objective is clearly supported in national policy (for example, at NPPF paragraph 75). In this case, there is reference to specific routes and destinations (with more detail being given in the preamble to the policy rather than in the policy itself). Since, in contrast to policy T3, there are clear land-use implications, it is appropriate that it remain here, rather than be re-located as a less precise “aspiration.” ***I recommend that greater certainty be achieved by including reference in the policy itself to all of the routes referred to in the preamble, and that these are clearly shown on a map of appropriate scale.***

Conclusions and recommendation

91. I have concluded that, provided the recommendations set out above are followed, the Repton Neighbourhood Development Plan would meet the Basic Conditions, and I therefore recommend that, as modified, it should proceed to a referendum.
92. Finally, I am required to consider whether the referendum should extend beyond the RNP area, but I have been given no reason to believe that this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI Independent Examiner

20 March 2018

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
41-43	general	<ul style="list-style-type: none"> Improve clarity for description and display of policies
49	H1	<ul style="list-style-type: none"> Align settlement boundary for Repton with Local Plan
53	H2	<ul style="list-style-type: none"> Amend preamble to clarify policy objective and add reference to SDLP policy BNE5
55 57	H3	<ul style="list-style-type: none"> Show locations on a map Minor change of wording
60	H4	<ul style="list-style-type: none"> Minor change of wording
62	H5	<ul style="list-style-type: none"> Minor changes of wording
63 64	H6	<ul style="list-style-type: none"> Minor change of wording Delete second bullet-point
67	OS1	<ul style="list-style-type: none"> Show locations of protected areas on a map
69	OS2	<ul style="list-style-type: none"> Minor changes of wording
75 76	AS1 and AS2	<ul style="list-style-type: none"> Combine the policies and re-word to clarify role of developer contributions Add a reference to better transport in policy preamble
79	AS3 and AS4	<ul style="list-style-type: none"> Combine the policies and re-word to clarify role of developer contributions
81	CLE1	<ul style="list-style-type: none"> Revise reference to developer contributions
85	CLE3	<ul style="list-style-type: none"> Show retail frontages on a map Include explanation of the implications of the policy, or delete it and rely instead on policy CLE2 and relocate reference to parking and servicing to "Community Aspirations"
87	T1	<ul style="list-style-type: none"> Minor addition of wording
88	T2	<ul style="list-style-type: none"> Delete and relocate to "Community Aspirations"
89	T3	<ul style="list-style-type: none"> Delete and relocate to "Community Aspirations"
90	T4	<ul style="list-style-type: none"> Include within the policy any specific routes and show on a map

REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	28th JUNE 2018	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	ADOPTION OF SECTION 27 OF THE POLICING AND CRIME ACT 2009 - LICENSING OF SEXUAL ENTERTAINMENT VENUES	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That Members resolve to adopt section 27 of the Policing and Crime Act 2009 (the '2009 Act') and reaffirm adoption of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the '1982 Act') to come into effect from 1st August 2018.
- 1.2 That Members authorise Officers to take the necessary steps to confirm the resolution to adopt the 2009 Act and reaffirmation of the 1982 Act.
- 1.3 That Members approve the Sex Establishments and Sexual Entertainment Venue Policy to come into effect from 1st August 2018.
- 1.4 That the proposed fees for sex establishments are approved.

2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendations contained in this report.
- 2.2 To advise Members that the recommendations above were approved by Environmental and Development Services Committee on 31st May 2018.

3. Detail

- 3.1 Schedule 3 of the 1982 Act gives local authorities power to regulate sex establishments which include sex cinemas and sex shops. This Council adopted Schedule 3 on 1st March 1983.

- 3.2 The 2009 Act came into force on 6th April 2010 and section 27 reclassified lap dancing clubs and similar venues as sexual entertainment venues giving local authorities to power to regulate such venues as sex establishments under the 1982 Act. Local authorities must adopt section 27 in order to regulate these types of venues under the 1982 Act.
- 3.3 Currently, venues that provide sexual entertainment do so by having a premises licence granted under the Licensing Act 2003. This means that the Council must grant a licence to applicants if they comply with the licensing objectives detailed under the 2003 Act. The Council cannot refuse an application for a licence if the objection to it is based solely on the number of such premises already in operation, or because it may be considered to be an inappropriate location (close to a school for example).
- 3.4 Adoption of the Policing and Crime Act 2009 will enable the Council to consider applications for sexual entertainment venues in accordance with the 1982 Act and to impose conditions on any licence to ensure the safe and responsible management of the premises in question. The adoption of the 2009 Act will enable the local community to have a wider say over the regulation of lap dancing clubs and similar venues in South Derbyshire District Council.
- 3.5 In order to adopt the 2009 Act, the Council must consult local people about whether to make such a resolution. Officers conducted a 12 week consultation with all interested parties and members of the public via the Council's website. No comments were received in relation to the adoption of the 2009 Act.
- 3.6 On adoption of the resolution, notices shall be published in the Burton Mail and Derby Telegraph for two consecutive weeks notifying the public that the resolution to adopt the 2009 Act and reaffirm the adoption of the 1982 Act.

Sex Establishments and Sexual Entertainment Venue Policy

- 3.7 To assist the Licensing Authority, the community, applicants and other relevant organisations in applying for and determining an application for a sex establishment and/or a sexual entertainment venue licence, a Sex Establishment and Sexual Entertainment Venue Policy has been drafted for Members approval.
- 3.8 Officers conducted a 12 weeks consultation exercise on the draft Policy with all interested parties and members of the public via the Council's website. Representations were received from, Councilor Harrison, Councilor Hewlett, Hilton Parish Council and Trading Standards. A summary of the points received can be found at **Appendix 1**. No changes have been made to the Policy.
- 3.9 During the consultation period, it has come to light that the Policy should include reference to the Public Sector Equality Duty. This has been included at paragraph 15 of the Policy. A copy of the proposed Policy is attached as **Appendix 2**.

Fees

- 3.10 Under the 1982 Act, the Council may charge such fees as they consider reasonable. The current fee of £2249 does not reflect the actual cost to the Council therefore the fees have been reviewed and the following fees are proposed:

Type of Application	Fee
Grant/renewal	Application Fee -£1980 Licence Fee - £630
Variation	Application fee - £1825 Licence fee - £393
Transfer	Application fee - £1680 Licence fee - £235
Change of Details	Application fee - £28

In compliance with the Provision of Services Regulations 2009, the cost of the licence has been split between an application fee and a licence fee. The application fee is payable on application and is non-refundable if the application is refused. The licence fee is payable if the application is granted prior to the issuing of the licence.

- 3.11 On 31st May 2018, Members of the Environmental and Development Services Committee approved the recommendations at paragraph 1.

4. Financial Implications

- 4.1 There are no financial implications to the Council.

5. Corporate Implications

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

Consultation Responses Log

Response	Summary of points raised	Amendment to Draft Policy
Trading Standards	Positive response to the Policy with no issues.	No amendment made
Councillor Hewlett	Typo in paragraph 11.1 at line 2	Amendment made to remove the word 'licence' as a typo.
Councillor Harrison	Typo in paragraph 2.1 at line 2	Amendment made to amend 'principal' to 'principle'.
Hilton Parish Council	<p>Paragraph 6.4 to be enhanced to include an obligation on the local authority to validate the application and to publish such application along with the application.</p> <p>Paragraph 8.10 should include a requirement that the operator carries out checks on potential employees to ensure that they are not trafficked persons.</p>	<p>No amendment made to the Policy as all applications are only accepted if they are valid. Incomplete applications are not accepted until all outstanding documentation has been received.</p> <p>No amendment made to the Policy as it is a legal requirement for employers to check employees' right to work. However, this will be included as part of an Officers' inspection.</p>



SOUTH DERBYSHIRE DISTRICT COUNCIL

Sex Establishments and Sexual Entertainment Venue Policy

**Local Government (Miscellaneous Provisions)
Act 1982**

Policing and Crime Act 2009

Version 1: #

1. INTRODUCTION

- 1.1 This Policy sets out how South Derbyshire District Council intends to administer the licensing scheme for sex establishments including sexual entertainment venues.
- 1.2 In developing this Policy, the Council has undertaken consultation with the groups set out below:
- Members of the Council;
 - Parish Councils;
 - Derbyshire Constabulary;
 - Trading Standards;
 - Fire Authority;
 - Environmental Health Department;
 - Planning and Building Control Departments;
 - East Midlands Chamber;
 - Economic Development Department.
- 1.3 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the '1982 Act') gives local authorities power to regulate sex establishments which include sex cinemas and sex shops. The Policing and Crime Act 2009 (the '2009 Act') came into force on 6th April 2010 and section 27 reclassified lap dancing clubs and similar venues as sexual entertainment venues giving local authorities to power to regulate such venues as sex establishments under the 1982 Act.
- 1.4 This Licensing Authority adopted Schedule 3 of the 1982 Act on 1st March 1983 but adoption was reaffirmed to include sexual entertainment venues on #.

2. AIMS

- 2.1 This Policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Licensing Authority, the community, applicants and other relevant organisations.
- 2.2 The Policy also includes standard conditions for the different types of sex establishments that will be attached to any licence granted.
- 2.3 This Policy aims to ensure that the licensing regime in relation to sex establishments promotes the:
- licensing of premises which are suitable for the activity which it is intended to carry on there;
 - proper management of premises so as to protect the public and persons employed;
 - management of the premises by persons who are fit and proper and that the business is not run for the benefit of an unsuitable third party;
 - licensing of premises in a location of suitable character;
 - licensing of an appropriate number of premises in specific locations;
 - licensing of premises which do not adversely affect other neighbouring premises;
 - licensing of premises which do not detract from the image of the District or reduce the potential for successful regeneration;
 - licensing of premises with an external appearance which is appropriate given the locality in which they are situated.

