

Date: 25th October 2017

Dear Councillor,

Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held in the **Council Chamber**, on **Thursday, 02 November 2017** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

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

Labour Group

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

AGENDA

Open to Public and Press

- 1** Apologies.
- 2** To confirm the Open Minutes of the Council Meeting held on the 21st September 2017 (CL/48-CL/66)
Council 21st September 2017 Open Minutes **5 - 9**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 5** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 6** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 7** To authorise the sealing of the documents.

- SEALED DOCUMENTS** **10 - 10**

- 8** ANNUAL AUDIT LETTER **11 - 42**

- 9** ADOPTION OF SOUTH DERBYSHIRE LOCAL PLAN PART 2 **43 - 45**

- 10** DYING TO WORK CHARTER **46 - 49**

- 11** INFINITY GARDEN VILLAGE – LIAISON GROUP REPORT **50 - 53**

- 12** PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES
CONSULTATION PROPOSALS **54 - 80**

13	CONSULTATION – DISQUALIFICATION CRITERIA FOR COUNCILLORS & MAYORS	81 - 100
14	To receive and consider the Open Minutes of the following Committees:-	
	Licensing and Appeals Sub-Committee 12th September 2017 Open Minutes	101 - 102
	Finance and Management Committee: Special 21st September 2017 Open Minutes	103 - 104
	Planning Committee 26th September 2017 Open Minutes	105 - 108
	Etwall Joint Management Committee 27th September 2017 Open Minutes	109 - 112
	Environmental and Development Services Committee 28th September 2017 Open Minutes	113 - 116
	Licensing and Appeals Sub-Committee 4th October 2017 Open Minutes	117 - 118
	Housing and Community Services Committee 5th October 2017 Open Minutes	119 - 122
	Licensing and Appeals Sub-Committee 12th October 2017 Open Minutes	123 - 124
	Finance and Management Committee 12th October 2017 Open Minutes	125 - 130
	Planning Committee 17th October 2017 Open Minutes	131 - 134
	Overview and Scrutiny 18th October 2017 Open Minutes	135 - 138
15	To review the compositions of Committees, Sub-Committees and Working Panels for the remainder of the municipal year.	

- 16 To review the compositions of Substitute Panels.
- 17 To review representation on Outside Bodies.
- 18 To review Member Champions.

Exclusion of the Public and Press:

- 19 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.
- 20 To confirm the Exempt Minutes of the Council Meeting held on 21st September 2017 (CL/67-CL/69).
Council 21st September 2017 Exempt Minutes
- 21 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 22 To receive and consider the Exempt Minutes of the following Committees:-
Licensing and Appeals Sub-Committee 12th September 2017 Exempt Minutes
Finance and Management Committee: Special 21st September 2017 Exempt Minutes
Environmental and Development Services Committee 28th September 2017 Exempt Minutes
Licensing and Appeals Sub-Committee 4th October 2017 Exempt Minutes
Housing and Community Services Committee 5th October 2017 Exempt Minutes
Licensing and Appeals Sub-Committee 12th October 2017 Exempt Minutes
Finance and Management Committee 12th October 2017 Exempt

Minutes

Planning Committee 17th October 2017 Exempt Minutes

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 21st September 2017
at 6.00pm

PRESENT:-

Conservative Group

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

Labour Group

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

CL/48 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Coyle, Grant, Roberts (Conservative Group) and Southerd (Labour Group)

CL/49 **PRESENTATION: CHIEF SUPERINTENDENT JIM ALLEN**

The Chief Superintendent presented an update on policing matters in the area, the return to a more traditional policing model, local crime rates, the introduction of a rural crime officer, the impact of growing or planned developments such as the Infinity Garden Village project, the placement of a new police premises, joint working with the Safer Neighbourhood teams and the use of Community Protection Orders, all contributing to making South Derbyshire a safe place with low crime rates.

Members raised queries relating to the usage of police offices, such as that in Hilton, the rapid growth in the area and the growing police officer to head of population ratio, police budgets and precept, the sharing of information, referencing in particular matters surrounding the recent conviction of an ex-employee, concerns regarding the 101 service, the deployment of Derbyshire police resources following terrorist incidents elsewhere in the country and police presence at local events, such as the October Wakes. The Chief Superintendent addressed each matter in turn, also providing assurances that Swadlincote Police station will remain operational.

CL/50 **MINUTES OF ANNUAL COUNCIL**

The Open Minutes of the Annual Council held on 29th June 2017 (CL/28-CL/43) were approved as a true record.

CL/51 DECLARATIONS OF INTEREST

No declarations of interest were received.