3. SEX CINEMAS AND SHOPS

3.1 The legislation defines a 'sex cinema' as 'any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity or genital organs or urinary or excretory functions.' This will not include a dwelling house to which the public are not admitted.

3.2 The legislation defines a 'sex shop' as 'any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating (a) sex articles; or (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity.' Typically, this will include the sale or hiring of magazines, videos, sex toys and fetish/fantasy articles.

3.3 The legislation defines 'sex articles' as 'anything made for use in connection with, or for the purpose of stimulating or encouraging (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity; and anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and (b) to any recording vision or sound, which (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs or urinary or excretory functions.'

3.4 Due to the inclusion of the words 'significant degree' in the definition of sex shops, this means that shops can sell a small proportion of sex articles without needing a licence. It will for the Licensing Authority to decide what constitutes 'significant degree' and will consider the following:

- The ratio of sex articles to other aspects of the business;
- The absolute quantity of sales;
- The character of the remainder of the business;
- The nature of the displays in the business;
- Turnover;
- Other factors which appear to be materially relevant.

4. SEXUAL ENTERTAINMENT VENUES

4.1 The 2009 Act came into force on 6th April 2010 and section 27 reclassified lap dancing clubs and similar venues as sexual entertainment venues giving local authorities the power to regulate such venues as sex establishments under the 1982 Act.

4.2 The purpose of the 2009 Act was to give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.

- 4.3 A sexual entertainment venue is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer'.
- 4.4 Relevant entertainment is defined as 'any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether verbal or other means)'.
- 4.5 A premises includes any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.
- 4.6 Audience includes an audience of one.
- 4.7 Display of nudity means:
- in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
 - in the case of a man, exposure of his pubic area, genitals and anus.
- 4.8 This Licensing Authority determines that these definitions will apply to the following forms of entertainment:
- Lap dancing;
 - Pole dancing;
 - Table dancing;
 - Strip shows;
 - Peep shows;
 - Live sex shows.
- 4.9 Premises that are not sexual entertainment venues include:
- Sex shops and cinemas;
 - Premises which provide relevant entertainment on an infrequent basis. These are defined as premises where
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has lasted for more than 24 hours; and
 - c) no such occasion has begun within a period of one month beginning with the end of the previous occasions;
 - Any premises or types of performances or displays exempted by an order of the Secretary of State.

5. GENERAL PRINCIPLES

- 5.1 A licence must not be granted:
- To a person under the age of 18;
 - To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
 - To a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State, or was not so resident throughout the period of 6 months immediately preceding the date when the application was made;
 - To a body incorporate which is not incorporated in an EEA State; or

- To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

5.2 The 1982 Act allows the Licensing Authority to waive the requirement for a licence if it is deemed unreasonable or inappropriate to require a licence. This Licensing Authority does not consider that it would be appropriate to grant any such waivers except in exceptional circumstances namely to allow a temporary re-location of a business following damage to licensed premises.

6. APPLICATION PROCEDURE

6.1 Applications are to be made in writing on the Council's application form together with the fee, a sufficient plan of the premises to be licensed and basic criminal record certificate for every person named on the application. Documents confirming the identities of all people included on the application form will be required. Two pieces of identification will be required; one must be photographic ID and the other must confirm the address of the person. Passport and/or driving licences are accepted.

6.2 In the cases of sexual entertainment venues, the plan must outline the area that relevant entertainment will take place.

6.3 Applicants must, at the time of submission of a grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are open for business in order to ensure that the exterior design of the premises shall be such so that the interior of the premises is invisible to passers-by.

6.4 The applicant must send a copy of the application to the Chief Officer of Police not later than 7 days after the date of the application. If the application is submitted electronically, the Licensing Authority will be responsible for sending a copy of the application to the Chief Officer of Police within 7 days. On receipt of the application, the Licensing Authority will also consult with the Planning Department, Environmental Health Department, Fire Authority and ward and parish councillors. The Licensing Authority will publish a copy of the application on the Council's website.

6.5 To advertise the application, the applicant is required to:

- display a notice on or near the premises subject to the application, where it can be conveniently read by the public, for a period of 21 days beginning with the date of the application; and
- publish a public notice in a local newspaper, no later than 7 days after the application is made, publicising the application.

A copy of the public notice, including the date of publication and name of the newspaper, is to be provided to the Licensing Authority. The public notice is prescribed by the Licensing Authority. It is preferred that the public notice is published in the Burton Mail or Derby Telegraph.

6.6 If the application is for the renewal of a licence, the premises can continue to operate past the expiry date of the licence provided that the renewal application has been submitted to the Licensing Authority before the expiry of the licence.

7. REPRESENTATIONS

- 7.1 There will be a 28 days representation period starting from the first working day after the application is accepted by the Licensing Authority for any persons to raise objections to the grant of the application. Representations must be submitted in writing to the Licensing Authority within the 28 days period and state the grounds on which the representation is made.
- 7.2 Persons making representations can include residents/tenants associations, community associations and trade associations, businesses or any member of the public. Councillors and the MP may also make a representation.
- 7.3 Any representations made should not be based on moral grounds or values as these will not be considered. Any representations should be limited to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act as detailed in paragraph 8.5 below. Any representations received that are not relevant to the statutory grounds will not be considered by the Licensing Authority.
- 7.4 If any representations are received, the Licensing Authority will provide the grounds of the objection to the applicant prior to the determination of the application. The Licensing Authority will not consider any representation that does not contain the name and address of the person making the representation. However, the name and address will not be revealed to the applicant unless the person making the representation consents to their details being disclosed.
- 7.5 The Licensing Authority does have the discretion to consider representations received after the expiry of the 28 days period but this will be assessed on a case by case basis. The applicant will be given the opportunity to deal with any late representations accepted by the Licensing Authority.

8. DETERMINATION OF APPLICATIONS

- 8.1 Following the expiry of the representation period, the application will be considered by the Licensing and Appeals Sub-Committee who will determine the application on its own individual merits. The hearing procedure in place to determine applications under the Licensing Act 2003 will be followed in determining sex establishment applications.
- 8.2 Persons who have made representations about the application will be entitled to speak at the hearing as well as the applicant.
- 8.3 The Licensing and Appeals Sub-Committee will take into account the written representations from people including those who do not wish to attend the hearing.
- 8.4 When determining the application, the Licensing and Appeals Sub-Committee can either grant the application or refuse to grant. If the decision is to grant the application, the licence will be granted for one year and the relevant standard conditions will be attached to the licence unless they have been expressly excluded or varied. Additional conditions may be imposed on a licence if the Licensing and Appeals Sub-Committee decides that this is required. The standard conditions can be found at Appendix 1 of this Policy.
- 8.5 Paragraph 12 of Schedule 3 of the 1982 Act sets out the grounds for refusing an application which are:

- The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - If the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - The number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality;
 - That the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 8.6 In determining the application, the Licensing Authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention of Human Rights.
- 8.7 Any decision to refuse a licence must be relevant to one or more of the above grounds. Full reasons for the refusal of the application will be provided to the applicant within 7 days of the date of the Licensing and Appeals Sub-Committee.
- 8.8 In determining the application, the Licensing Committee is likely to take into account the following matters:
- The proximity and position of the premises in relation to any schools, or other establishments for the education, training or care of young persons;
 - The proximity and position of the premises in relation to leisure centres used for sporting and similar activities, parks and play areas;
 - The proximity and position of the premises in relation to any youth club or similar establishment;
 - The proximity and position of the premises in relation to any residential dwellings and any residential and sheltered accommodation;
 - The proximity and position of the premises in relation to any establishments for religious worship;
 - The proximity and position of the premises in relation to community centres and similar establishments;
 - The general nature and character of the locality;
 - The number of any licensed sex establishments already in the locality and what maximum number of such establishments might be permitted in the locality.
- This list is intended for guidance only and does not restrict the Licensing and Appeals Sub-Committee from taking into account any other matters which it considers relevant to the application.
- 8.9 The Licensing Committee will also consider the suitability of the applicant and may refuse an application if it considers that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason.
- 8.10 When determining whether the applicant is suitable, the Licensing Committee will give consideration as to whether the applicant:
- Is honest;

- Has any relevant convictions detailed on their criminal record certificate;
- Has sufficient appropriate experience of running a sex establishment;
- Understands the conditions that will be attached to the licence;
- That the operator is proposing a credible management structure and operating plan that will ensure compliance with all conditions and legal requirements;
- Can be relied upon to protect the public;
- Does not operate as an agency for unsuitable controllers or beneficiaries.

8.11 This Licensing Authority will treat each case on its own merits but it is unlikely to approve applications for sex establishments in areas that are predominately residential or close to 'sensitive premises' such as schools or places of worship.

8.12 Any appeal must be made to the local Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision. The decision notice will detail the appeal process. A right of appeal against a refusal of an application is only permitted on the first two grounds detailed at paragraph 8.5 above.

9. TRANSFER OF LICENCES

9.1 A licence can be transferred to one person/company to another. An application form, fee and basic criminal record check is required for every person named on the application form.

9.2 The applicant must send a copy of the application to the Chief Officer of Police not later than 7 days after the date of the application. If the application is submitted electronically, the Licensing Authority will be responsible for sending a copy of the application to the Chief Officer of Police within 7 days. On receipt of the application, the Licensing Authority will also consult with the Planning Department, Environmental Health Department, Fire Authority and ward and parish councillors. The Licensing Authority will publish a copy of the application on the Council's website.

9.3 The application must be advertised by the applicant in the same way as a grant or renewal application. Details of the advertisement requirements can be found at paragraph 6.5.

9.4 Representations can be made for a period of 28 days. Representations must state the grounds on which the representation is made.