CL/52 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman of the Council outlined a summary of events attended since the last Council Meeting, including an event at Pennine Way Junior School, presentations to the 1211 ATC Squadron in the Chamber, the Junior Orchestra playing at the Riverside in Derby, the Magpie Makers Market and Ay Up Me Duck events in Swadlincote, an awards evening at the Pingle School, the opening of a play area in Findern, scarecrow judging, the opening of the Eureka Park outdoor gym equipment and the Last Night of the Proms at the Rosliston Glade Arena.

The Chairman also went on to nominate the 1211 (Swadlincote) Squadron Air Training Corps for the award of the Freedom of the District, recommending that the Chief Executive be authorised to present a report to the next meeting of the Council setting out this nomination. This proposal received the full support of all Members.

CL/53 ANNOUNCEMENTS FROM THE LEADER

The Leader referred to recent events held throughout the District and thanked all officers for their contribution in making each a success.

CL/54 ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE

The Chief Executive raised the TUC Dying to Work Charter initiative, as originally referred by Councillor Richards, stating that following its recent meeting the Joint Negotiating Group had recommended that the Council sign up to the Charter and to commit to its objectives. This matter would be submitted to the next Council meeting for formal approval.

CL/55 QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

Council were informed that no questions had been received.

CL/56 QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

Council were informed that no questions had been received.

CL/57 SEALED DOCUMENTS

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
18.07.17	11761	Transfer – 11 Appleton Close, Newhall
26.07.17	11762	Transfer – 32 St John's Drive, Newhall
31.07.17	11783	Transfer – 22 Bailey Avenue, Overseal

RESOLVED:

That the Sealed Documents listed, for which there is no specific authority, be duly authorised.

CL/58 **ANNUAL REPORT 2016/17**

The Chief Executive presented the report to Council.

Members commended the report and its contents, one querying how it would be communicated to residents. The Chief Executive confirmed that all available methods of distribution would be employed, both in hard copy form and electronically.

RESOLVED:

Members approved the draft Annual Report 2016/17.

CL/59 **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER 2017 AND UPDATE ON RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE**

The Chief Executive presented the report to Council.

Councillor Richards queried if copies of written responses were available to Members. The Chief Executive confirmed that they were, on request.

RESOLVED:

Members accepted the Local Government Ombudsman’s Annual Review Letter 2017.

CL/60 **REVIEW OF OUTSIDE BODIES LIST**

The Chief Executive presented the report to Council.

RESOLVED:

1.1 Members approved the removal of the inactive organisations from the Outside Bodies list, as detailed in the report.

1.2 Members approved the revised Outside Bodies List 2017/18, as detailed at Appendix 1 to the report.

CL/61 **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>
Licensing and Appeals Sub-Committee	14.06.17	LAS/1-LAS/4
Overview and Scrutiny	21.06.17	OS/1-OS/9
Finance and Management: Special	22.06.17	FM/22-FM/29
Planning	27.06.17	PL/12-PL/20
Planning	18.07.17	PL/21-PL/29
Finance and Management: Special	20.07.17	FM/32-FM/37
Licensing and Appeals Sub-Committee	04.08.17	LAS/5-LAS/7
Planning	08.08.17	PL/32-PL/43
Environmental and Development Services	17.08.17	EDS/18-EDS/28
Housing and Community Services	24.08.17	HCS/16-HCS/26
Finance and Management	31.08.17	FM/40-FM/52
Planning	05.09.17	PL/44-PL/56
Overview and Scrutiny	06.09.17	OS/10-OS/18

<u>Area Forum</u>	<u>Date</u>	<u>Minute No.'s</u>
Etwall	12.06.17	EA/1-EA/10
Swadlincote	13.06.17	SA/1-SA/10
Melbourne	19.06.17	MA/1-MA/9
Newhall	20.06.17	NA/1-NA/9
Repton	26.06.17	RA/1-RA/9
Linton	28.06.17	LA/1-LA/9

CL/62 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

The Leader announced that Councillor Murray be replaced by Councillor Mrs Wyatt on the Swadlincote Townscape Heritage Lottery Fund Board.

CL/63 **COMPOSITION OF SUBSTITUTE PANELS**

The Leader announced that Councillor Smith be added to the substitute panel for the Planning Committee, replacing Councillor Mrs Coyle.

CL/64 **REPRESENTATION ON OUTSIDE BODIES**

The Leader announced that Councillor Murray be replaced by Councillor Coe as the Member representative on the Derbyshire Police and Crime Panel.