9.5 The application will be determined by the Licensing and Appeals Sub-Committee. The Licensing and Appeals Sub-Committee will determine the application in line with the details provided at paragraph 8.

9.6 If the application for the transfer of the licence is made before the date of the expiry of the licence, the premises can continue to operate with any necessary modifications whilst the application is being determined.

10. VARIATION OF LICENCES

10.1 The licence holder may at any time apply for the variation of the licence. A variation can relate to the terms, conditions or restrictions on the licence. The application procedure for the variation is the same as a grant application.

10.2 In determining a variation application, the Licensing Authority may grant the variation application, make such variations as they think fit or refuse the application. The

Licensing Authority may determine to impose addition terms, conditions and restrictions on the licence. The Licensing Authority will determine each application on its own merits.

11. CHANGES TO LICENCES

- 11.1 Any changes to the company directors, company secretary and/or management of the licence holder must be notified to the Licensing Authority in writing within 14 days of the change. A basic criminal record certificate will be required for every new person. A fee is payable.
- 11.2 Any changes to the plan of the premises must be notified to the Licensing Authority before any changes. Changes will include alterations to the interior and exterior of the premises. The request must be made in writing with the proposed changes. A fee is payable.

12. REVOCATION OF LICENCES

- 12.1 A sex establishment licence may be revoked by the Licensing Authority in relation to any of the reasons set out in paragraph 8.5 above.
- 12.2 Where a local resident, a person with interest in a business in the vicinity of the premises, a police officer or an officer of the District Council considers that any of the grounds referred to above are relevant, they may request that the Licensing Authority considers revocation of the licence.
- 12.3 Before revoking a licence for a sex establishment, the Licensing Authority will hold a hearing to consider the matter. At the Licensing and Appeals Sub-Committee, the holder of the licence and any person who has requested revocation of the licence will be entitled to be heard.
- 12.4 Full reasons for the decision made by the Licensing and Appeals Sub-Committee will be provided to the applicant within 7 days of the date of the hearing.
- 12.5 If the licence is revoked then the licence holder will be disqualified from holding or obtaining a licence in the District for a period of 12 months beginning with the date of revocation.

13. FEES

- 13.1 The appropriate fee for an application can be found on the Council's website. The application fee must be paid in full at the time of submission of the application.

14. THE PROVISIONS OF SERVICES REGULATIONS 2009

- 14.1 The Provision of Services Regulations 2009 requires that applications are processed as quickly as possible and within a reasonable period. The Licensing Authority aims to deal with applications within a period of 3 calendar months from the date of application to allow for consultation, consideration of any representations, preparation of documents for a hearing, arrangement of a hearing and determination of an application at hearing.
- 14.2 The Regulations also specify that in the event of a failure to process the application within the period set or extended in accordance with the preceding provisions of this regulation, authorisation is deemed to have been granted by a competent authority.

The Licensing Authority considers that it would not be in the public interest for applications of sex establishments to be deemed granted due to the potential impact on communities and because persons who wish to make representations would be denied the opportunity to have their representations considered. If the application cannot be dealt with within 3 calendar months, the Licensing Authority will notify the applicant of the reason for this and give a revised deadline by which it intends to have determined the application.

15. EQUALITY ACT 2010

15.1 This Act legally protects people from discrimination in the workplace and wider society. This includes the Public Sector Equality Duty (PSED) which means that the Licensing Authority must thoroughly consider, in the discharge of its licensing functions, the need to:

- Promote equality of opportunity;
- Eliminate unlawful discrimination, harassment and victimisation; and
- Promote good relations.

This applies to this Policy and to the consideration and determination of applications for sex establishments.

15.2 It is not considered likely that the equalities obligations are at risk as there is no perceivable risk of unequal access to the services between different equality groups, save for those under 18.

16. EXCHANGE OF INFORMATION

16.1 The Licensing Authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the Police and other persons to fulfil its statutory objective of reducing crime in the area.

17. CONTACT DETAILS

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

In writing to Licensing Department:

South Derbyshire District Council
Civic Way
Swadlincote
Derbyshire
DE11 0AH

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

DOCUMENT HISTORY

Issue 1 – August 2018



**South
Derbyshire**
District Council

Appendix 1

South Derbyshire District Council

Local Government (Miscellaneous Provisions) Act 1982

Standard Conditions for Licences for Sex Shops and Sex Cinemas

1. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises. The licence or a certified copy shall be available for inspection by the Police and by an Authorised Officer of the Council.
2. The premises shall not be used under the terms of the licence unless until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same.
3. The licence holder, or appointed deputy, shall be on duty at the premises at all times that the premises are open for business to exercise general supervision and control of the premises.
4. The licence holder shall maintain a daily register in which shall be recorded the name and address of any person who is made responsible for managing the premises in the licence holder's absence and the names and addresses of all other persons employed in the premises. The register is to be completed each day within 30 minutes of the premises being opened for business and be updated as additional staff arrive. The register shall be made available for inspection by the Police and by an Authorised Officer of the Council.
5. Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. The name of the person responsible for the management of the premises, whether the licence holder or the appointed deputy, shall be prominently displayed within the premises throughout the period during which they are responsible for the conduct of the premises.
7. The licence holder shall retain control over all parts of the premises and shall not let, licence or part with possession of any part. The licence holder shall notify the Council within 7 days in the event that any part of the premises is affected by the termination of a lease or other event affecting the licence holder's control of the premises.

8. The licence holder shall ensure that the public is not admitted to any part of the premises that has not been licensed, other than toilet facilities where provided for customers.
9. There must be no activities designed to obtain custom by means of personal solicitation, touting or distribution of printed matter anywhere outside or in the locality of the premises.
10. All members of staff shall wear appropriate identification whilst on duty on the premises indicating that they are members of staff.
11. The premises shall not, without written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Saturday – 9am to 6pm
Sunday – 11am to 4pm
12. The premises shall not, without written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day, Easter Sunday or Good Friday.
13. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.
14. No sex articles or other things intended for use in connection with, or for the purposes of stimulating or encouraging sexual activity or acts of force or restraint which are association with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
15. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
16. All sex articles and other things displayed for sale, hire, exchange or loan within the premises shall be clearly marked to show the price being charged.
17. All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a prominent position within the premises.
18. No film or video recording (or computer game or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
19. No person under the age of 18 shall be admitted to any part of the premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
20. The licence holder shall adopt the Challenge 25 policy on admissions and there shall be adequate, documented training for staff on its implementation. The training shall be repeated every 12 months, in order to retain focus, and records of the training shall be provided on request to the Police and an Authorised Officer of the Council.

21. Under the Challenge 25 policy, identification shall be required of anyone who appears to be under 25. Photographic identification is required. Current passport, driving licence or the PASS card shall only be accepted. Entry shall be refused to any person failing to provide the relevant identification.
22. No person under the age of 18 shall be employed at the premises. The licence holder shall maintain adequate records of the names, address and date of birth of each member of staff. The licence holder shall carry out an identification check of the information provided.
23. The windows and openings of the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.
24. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
25. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
26. No items shall be stored on the premises so that they can be viewed from any external window or door.
27. Alterations or additions, either internal or external, shall not be made to the premises without prior consent from the Council.
28. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (i) the licensed name of the premises unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern;
 - (ii) the warning notice required to be displayed by condition 29 below;
 - (iii) a notice stating the opening hours of the premises;
 - (iv) The wording 'PRIVATE SHOP' or 'ADULT SHOP' but no other indication as to the nature of the business carried on at the premises.
29. The licence holder shall prominently display a notice at the entrance to the premises with the title 'Warning' and the following wording:

'Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age'.
30. No other words or signs, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises.
31. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.

32. The licence holder shall take all reasonable precautions for the safety of the public and employees.
33. All areas of the premises, externally and internally, must be adequately monitored by either security staff or CCTV to ensure that the licence conditions are complied with.
34. CCTV shall be installed and maintained in accordance with the following:
- CCTV shall be of a type to be approved by the Council. The CCTV shall be professionally installed to the satisfaction of the Council and be capable of consistently producing pictures clearly showing the identity of persons frequenting the premises and in the vicinity of the premises. The CCTV shall operate continuously during the permitted hours.
 - A minimum of one camera shall be fitted to each public entrance and exit.
 - Lighting in the inside and the outside of the premises shall be of sufficient brightness to enable camera images to be recorded to the required quality.
 - All recordings shall be retained for a period of 28 days with date and time stamping and shall be made available to the Police or an Authorised Officer of the Council on reasonable request. Failure to comply with a request shall be regarded as a serious breach of this condition.
 - Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation.
 - A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member shall be able to show, the Police or Authorised Officer of the Council, recent date and footage with the absolute minimum of delay on reasonable request.
 - The CCTV system must be maintained and checked every 12 months to ensure that the system is operating correctly. Confirmation of the maintenance should be obtained to confirm that the system is fully functional and meets the specified requirements.
35. The licence holder, or appointed deputy, shall be able to demonstrate that they operate a recording management system that prevents recordings being tampered with, stolen or misplaced. This shall include a backup system to ensure that there is no failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
36. In the event of a malfunction of the CCTV system, the licence holder shall notify the Council and the Police immediately. Details of such malfunction shall be recorded in the premises' incident book. Arrangements for its repair must be made without

delay. The Council and Police must be notified when the operation of the system is restored.

37. Only door supervisors who hold a valid relevant licence issued by the Security Industry Authority (SIA) shall be employed.

DRAFT



**South
Derbyshire
District Council**

South Derbyshire District Council

Local Government (Miscellaneous Provisions) Act 1982

Standard Conditions for Licences for Sexual Entertainment Venues

1. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises. The licence or a certified copy shall be available for inspection by the Police, or an Authorised Officer of the Council.
2. The premises shall not be used under the terms of the licence unless until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same.
3. The licence holder, or appointed deputy, shall be on duty at the premises at all times that the premises are open for business to exercise general supervision and control of the premises.
4. The licence holder shall maintain a daily register in which shall be recorded the name and address of any person who is made responsible for managing the premises in the licence holder's absence and the names and addresses of all other persons employed in the premises, including entertainers, door supervisors and security staff. The register is to be completed each day within 30 minutes of the premises being opened for business and be updated as additional staff arrive. The register shall be made available for inspection by the Police and by an Authorised Officer of the Council.
5. Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. The name of the person responsible for the management of the premises, whether the licence holder or the appointed deputy, shall be prominently displayed within the premises throughout the period during which they are responsible for the conduct of the premises.
7. The licence holder shall retain control over all parts of the premises and shall not let, licence or part with possession of any part. The licence holder shall notify the Council within 7 days in the event that any part of the premises is affected by the

termination of a lease or other event affecting the licence holder's control of the premises.

8. The licence holder shall ensure that the public is not admitted to any part of the premises that has not been licensed.
9. There must be no activities designed to obtain custom by means of personal solicitation, touting or distribution of printed matter anywhere outside or in the locality of the premises.
10. The licence holder shall take all reasonable precautions for the safety of the public and employees.
11. The licence holder shall ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the premises to ensure that the conditions of licence are complied with, in particular the no touching conditions and to ensure the safety of performers.
12. No person under the age of 18 shall be admitted to any part of the premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
13. The licence holder shall adopt the Challenge 25 policy on admissions and there shall be adequate, documented training for staff on its implementation. The training shall be repeated every 12 months, in order to retain focus, and records of the training shall be provided on request to the Police and an Authorised Officer of the Council.
14. Under the Challenge 25 policy, identification shall be required of anyone who appears to be under 25. Photographic identification is required. Current passport, driving licence or the PASS card shall only be accepted. Entry shall be refused to any person failing to provide the relevant identification.
15. No person under the age of 18 shall be employed at the premises. The licence holder shall maintain adequate records of the names, address and date of birth of each member of staff. The licence holder shall carry out an identification check of the information provided.
16. All areas of the premises, externally and internally including private booths, must be adequately monitored by either security staff or CCTV to ensure that the licence conditions are complied with and to ensure that safety and security of performers and other persons within the premises.
17. CCTV shall be installed and maintained in accordance with the following:
 - CCTV shall be of a type to be approved by the Council. The CCTV shall be professionally installed to the satisfaction of the Council and be capable of consistently producing pictures clearly showing the identity of persons frequenting the premises and in the vicinity of the premises. The CCTV shall operate continuously during the permitted hours.
 - A minimum of one camera shall be fitted to each public entrance and exit.

- Lighting in the inside and the outside of the premises shall be of sufficient brightness to enable camera images to be recorded to the required quality.
 - All recordings shall be retained for a period of 28 days with date and time stamping and shall be made available to the Police or an Authorised Officer of the Council on reasonable request. Failure to comply with a request shall be regarded as a serious breach of this condition.
 - Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation.
 - A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member shall be able to show, the Police or Authorised Officer of the Council, recent date and footage with the absolute minimum of delay on reasonable request.
 - The CCTV system must be maintained and checked every 12 months to ensure that the system is operating correctly. Confirmation of the maintenance should be obtained to confirm that the system is fully functional and meets the specified requirements.
18. The licence holder, or appointed deputy, shall be able to demonstrate that they operate a recording management system that prevents recordings being tampered with, stolen or misplaced. This shall include a backup system to ensure that there is no failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
 19. In the event of a malfunction of the CCTV system, the licence holder shall notify the Council and the Police immediately. Details of such malfunction shall be recorded in the premises' incident book. Arrangements for its repair must be made without delay. The Council and Police must be notified when the operation of the system is restored.
 20. Only door supervisors who hold a valid relevant licence issued by the Security Industry Authority (SIA) shall be employed.
 21. The licence holder shall ensure that neither they nor any person promoting or providing entertainment on the premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the premises in any unlawful manner.
 22. Where the Council have given notice in writing to the licence holder objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

23. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.
24. No change from a sex entertainment venue to either a sex cinema or a sex shop (including a mail-order shop), or a sex shop to either a sex cinema or sex entertainment venue, or from a sex cinema to either a sex shop or sex entertainment venue, shall be made without the approval of the Council.
25. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue.
26. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
27. The windows and openings of the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the premises, with the exclusion of door supervisors.
28. The licence holder shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the premises.
29. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
30. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
31. Alterations or additions, either internal or external, shall not be made to the premises without prior consent from the Council.
32. No fastenings of any description shall be fitted upon any room used for relevant entertainment.
33. A secure changing room shall be made available for performers. The door to the changing room shall be locked using a combination lock. The changing room shall be provided with suitable refreshment facilities for performers including a supply of drinking water. No members of the public shall be allowed in the changing room at any time.
34. There shall be an adequate separation between stage areas and the audience and the performer shall be able to leave the stage area without the need to walk through the audience.
35. Routine monitoring shall be carried out to ensure that drugs are not being used by performers. Written records shall be retained of all monitoring to be carried out.
36. The licence holder shall arrange for performers to be escorted by security staff from the premises to the performer's vehicle or secure transport at the end of their shift.

37. The licence holder shall adopt and implement a code of conduct for performers, a code of conduct for customers and a formal complaints procedure.
38. Performers shall only perform on the stage area, or to seated customers, or in such other areas of the premises as specified on the licence.
39. There must be no displays of nudity except during performances in areas specified on the licence.
40. There must be no exchange of personal information or contact details between performers and members of the public.
41. The following shall not be allowed as part of any performance on the premises:
- Any physical contact between a performers and a member of the audience (other than brief incidental contact of hands during payment);
 - Any physical contact between performers;
 - The use of sex toys or other props, other than clothing;
 - Audience participation;
 - Photography or video recording;
 - Mixed gender performances;
 - The performance or simulation of any sex act or masturbation;
 - Straddling of a member of the audience by a performer.
42. Any departure from the above condition must be agreed in writing with the Council before any departure takes place.

REPORT TO:	COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	28th JUNE 2018	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR Ardip.Kaur@south-derbys.gov.uk EXT. 5715	PARAGRAPH NO: N/A
SUBJECT:	POLITICAL PROPORTIONALITY	DOC:
WARD(S) AFFECTED:	ALL	REF:

1.0 Recommendations

- 1.1 That the Council approves and adopts the recommended allocation of seats to the Political Groups for the remainder of the municipal year 2018/19.
- 1.3 That the Council allocates seats between the Political Groups as set out at Annexe 'A'.

2.0 Purpose of Report

- 2.1 To consider the Council's political proportionality for the remainder of the municipal year 2018/19 following changes to the composition of the Conservative Group.

3.0 Detail

- 3.1 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government and Housing Act 1989 ("the Act") (specifically subsections (3) to (5) as modified by The Local Government (Committees and Political Groups) Regulations 1990 ("the Regs")). A Political Group is defined as being constituted by at least two Members who have advised the proper officer of the local authority in writing that they wish to be treated as a Political Group.
- 3.2 The political composition of the Council is as follows:-
 - Conservative Group 22
 - Labour Group 12
 - Independent/Non-Grouped Members 2
- 3.3 The Council is required to review the representation of the different political groups on Committees and Sub-Committees at, or as soon as practicable after, the Annual Meeting of the Council; or where notice is received of a change in the composition of Political Groups.
- 3.4 The principles of determination are as follows:-

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

3.5 The total number of Committee seats on the District Council for allocation is 98. After calculating the proportionality for the two Groups, this gives 59 seats to the Conservative Group, 33 seats to the Labour Group, and 3 seats each to the Independent/Non-Grouped Members as indicated on the schedule attached at Annexe 'A'.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

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

6.0 Community Implications

6.1 None.

7.0 Background Papers

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

ANNEXE 'A'

POLITICAL PROPORTIONALITY 2018/19

Committee	Membership	Conservative Group	Labour Group	Independent	Independent
Finance & Management	13	9	4		
Environmental & Development Services	13	8	4		1
Housing & Community Services	13	7	4	1	1
Planning	13	7	4	1	1
Licensing & Appeals	15	8	6	1	
Overview & Scrutiny	8	5	3		
Standards	6	4	2		
Joint Consultative	5	3	2		
Etwell Leisure Centre Joint Management	3	2	1		
Audit Sub	5	3	2		
Heritage Grants Sub	4	3	1		
Seats available for allocation	98	59 (59.89)	33 (32.67)	3 (2.72)	3 (2.72)
Total number of seats on Council	36 (100%)	22 (61.11%)	12 (33.33%)	1 (2.78%)	1 (2.78%)

LICENSING AND APPEALS SUB-COMMITTEE

30th May 2018 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Muller (Chairman), Councillor Rhind (Labour Group) and Councillor Tipping (Independent / Non-Grouped Member)

District Council Representatives

S Ali (Principal Legal Officer), E McHugh (Senior Licensing Officer), F Tucker (Trainee Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/1 **APPOINTMENT OF CHAIRMAN**

Councillor Muller was appointed Chairman of the Sub-Committee.

LAS/2 **APOLOGIES**

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

LAS/3 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/4 **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE NATIONAL FOREST SPRING WATER LTD, HIGHFIELDS, COCKSHUT LANE, MELBOURNE, DERBYSHIRE, DE73 8DG**

The Sub-Committee considered an application for a Premises Licence under the Licensing Act 2003 – The National Forest Spring Water Ltd, Highfields, Cockshut Lane, Melbourne, Derbyshire, DE73 8DG.