CL/65 **MEMBER CHAMPIONS**

The Leader announced that Councillor Mrs Coyle become the new Corporate Plan Member Champion and that Councillor Mrs Coyle be replaced by Councillor Mrs Patten as the Young People Member Champion.

The Chief Executive requested that Councillor Richards consider appointing a Corporate Plan Member Champion from within the Opposition Group.

CL/66 **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 29th June 2017 (CL/44-CL/47) 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:-

Finance and Management: Special	22.06.17	FM/30-FM/31
Planning	18.07.17	PL/30-PL/31
Finance and Management: Special	20.07.17	FM/38-FM/39
Licensing and Appeals Sub-Committee	04.08.17	LAS/8
Environmental and Development Services	17.08.17	EDS/29-EDS/30
Housing and Community Services	24.08.17	HCS/27-HCS/29
Finance and Management	31.08.17	FM/53-FM/57

The meeting terminated at 7.00pm.

COUNCILLOR M STANTON

CHAIRMAN OF THE DISTRICT COUNCIL

REPORT TO:	COUNCIL	AGENDA ITEM: 7
DATE OF MEETING:	2nd NOVEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 595848 / 595722	DOC:U:\JAYNE\Commtee\COMM REP\Sealed Docs report 2 Nov 17.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>
15.09.17	11816	Transfer – 45 Brookdale Road, Hartshorne
27.09.17	11823	Transfer – 11 Davis Road, Swadlincote
06.10.17	11829	Transfer – 129 Chestnut Avenue, Midway

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: 8
DATE OF MEETING:	2nd NOVEMBER 2017	CATEGORY: RECOMMENDED
REPORT FROM:	DIRECTOR OF FINANCE and CORPORATE SERVICES	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (01283 595811) kevin.stackhouse@south-derbys.gov.uk	DOC: u/ks/audit/EY audit letters/covering report
SUBJECT:	THE ANNUAL AUDIT LETTER FOR SOUTH DERBYSHIRE DISTRICT COUNCIL	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 That the Annual Audit Letter for 2016/17 is considered and approved.

2.0 Purpose of Report

2.1 For Ernst and Young LLP (EY) as the Council's appointed auditors, to present their Annual Audit Letter for 2016/17.

3.0 Detail

3.1 The Annual Audit Letter (attached) is to communicate to Elected Members and external stakeholders, including members of the public, the key issues arising from their work, which they consider should be brought to the attention of the Council.

3.2 The Auditors have already reported the detailed findings from their audit work in their 2016/17 Audit Results Report to the Audit-Sub Committee, representing those charged with governance.

3.3 The Auditors have not repeated those detailed findings in this letter. The matters reported here are considered to be the most significant for the Council.

4.0 Financial Implications

4.1 None directly.

5.0 Corporate Implications

5.1 None directly.

6.0 Community Implications

6.1 None directly.

7.0 Background Papers

Audit Results Report to the Audit Sub-Committee on 20th September 2017.

<http://south-derbys.cmis.uk.com/south-derbys/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/2054/Committee/438/Default.aspx>