The Trainee Licensing Officer outlined the application and informed the Sub-Committee that Mrs Hackett, one of the representatives, had requested that it be made known that whilst she had wished to attend, she was unable to do so due to being out of the country.

Mr David Smith, the applicant, advised the Sub-Committee that he had been operating the National Forest Spring Water Ltd for the past 14-15 years, that the water was sourced from a borehole at the property and he had received an offer from another company to make gin with the spring water, to be sold as 'National Forest Gin'.

Mr Smith stated that he had no interest in an on-site distillery, that his company would supply one thousand litres of spring water at a time to an off-site facility and that the product would be returned as bottled gin, for his company to sell and distribute. It was estimated that 50litres of the gin product would be sold each week, a small addition to the volumes of spring water sold. Mr Smith confirmed that there would be no open days at the site and no organised tasting sessions at the site. The gin would be marketed online, alongside the company's main product, the spring water.

Mr Smith confirmed that he and his brother own all accesses to the premises, that there was no public right of way and that the premises were gated.

Councillor Tipping queried the number of lorries now accessing the premises. Mr Smith stated that one to two lorries accessed the site per day, with the gates open from 7.00am to prevent parking on the road. Mr Smith also commented that other lorries had been seen turning into the drive, but that this was down to satellite navigation errors. The Chairman enquired whether there were any tasting facilities on site; Mr Smith stating that there were none, the premises principally a secure store. It was also clarified that other businesses, including a holiday cottage, shared the same lane.

The following individuals attended the Meeting and were invited by the Chairman to make representations to the Sub-Committee.

Mr J Iliffe relayed the representations originally made by his wife, stating that whilst they respected the need to maintain a business, eight families shared the drive with the businesses and, at times, its single track status made passing problematic, along with the difficulties encountered by the drivers of 40ft articulated lorries undertaking the sharp turn off Cockshut Lane. Their main concerns related to the increase in traffic, safety, noise and nuisance. Mr Smith confirmed that his company does not operate heavy goods vehicles, that development on the lane was beyond his control and that, whilst the access was not ideal, none of his vehicles had been involved in accidents.

Mrs P Brown stated that although only three complaints had been made, all residents were affected by traffic on the lane. Mrs Brown made reference to an accident, whilst emerging onto Cockshut Lane, in which her Volvo car had been written off. Mrs Brown added that now that the Melbourne Sporting Partnership premises were in operation, parking and access had become more difficult, especially when matches were on. Although these issues contributed to the difficulties, it was appreciated that they were more of a Highways matter, not directly related to the business in question.

Councillor Rhind queried the status of the road leading to the business premises. Mr Smith confirmed that the lane was private and wholly owned by himself and his brother, with access only permitted for residents and visitors.

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 "SMB1".

LAS/5 **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – SUMMER GATHERING FESTIVAL AND MADCHESTER, ELVASTON CASTLE COUNTRY PARK SHOWGROUND, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP**

The Sub-Committee considered an application for a Premises Licence under the Licensing Act 2003 – Summer Gathering Festival and Madchester, Elvaston Castle Country Park Showground, Borrowash Road, Elvaston, Derby, DE72 3EP.

Mr Mark Lambert, the applicant, advised the Sub-Committee that he had been involved in event management for twenty-five years, with four years on this event and that the effects of bad weather last year had prompted a change of venue to Elvaston. Mr Lambert outlined the two day event, the Saturday an over 18's dance and music festival, the Sunday a family music event. Mr Lambert made reference to an event management plan, but due to its late submission, just before the meeting, the Police had declined its acceptance.

The Council's Environmental Health Officer informed the Sub-Committee that he had received insufficient information relating to the event on which to form a judgement on whether the licensing objectives had been complied with and whether conditions should be applied, requiring, as a minimum, a risk assessment and event management plan to be in place and agreed 28 days in advance of the event.

PC's Mark Paternoster and Mark Dunn attended on behalf of the Derbyshire Constabulary. PC Paternoster informed the Sub-Committee that this was the first application the Derbyshire Police had received from Mr Lambert, that it contained insufficient information and that they had been unable to establish the details with the applicant. No detailed event management plan had been supplied and therefore the application did not meet with their requirements. The application did not address, for example, how drunken individuals would be dealt with, how under 18's attempting to buy alcohol would be managed, how tickets would be limited to over 18's, management of access to the site and how under 18's would be challenged and turned away from the site.

No musical artists had been confirmed, so no checks had been possible. There were no details relating to the size of the bar, the number of staff, including security staff, staff training, control of drugs measures and how emergencies would be dealt with. There was no reference to zero tolerance messages in the application or on posters. Additionally, PC Paternoster stated that there were no details of how the site would be cleared after the Saturday night, before families arrived for the Sunday event. The application stated that the event ceased at 11pm on the Sunday, but requested a licence until 2am,

but had no details regarding safe access and egress from the site, especially in emergency situations, with no information provided for residents in the area. PC Mark Dunn informed the Sub-Committee that licensing conditions differed from a safety plan, in that any conditions applied to a licence created problems with monitoring as any lapse equated to a breach. There were issues with the venue, the lack of local infrastructure, no details as to who would deal with drunken members of public and disorder issues, contingency plans for vacating the site, especially in the event of wet weather. PC Dunn stated that the application was yet to be considered by the safety advisory group and that the presentation of a detailed management plan was far too late in terms of future planning from a Police perspective. PC Dunn therefore requested that the Sub-Committee not issue a licence at this time.

The Chairman queried the two mixed age events, with a younger age group on the Saturday, families on the Sunday and plans for site clearance between the two. Mr Lambert referred to the events as completely separate, more common in London and Manchester than Derbyshire, commenting that evidence of a successful event could not be provided until the event had been held at the venue. In relation to egress from the site, Mr Lambert stated that they anticipated attenders would rely on arranged coaches, taxi's and designated drivers. PC Dunn made reference to other recent events with traffic problems and drug related deaths at festivals, repeating that too little information had been provided too late, also querying the change in venue from Castle Donington, which they felt was far better equipped for such events.

RESOLVED:-

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

The Meeting terminated at 11.55am.

COUNCILLOR D MULLER

CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

31st May 2018

PRESENT:-

Conservative Group

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Harrison (substituting for Councillor Mrs Patten), Ford (substituting for Councillor Mrs Hall) and Wheeler

Labour Group

Councillors Chahal, Southerd (substituting for Councillor Dunn), Taylor and Tilley

EDS/1 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors Coe Mrs Hall, Mrs Patten, (Conservative Group) and Councillor Dunn (Labour Group)

EDS/2 **MINUTES**

The Open Minutes of the Meeting held on 19th April 2018 were noted, approved as a true record and signed by the Chairman.

EDS/3 **DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in Item 16 of the Agenda by virtue of an acquaintance of his owning the Screw Mill. He advised that he would vacate the Chamber whilst the item is discussed.

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

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

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

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

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

As Chairman of the Overview and Scrutiny Committee, Councillor Swann informed Members that following their initial review of the Waste Collection Street Scene and Grounds Maintenance budget, a further report by the Direct

Services Manager would be submitted to this Committee at a future date. The update was duly noted.

Councillor Swann left the Meeting at 6.10pm

MATTERS DELEGATED TO COMMITTEE

EDS/7 CORPORATE PLAN 2016-21: PERFORMANCE REPORT 2017/18

The Strategic Director (Service Delivery) presented the report to Committee highlighting performance, key actions and areas identified in the risk register.

Councillor Taylor queried whether the removal of some of the Council's bring-sites across the District had impacted the reported statistics on recycling. The Director advised that any impact on the removal of such sites would be difficult to measure as data was not collected in this way. Other factors such as manufacturers introducing more light-weight packaging and a reduction in the number of newspapers being bought have an impact on recycling rates. The Director updated Members that re-procurement of the recycling contract could provide an opportunity to consider the impact of removing a bring-site.

RESOLVED:

Members noted progress against performance targets.

EDS/8 SERVICE PLANS 2018/19

The Strategic Director (Service Delivery) presented the report to Committee.

RESOLVED:

That the Service Plans for Service Delivery and the Chief Executive's Directorate be approved as the basis for overall service delivery over the period 1 April 2018 to 31 March 2019.

EDS/9 KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT

The Senior Licensing Officer presented the report to Committee.

RESOLVED:

Members noted the performance of the Licensing Department in relation to the Key Performance Indicators.

EDS/10 CHARITABLE COLLECTIONS POLICY – REQUEST FOR EXCEPTION

The Senior Licensing Officer presented the report to Committee.

Councillor Taylor queried the association between the Charity in question and its request to allow Shetland ponies to accompany its collectors. The Senior Licensing Officer clarified that the Charity raises money for disadvantaged children, and no direct link could be established.

Members raised concerns about public safety, animal welfare and potential risks. Some commented that although the work of the Charity is recognised, it was felt that Shetland ponies accompanying collectors was not appropriate and therefore the recommendation could not be supported.

A proposal to overturn the Officer's recommendation was supported by the Committee.

RESOLVED:

Members considered a request for an exception to the Charitable Collections Policy (attached at Appendix 1) and refused to allow Phoenix Children's Foundation to have Shetland ponies accompanying their collectors during a street collection.

Abstentions: Councillors Mrs Brown and Harrison

EDS/11 **ADOPTION OF SECTION 27 OF THE POLICING AND CRIME ACT 2009 - LICENSING OF SEXUAL ENTERTAINMENT VENUES**

The Senior Licensing Officer presented the report to Committee informing Members that no representations had been received during the initial consultation period.

Clarification was sought on estimated costs and the location of such establishments. The Senior Licensing Officer responded explaining that costs had been calculated to cover the amount of Officer time that would be required in processing the application and taking it through the committee process. The Officer highlighted that adoption as recommended would allow consideration of locality when reviewing such applications.

RESOLVED:

- 1.1 Members resolved to adopt section 27 of the Policing and Crime Act 2009 (the '2009 Act') and reaffirmed adoption of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the '1982 Act') to come into effect from 1st August 2018.***
- 1.2 Members authorised Officers to take the necessary steps to confirm the resolution to adopt the 2009 Act and reaffirmation of the 1982 Act.***
- 1.3 Members approved that the Sex Establishments and Sexual Entertainment Venue Policy comes into effect from 1st August 2018.***
- 1.4 Members approved the proposed fees for sex establishments.***

EDS/12 **ENFORCEMENT AND COMPLIANCE REPORT**

The Environmental Health Manager presented the report to Committee, highlighted details of the Council's use of its powers to take appropriate enforcement action.

Councillor Taylor commented that considering the growth in the District, the number of Neighbourhood Wardens employed by the Council. This had not increased in line with this and he raised concern regarding staffing resource particularly in view of police cuts and increase in anti-social behaviour. The

Environmental Health Manager responded that the role of the wardens has widened and resources are being reviewed.

Clarification was sought on the type of noise complaints reported and action that can be taken. The Environmental Health Manager responded that noise is quantified through data gathered on its nature, decibels, frequency, and duration.

Councillor Billings welcomed the report thanking those involved in resolving the recent issues in Hilton.

RESOLVED:

1.1 The Committee noted the contents of the report, that the Council is using its regulatory powers in a way proportionate to the demands for all regulatory services it provides.

1.2 It was approved that the Committee receives an annual report summarising the use of the Councils regulatory powers.

EDS/13 **REPTON NEIGHBOURHOOD DEVELOPMENT PLAN**

The Community Partnership Officer presented the report to Committee.

Councillor Ford, as the local County Councillor, welcomed the report and its recommendations acknowledging the work of the Repton Parish Council.

RESOLVED:

1.1 Members considered the Repton Neighbourhood Development Plan together with the Examiners Report and recommended changes.

1.2 Members agreed to the recommended changes identified by the independent Examiner.

1.3 Members agreed to the amended Repton Neighbourhood Development plan proceeding to Full Council to consider taking to the plan to referendum.

EDS/14 **REVISED LOCAL DEVELOPMENT SCHEME**

The Planning Policy Officer presented the report to Committee.

RESOLVED:

Members endorsed the Local Development Scheme (at Appendix 1) for publication.

EDS/15 **DRAFT STATEMENT OF COMMUNITY INVOLVEMENT FOR CONSULTATION**

The Planning Policy Officer presented the report to Committee.

RESOLVED:

Members approved the Draft Statement of Community Involvement (at Appendix 1) for public consultation.

Councillor Ford left the Chamber at 7.00pm.

EDS/16 **HARTSHORNE CONSERVATION AREA AND AREA OF SPECIAL LOCAL CHARACTER**

The Conservation Officer presented the report to Committee which was welcomed by Members.

RESOLVED:

The Committee agreed not to designate the Screw Mill area of Hartshorne as a Conservation Area due to its lack of architectural and historic merit.

The Committee agreed not to designate the Upper Town Area as an Area of Special Local Character due to the degree of change and alteration in this area.

Councillor Ford returned to the Chamber at 7.05pm.

EDS/17 **EAST MIDLANDS AIRPORT DRAFT NOISE ACTION PLAN**

The Planning Policy Officer presented the report to Committee. Clarification was sought and provided on the membership of the Working Panel.

Councillor Southerd accepted the invitation and advised that a Member from the Labour Group would be nominated for this Panel in due course.

RESOLVED:

Members approved that a cross-party Member Working Panel be established with authority for determining a Committee resolution in response to the forthcoming East Midlands Airport Draft Noise Action Plan. This response would then be presented to a future meeting of this Committee for information.

EDS/18 **DEVELOPMENT FRAMEWORK DOCUMENT FOR INFINITY GARDEN VILLAGE**

The Planning Policy Officer presented the report to Committee advising that the document had been drafted collaboratively by this Council with Derbyshire County Council, Derby City Council, the site's developers and the Infinity Garden Village Liaison Group. Members were informed that at its Meeting on 8th March 2018, the Infinity Garden Village Liaison Group had been shown the document and were integral in shaping it.

Councillor Ford commented that the complexities of the matter required this pro-active approach in order to progress.

RESOLVED:

- 1.1 Members endorsed the draft Development Framework Document (DFD) for Infinity Garden Village and grant delegated authority to the Planning Services Manager and Chairman of this Committee to agree the final version following continued dialogue with Derby City Council and Derbyshire County Council.**
- 1.2 Members granted delegated authority to the Planning Services Manager and Chairman of this Committee to agree any future revisions to the document which fall within the scope of adopted planning policies as set out in the Local Plan Part 1 (LP1) and Local Plan Part 2 (LP2).**

EDS/19 **COMMITTEE WORK PROGRAMME****RESOLVED:**

Members considered and approved the updated work programme.

EDS/20 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985****RESOLVED:-**

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

MINUTES

The Exempt Minutes of the Meeting held on the 19th April 2018 were received.

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

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

PLANNING SERVICES REVIEW (Paragraph 1)

Members approved the recommendations contained in the report.

The meeting terminated at 7.30pm.

COUNCILLOR A MACPHERSON

PLANNING COMMITTEE

5th June 2018

PRESENT:-

Conservative Group

Councillor Mrs Brown (Chairman), Councillor Mrs Coe (Vice-Chairman) and Councillors Harrison, MacPherson (substituting for Councillor Mrs Hall), Muller, Stanton and Watson

Labour Group

Councillors Dr Pearson, Shepherd, Taylor (substituting for Councillor Southerd) and Tilley

Independent / Non-Grouped Member

Councillor Tipping

In attendance

Councillor Billings

PL/1 **APOLOGIES**

Apologies for absence were received from Councillors Coe, Mrs Hall (Conservative Group) and Southerd (Labour Group)

PL/2 **MINUTES**

The Open Minutes of the Meetings held on 10th April 2018 and 1st May 2018 were taken as read, approved as a true record and signed by the Chairman.

PL/3 **DECLARATIONS OF INTEREST**

Councillor Shepherd declared a personal interest in Items 1.7 and 1.8 on the Agenda by virtue of his daughter living near to the location of the applications.

Councillor Muller declared a personal interest in Item 2.1 on the Agenda by virtue of being acquainted with neighbours of the applicant.

Councillor Watson declared a personal interest in Item 1.12 on the Agenda by virtue of being acquainted with individuals in Newton Solney.

Councillor Dr Pearson joined the Meeting at 6.05pm.

PL/4 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/5 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

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

PL/6 **OUTLINE APPLICATION (ALL MATTERS RESERVED FOR FUTURE APPROVAL) FOR RESIDENTIAL DEVELOPMENT FOR UP TO 50 DWELLINGS WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS ON LAND AT SK2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY**

The Principal Area Planning Officer informed Committee that the Clinical Commissioning Group had made a response since the report had been published, with £19,020 to be allocated to the Wellbrook Medical Centre. It was also noted that in the Recommendations, B. should have read 'Subject to A...', rather than 'Subject to B...'. Reference was made to Condition 3, for the addition of another sub-condition relating to density, as set out in policy, and for another informative relating to safety regarding the balancing ponds.

An objector and the applicant's agent attended the Meeting and addressed Members on this application.

Councillor Taylor joined the Meeting at 6.20pm.

Councillor Muller addressed the Committee as Ward Member for Etwall, echoing concerns raised in relation to noise at the location, whilst also noting the allocation within the Local Plan Part 2. The Principal Area Planning Officer confirmed that Environmental Health Officers had reviewed the matter and had raised no objections, adding that there was a condition regarding noise mitigation.

Other Members raised comment or queries in relation to the flood zone, balancing ponds, water discharge, the 'urban creep' factor, affordable housing, its off-site provision and the decision-making process. All matters were addressed by the Principal Area Planning Officer and Planning Services Manager.

RESOLVED:-

- A. That delegated authority be granted to the Planning Services Manager to complete a Section 106 Agreement to secure the contributions and obligations as set out in the report; and***
- B. Subject to A above, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/7

APPROVAL OF RESERVED MATTERS FOR ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF PLANNING PERMISSION REF. 9/2016/0870 FOR 41 DWELLINGS ON LAND AT SK4129 8075, MOOR LANE, ASTON ON TRENT, DERBY

The Principal Area Planning Officer informed Committee that drainage matters had been further addressed, in relation to the off-site drainage pond, and, given that the parish council were unwilling to maintain fruit trees, the community orchard feature had now been removed from the proposal. A re-alignment of the northern boundary culvert had been introduced to enhance the access area and visibility splay. Footpath concerns were noted, but deemed desirable as they linked to existing public footpaths. Issues relating to the height of properties in close proximity to the boundary required a judgement as to what constituted 'close proximity', but officers felt the proposals were compliant, as those properties closest to the boundary were either single storey or one-and-a-half in height.

An objector and the applicant's agent attended the Meeting and addressed Members on this application.

Members raised comments or concerns relating to the proposed fencing around the attenuation pond, public access to the pond, potential alternative uses of the pond, safety barriers on the footpath crossings and requested an informative regarding adherence to CIRIA guidelines.

RESOLVED:-

That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including a condition relating to safety barriers at the end of pedestrian links.