South Derbyshire District Council

Annual Audit Letter for the year ended 31 March 2017

20 October 2017

Ernst & Young LLP

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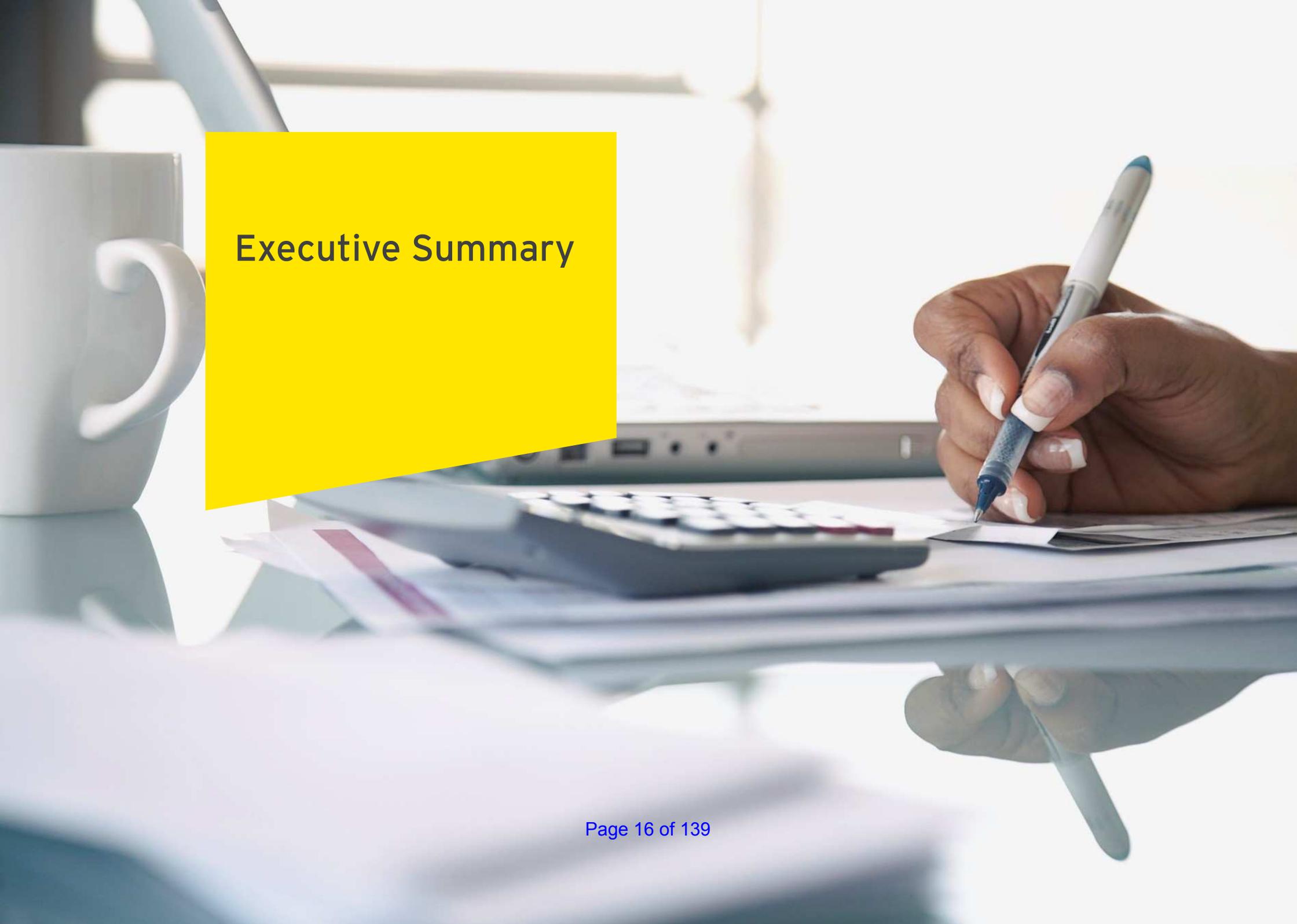
Public Sector Audit Appointments Ltd (PSAA) have issued a "Statement of responsibilities of auditors and audited bodies". It is available from the Chief Executive of each audited body and via the PSAA website (www.psaa.co.uk)

The Statement of responsibilities serves as the formal terms of engagement between appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

The "Terms of Appointment (updated 23 February 2017)" issued by PSAA sets out additional requirements that auditors must comply with, over and above those set out in the National Audit Office Code of Audit Practice (the Code) and statute, and covers matters of practice and procedure which are of a recurring nature.

This Annual Audit Letter is prepared in the context of the Statement of responsibilities. It is addressed to the Members of the audited body, and is prepared for their sole use. We, as appointed auditor, take no responsibility to any third party.

Our Complaints Procedure - If at any time you would like to discuss with us how our service to you could be improved, or if you are dissatisfied with the service you are receiving, you may take the issue up with your usual partner or director contact. If you prefer an alternative route, please contact Steve Varley, our Managing Partner, 1 More London Place, London SE1 2AF. We undertake to look into any complaint carefully and promptly and to do all we can to explain the position to you. Should you remain dissatisfied with any aspect of our service, you may of course take matters up with our professional institute. We can provide further information on how you may contact our professional institute.

A hand holding a blue pen is writing on a document. In the background, there is a calculator, a laptop, and a white mug. The scene is set on a desk with a window in the background.

Executive Summary

Executive Summary

We are required to issue an annual audit letter to South Derbyshire District Council (the Council) following completion of our audit procedures for the year ended 31 March 2017.

Below are the results and conclusions on the significant areas of the audit process.