PL/8

APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) OF OUTLINE PERMISSION REF. 9/2013/1044 FOR ERECTION OF 177 DWELLINGS AND CREATION OF ASSOCIATED ROADS AND INFRASTRUCTURE (RESIDENTIAL PHASE 2) ON LAND SOUTH OF THE MEASE, PART OF HILTON DEPOT SITE, THE MEASE, HILTON, DERBY

The Principal Area Planning Officer updated Committee with amendments since the report's publication, namely in that following further representations from the Police regarding design security and requested delegated authority to

amend Condition 1, as well as to add a further condition, at the discretion of the Planning Services Manager, associated with gates to the rear of the gardens, aimed at addressing anti-social behaviour. The matter of parking provision was also confirmed, dependent on the number of bedrooms. The officer reported that the viability of the scheme had again been reviewed, due primarily to increased costs of remedial works, with the affordable housing provision further reduced from 10% to 6%, a figure agreed with the District Valuer. It was also noted that in the Recommendations, B. should have read 'Subject to A...', rather than 'Subject to B...'.

The applicant's agent attended the Meeting and addressed Members on this application.

Councillor Billings addressed the Committee as Ward Member for Hilton, expressing concerns with the parking provision, the potential for future garage conversions and the feasibility of removing permitted development rights.

Other Members raised comments on tandem parking, garage use and disappointment with the reduced level of affordable housing, which at 6% they considered inadequate. They also queried options for revising the split of the decreased Section 106 sums with the County Council. The Principal Area Planning Officer commented that the first priority in Section 106 Agreements is to mitigate the impact of development on the local infrastructure, for example, in educational provision.

RESOLVED:-

- A. That delegated authority be granted to the Planning Services Manager to complete a Deed of Variation to the Section 106 Agreement to reduce the level of affordable housing required, as set out in the report; and***
- B. Subject to A above, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the amended Condition 1 relating to design security and the additional condition regarding the garden gates.***

PL/9

APPROVAL OF RESERVED MATTERS FOR ACCESS, LAYOUT, SCALE, APPEARANCE & LANDSCAPING OF OUTLINE PERMISSION REF. 9/2013/1044 (FOR THE COMMERCIAL DEVELOPMENT PHASE COMPRISING SIX EMPLOYMENT UNITS FOR USE AS OFFICES (USE CLASS B1(A)), LIGHT INDUSTRY (USE CLASS B1(C)), GENERAL INDUSTRY (USE CLASS B2) AND/OR STORAGE AND DISTRIBUTION (USE CLASS B8)) ON LAND SOUTH OF THE MEASE, HILTON BUSINESS PARK, HILTON, DERBY

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

An objector and the applicant's agent attended the Meeting and addressed Members on this application.

Councillor Billings addressed the Committee as Ward Member for Hilton, expressing concerns with what he felt would be an oppressive, overbearing building, which would impact on the farm's operation, also considering the proposed tree screening inadequate, leading him to suggest that the application be refused.

Members expressed support for the employment opportunities this application would provide, but raised concerns regarding the existing woodlands, the choice of replacement tree species, the close proximity and height of one unit to the neighbouring farm, the impact on the farm, the prospects of any compensation for the farm owner and the speculative nature of the build, given that no units had been sold or let. The feasibility of alternative designs and/or locations within the site were also discussed, along with the various impacts and benefits of the application. Responses to these issues were made by the Principal Area Planning Officer and Planning Services Manager.

RESOLVED:-

That the matter be deferred to a later Planning Committee to enable the applicant to reconsider the scheme.

PL/10 **DEMOLITION OF EXISTING GARAGE AND PART OF FRONTAGE WALL AND CONVERSION OF EXISTING OUTBUILDING TO FORM A RESIDENTIAL DWELLING AT 31 CHAPEL STREET, TICKNALL, DERBY**

PL/11 **RELEVANT DEMOLITION CONSENT FOR DEMOLITION OF EXISTING GARAGE AND PART OF FRONT BOUNDARY WALL AT 31 CHAPEL STREET, TICKNALL, DERBY**

Councillor Stanton, Ward Member for Repton, requested that the above matters relating to 31 Chapel Street, Ticknall be deferred for a site visit and an independent structural survey.

RESOLVED:-

That the matter be deferred for a site visit and an appropriate independent report.

Councillor Billings left the Chamber at 8.00pm.

PL/12 **APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE & LANDSCAPING FOR THE ERECTION OF 17 DWELLINGS UNDER PLANNING PERMISSION REF: 9/2014/0287 ON LAND AT SK3925 1974 EAST OF STATION ROAD, MELBOURNE, DERBY**

Committee was informed that this matter had been withdrawn from proceedings since the report was published.

PL/13 **APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE & LANDSCAPING FOR THE ERECTION OF 23 DWELLINGS UNDER PLANNING PERMISSION REF: 9/2015/0119 ON LAND AT SK3925 1974 EAST OF STATION ROAD, MELBOURNE, DERBY**

Committee was informed that this matter had been withdrawn from proceedings since the report was published.

PL/14 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR THE ERECTION OF 71 DWELLINGS PURSUANT TO PLANNING PERMISSION REF: 9/2014/0948 ON LAND AT SK2520 3411 ROSLISTON ROAD, SOUTH DRAKELOW, SWADLINCOTE**

Members who commented on this application commended it, whilst another queried the location of affordable housing within the site, which the Principal Area Planning Officer highlighted on the plans.

RESOLVED:-

That approval of reserved matters be granted as recommended in the report of the Strategic Director (Service Delivery).

PL/15 **CONTINUED USE OF THE SITE IN CONNECTION WITH B2 (INDUSTRIAL) AND B8 (STORAGE) USE ALONG WITH RETENTION OF PERIMETER PALISADE FENCING AND RE-PAINTING OF IT, RETAINING WALL, HARDSTANDING AND INSTALLATION OF DROPPED KERB TO SWADLINCOTE ROAD AT FIRST FENCE LTD, KILN WAY, WOODVILLE, SWADLINCOTE**

Councillor Taylor addressed the Committee as Ward Member for Woodville, noted the work undertaken relating to the fence colour and noise issues, but made reference to health and safety concerns relating to reversing vehicles and the limited visibility when attempting to cross the road at the location, feeling unable to support the application as a result.

Other Members raised comments on the potential impact of the imminent Woodville Regeneration Route, the site access and visibility surrounding the location, all matters addressed by the Planning Services Manager.

RESOLVED:-

That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).

Abstentions: Councillors Dr Pearson and Tilley.

PL/16 **OUTLINE APPLICATION (ALL MATTERS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF A 3-BED DETACHED PROPERTY ON LAND ADJACENT TO 8 LINDSAY COURT, SWADLINCOTE**

Councillor Tilley, Ward Member for Swadlincote, requested that the application be deferred for a site visit.

RESOLVED:-

That the matter be deferred for a site visit.

PL/17 **THE ERECTION OF EXTENSIONS AND ALTERATIONS AT 22 MAIN STREET, NEWTON SOLNEY, BURTON-ON-TRENT**

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

The applicant's agent attended the Meeting and addressed Members on this application.

Councillor Stanton addressed the Committee as Ward Member for Repton, referring to concerns expressed by Newton Solney Parish Council, whilst noting that he felt the proposals would improve the look to the property frontage and that few will see the modern treatment proposed for the rear of the property. The Councillor also raised concerns relating to the adjoining wall. On this point, the Planning Services Manager made reference to the Party Walls, etc Act, suggesting that an informative be added in this respect.

Members found favour with the proposals, avoiding the demolition previously applied for, although the provisional TPO on the Silver Birch tree in the rear garden was queried, given the species, size and its proximity to the proposed rear extension.

RESOLVED:-

That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).

PL/18 **SUSPENSION OF STANDING ORDERS**

RESOLVED:-

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

PL/19 **CHANGE OF USE OF PART OF EXISTING WOODLAND FOR PROVISION OF SIX LOG CABIN HOLIDAY LETTING UNITS AND ASSOCIATED CAR PARKING AT BODENS STICKS, CROPPER LANE, OSLESTON, ASHBOURNE**

The applicant's agent attended the Meeting and addressed Members on this application.

The Planning Services Manager commented on the variance in terms of impact as outlined by different bodies and the opinions provided in relation to

the hedge height at the access to the location, but that the independent expert advice received by the Council was as set out in the report and remained unchanged by the applicant's comments.

Councillor Muller addressed the Committee as Ward Member for Etwall, expressing his support for the recommendation to refuse the application, thus avoiding the loss of natural habitat and woodland.

RESOLVED:-

That planning permission be refused as recommended in the report of the Strategic Director (Service Delivery).

PL/20 **PLANNING AND OTHER APPEALS**

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

9/2017/0503	Moorside House, Shardlow Road, Aston on Trent
9/2017/0616	Newton Mount, Bretby Lane, Bretby
9/2017/1011	Longdon Park School, Park Hill, Hilton Road, Egginton
9/2017/1059	Follyfoot Farm, Burntheath Lane, Hilton

PL/21 **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.

MINUTES

The Exempt Minutes of the Meeting held on 1st May 2018 were received.

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

The Committee was informed that no questions had been received.

The meeting terminated at 8.45pm.

COUNCILLOR MRS L BROWN

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

7th June 2018

PRESENT:-

Conservative Group

Councillor Hewlett (Chairman), Councillor Smith (Vice-Chairman), and Councillors Mrs Coyle, Ford, Grant and MacPherson

Labour Group

Councillors Dunn (substituting for Councillor Richards), Rhind, Shepherd and Wilkins

Independent / Non-Grouped Member

Councillor Tipping

In attendance

Councillor Mrs Wyatt

HCS/1 **APOLOGIES**

Apologies for absence were received from Councillors Coe and Watson (Conservative Group) and Councillor Richards (Labour Group).

HCS/2 **MINUTES**

The Open Minutes of the Meeting held on 26th April 2018 were noted, approved as a true record and signed by the Chairman.

HCS/3 **DECLARATIONS OF INTEREST**

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

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

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

HCS/5 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

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

There were no Overview and Scrutiny reports to be submitted.

MATTERS DELEGATED TO COMMITTEE**HCS/7 CORPORATE PLAN 2016-21: PERFORMANCE REPORT (2017 - 18)**

The Strategic Director (Service Delivery) presented the report to Committee.

RESOLVED:-

The Committee noted the progress against performance targets.

HCS/8 SERVICE PLANS 2018/19

The Strategic Director (Service Delivery) presented the report to Committee.

Councillor Rhind, whilst noting the targets in the Service Plan for the Strategic Housing Team, questioned why a planning application where an affordable housing allocation was less than 30% was accepted and granted. The Strategic Director responded that this particular case had been highly unusual where, due to mitigating circumstances and the findings of the District Valuer's report, a reduction in the proportion of affordable housing provided by the developer was accepted.

RESOLVED:-

The Committee approved the Service Plan for the Service Delivery Directorate for the period 1 April 2018 to 31 March 2019.

HCS/9 BETTER CARE FUNDING ALLOCATION 2018-19

The Strategic Housing Manager presented the report to Committee highlighting the proposed appointment of a dedicated Mental Health Worker as outlined in Appendix 1 to the report.

Councillor Rhind queried whether the funding allocation had been ring-fenced for the projects specified within the report, which was confirmed by the Strategic Housing Manager. Members expressed their support and commended the report.

RESOLVED:-

1.1 The Committee approved the proposed schemes and associated financial commitment from the Better Care Fund (BCF) required to establish and deliver the projects and mandatory grant delivery during 2018/19.

1.2 The Committee approved that this report is also referred to a meeting of the Finance and Management Committee for consideration and approval.

1.3 The Committee considered the new schemes wider impact on other Council Services.

1.4 The Committee approved the additional hours and associated staffing costs for an initial period of 12 months within the Housing Solutions Team to deliver the Hospital- to-Home Scheme

HCS/10 **CONSULTATION – POWERS FOR DEALING WITH UNAUTHORISED DEVELOPMENT AND ENCAMPMENTS**

The Environmental Health Manager presented the report to Committee highlighting that clarification was being sought from central government in relation to the statutory guidance.

Councillor MacPherson commented on the use of mobile homes and sought clarification on when parking becomes encampment. The Environmental Health Manager advised that legal advice would be sought.

Councillor Grant sought clarification on the number of public and private sites in the District. The Environmental Health Manager advised that he would respond to the Committee with the requested statistics in due course.

Members welcomed the report commenting that streamlining processes would assist in resolving matters for local residents who are impacted.

RESOLVED:-

1.1 The Committee noted the content of the current consultation on powers for dealing with unauthorised development and encampments.

1.2 The Committee authorised completion of the Consultation Survey being undertaken by the Ministry of Homes, Communities and Local Government (MHCLG – formerly DCLG) in order that the comments set out in the Appendix to this report can be submitted to the Ministry as this Authority’s response in the appropriate format.

HCS/11 **COMMITTEE WORK PROGRAMME**

RESOLVED:-

Members considered and approved the updated work programme.

HCS/12 **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 26th April 2018 were received.

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

The Committee was informed that no questions had been received.

COMMUNITY SPORT ACTIVATION OFFICER (Paragraph 2)

The Committee approved the recommendation in the report.

STENSON FIELDS COMMUNITY FACILITY (Paragraph 3)

The Committee approved the recommendations in the report.

The Meeting terminated at 7.10pm.

COUNCILLOR J HEWLETT

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

14th June 2018

PRESENT:-

Conservative Group

Councillor Harrison (Chairman), Councillor Mrs Plenderleith (Vice-Chairman) and Councillors Billings, Mrs Coyle, Ford, Hewlett, Stanton (substituting for Councillor Smith) Watson and Wheeler

Labour Group

Councillors Rhind, Southerd Taylor and Wilkins (substituting for Councillor Richards)

FM/1 **APOLOGIES**

Apologies were received from Councillor Smith (Conservative Group) and Councillor Richards (Labour Group).

FM/2 **MINUTES**

The Open Minutes of the Meeting held on 3rd May 2018 were taken as read, approved as a true record and signed by the Chairman.

FM/3 **DECLARATIONS OF INTEREST**

Councillor Wheeler declared a pecuniary interest in Item 26 of the Agenda by virtue of a donation made to his wife's Member of Parliament fighting fund.

Councillor Mrs Plenderleith left the Chamber at 6.05pm to clarify the position regarding declarations. On the Councillor's return at 6.15pm, she confirmed that a donation had been made to the Member of Parliament's fighting fund and not to the Conservative Association nor for the District Council Elections, and advised that on this basis, no further declarations were required.

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

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

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

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

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

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The Committee was informed that no reports had been received.

MATTERS DELEGATED TO COMMITTEE**FM/7 CORPORATE PLAN 2016-21: PERFORMANCE REPORT (2017-18)**

The Strategic Director (Corporate Resources) presented the report to Committee highlighting achievements including the decrease in the average time taken in processing new benefit claims and areas requiring improvement which included mandatory training and the implementation of personal development reviews.

The Chairman sought clarification on the average time taken nationally in processing new benefit claims; the Director confirmed this to be 17-18 days.

A discussion ensued in relation to mandatory training. It was clarified that these were areas of training identified internally as mandatory.

Councillor Mrs Plenderleith returned to the Chamber at 6.15pm

RESOLVED:

The Committee noted the progress against performance targets.

FM/8 SERVICE PLANS 2018/19

The Strategic Director (Corporate Resources) presented the report to Committee.

RESOLVED:

The Committee approved the Service Plans for Corporate Resources and the Chief Executive's Directorate as the basis for overall service delivery over the period 1 April 2018 to 31 March 2019.

FM/9 CORPORATE EQUALITIES ANNUAL REPORT 2017/18 AND ACTION PLAN 2018/19

The Strategic Director (Corporate Resources) presented the report to Committee.

RESOLVED:

The Committee approved:-

1.1 The publication of the Corporate Equalities Annual Report for 2017/18, as attached at Appendix A to the report.

1.2 The Corporate Equalities and Safeguarding Action Plan for 2018/19, as attached at Appendix B to the report.

FM/10 ANNUAL HEALTH AND SAFETY REPORT 2017/18 AND ACTION PLAN 2018/19

The Strategic Director (Corporate Resources) presented the report to Committee highlighting that any issues had been discussed in detail at the Employee Health and Safety Committee.

RESOLVED:

The Committee reviewed the key health and safety achievements and performance for the year ending March 2018 and endorsed the Health and Safety Action Plan that sets down the priority actions for 2018/19.

FM/11 **SICKNESS ABSENCE 2017/18**

The Strategic Director (Corporate Resources) presented the report to Committee.

Concerns were raised that the figure had risen for the second consecutive year and clarification was sought on how absence related to mental health sickness is handled and supported.

The Chairman requested that future reports on this matter include the wording 'having due regard to the needs of the business' in paragraph 3.11; which was accepted by the Director.

RESOLVED:

The Committee approved:-

1.1 The planned actions detailed in section 4 of the report to improve attendance levels across the Council.

1.2 That an update on absence levels is reported on a quarterly basis to this Committee to ensure performance is monitored and actions taken to work towards an average target of 8 days lost per employee.

FM/12 **CONSULTATION ANNUAL REPORT 2017/18 AND ACTION PLAN 2018/19**

The Strategic Director (Corporate Resources) presented the report to Committee.

RESOLVED:

The Committee noted the key consultation achievements for 2017/18 in Appendix A to the report and agreed the Consultation Action Plan for 2018/19, as attached in Appendix B to the report.

FM/13 **COMMUNICATIONS ANNUAL REPORT 2017/18 AND OBJECTIVES 2018/19**

The Chief Executive presented the report to Committee
Councillor Ford welcomed the report highlighting the increase to £1.76 million income from transactional payments made through the website demonstrated the Council are delivering what customers/residents want.

RESOLVED:

The Committee noted:-

1.1 The Annual Communications Dashboard for 2017/18, as detailed in Appendix A to the report.

1.2 The updated Communications Strategy 2016-2021, as shown in Appendix B to the report and approved the refreshed objectives for 2018/19.

FM/14 **COMMENTS, COMPLIMENTS, COMPLAINTS & FREEDOM OF INFORMATION REQUESTS 01 OCTOBER 2017 TO 31 MARCH 2018**

The Strategic Director (Corporate Resources) presented the report to Committee.

The Chairman requested that for future reports, the comments and compliments be added as a link in the report. It was noted pursuant to Council's Access to Information Procedure Rules, such information would require publication and it was agreed this would be detailed through a link within the report

RESOLVED:

The Committee considered and noted the comments, compliments, complaints and FOI requests, as detailed in the report.

FM/15 **COMMITTEE WORK PROGRAMME**

RESOLVED:

The Committee considered and approved the updated work programme.

FM/16 **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 3rd May 2018 were received.

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

The Committee was informed that no questions had been received.

COMMUNITY SPORT ACTIVATION OFFICER (Paragraph 2)

Members approved the recommendation in the report.

PLANNING SERVICE REVIEW (Paragraph 1)

Members approved the recommendations in the report.

PAY AND GRADING REVIEW – DOWNGRADED POSTS (Paragraph 2)

Members approved the recommendations in the report.

STENSON FIELDS COMMUNITY FACILITY (Paragraph 3)

Members approved the recommendations in the report.

ROSLISTON FORESTRY CENTRE (Paragraphs 2 & 3)

Members approved the recommendations in the report.

LAND IN REPTON (Paragraph 3)

Members approved the recommendation in the report.

APPLICATION FOR DISCRETIONARY RATE RELIEF (Paragraph 3)

Members approved the recommendation in the report.

LAND IN CHURCH GRESLEY (Paragraph 3)

Members approved the recommendation in the report.

The meeting terminated at 7.20pm.

COUNCILLOR J HARRISON

CHAIRMAN