Area of Work	Conclusion
Opinion on the Council's: ▶ Financial statements	Unqualified - the financial statements give a true and fair view of the financial position of the Council as at 31 March 2017 and of its expenditure and income for the year then ended
▶ Consistency of other information published with the financial statements	Other information published with the financial statements was consistent with the Annual Accounts
Concluding on the Council's arrangements for securing economy, efficiency and effectiveness	We concluded that Council has not put in place proper arrangements to secure value for money in its use of resources as our work identified that there are weaknesses in the arrangements to work with partners and other third parties, specifically in relation to process and controls to procure supplies and services effectively to support the delivery of strategic priorities. Further details relating to value for money work are detailed at page 15.
Reports by exception:	
▶ Consistency of the Annual Governance Statement (AGS)	Our review of the draft AGS identified some inconsistencies with our knowledge of the Authority. These were communicated with management and the required amendments have been agreed. Further details relating to the initial findings are detailed on page 20.
▶ Public interest report	We had no matters to report.
▶ Written recommendations to the Council, which should be copied to the Secretary of State	We had no matters to report.
▶ Other actions taken in relation to our responsibilities under the Local Audit and Accountability Act 2014	We had no matters to report.
Reporting to the National Audit Office (NAO) on our review of the Council's Whole of Government Accounts return (WGA).	The Council is below the specified audit threshold of £350 million. Therefore, we did not perform any audit procedures on the consolidation pack.

As a result of the above we have also:

Area of Work	Conclusion
Issued a report to those charged with governance of the Council communicating significant findings resulting from our audit.	Our Audit Results Report was issued on 20 September 2017.
Issued a certificate that we have completed the audit in accordance with the requirements of the Local Audit and Accountability Act 2014 and the National Audit Office's 2015 Code of Audit Practice.	Our certificate was issued on 21 September 2017.

We will also issue a report to the Audit-Sub Committee meeting on 14 February 2018 summarising the certification work we have undertaken for 2016/17.

We would like to take this opportunity to thank Council Officers and staff for their assistance during the course of our work.

Steve Clark

Partner
For and on behalf of Ernst & Young LLP

Purpose

Purpose

The Purpose of this Letter

The purpose of this annual audit letter is to communicate to Elected Members and external stakeholders, including members of the public, the key issues arising from our work, which we consider should be brought to the attention of the Council.

We have already reported the detailed findings from our audit work in our 2016/17 Audit Results Report to the 20 September 2017 Audit-Sub Committee, representing those charged with governance. We do not repeat those detailed findings in this letter. The matters reported here are the most significant for the Council.



Responsibilities

Responsibilities

Responsibilities of the Appointed Auditor

Our 2016/17 audit work has been undertaken in accordance with the Audit Plan that we issued on 15 February 2017 and is conducted in accordance with the National Audit Office's 2015 Code of Audit Practice, International Standards on Auditing (UK and Ireland), and other guidance issued by the National Audit Office.

As auditors we are responsible for:

- ▶ Expressing an opinion:
 - ▶ On the 2016/17 financial statements; and
 - ▶ On the consistency of other information published with the financial statements.
- ▶ Forming a conclusion on the arrangements the Council has to secure economy, efficiency and effectiveness in its use of resources.
- ▶ Reporting by exception:
 - ▶ If the AGS is misleading or not consistent with our understanding of the Council;
 - ▶ Any significant matters that are in the public interest;
 - ▶ Any written recommendations to the Council, which should be copied to the Secretary of State; and
 - ▶ If we have discharged our duties and responsibilities as established by thy Local Audit and Accountability Act 2014 and Code of Audit Practice.

Alongside our work on the financial statements, we also review and report to the National Audit Office (NAO) on you Whole of Government Accounts return. The Council is below the specified audit threshold of £350 million. Therefore, we did not perform any audit procedures on the return.

Responsibilities of the Council

The Council is responsible for preparing and publishing its statement of accounts accompanied by an Annual Governance Statement. In the AGS, the Council reports publicly each year on how far it complies with its own code of governance, including how it has monitored and evaluated the effectiveness of its governance arrangements in year, and any changes planned in the coming period.

The Council is also responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Financial Statement Audit

Financial Statement Audit

Key Issues

The Council's Statement of Accounts is an important tool for the Council to show how it has used public money and how it can demonstrate its financial management and financial health.

We audited the Council's Statement of Accounts in line with the National Audit Office's 2015 Code of Audit Practice, International Standards on Auditing (UK and Ireland), and other guidance issued by the National Audit Office and issued an unqualified audit report 21 September 2017.

Our detailed findings were reported in our Audit Results Report to the 20 September 2017 Audit-Sub Committee.

The key issues identified as part of our audit were as follows:

Significant Financial Statement Risks	Audit procedures performed	Assurance gained
<p>Management override of controls As identified in ISA 240, management is in a unique position to perpetrate fraud because of its ability to manipulate accounting records directly or indirectly and to prepare fraudulent financial statements by overriding controls that otherwise seem to be operating effectively. We identify and respond to this fraud risk on every audit engagement.</p>	<p>We tested the appropriateness of journal entries recorded in the general ledger and other adjustments made in preparing the financial statements.</p> <ul style="list-style-type: none"> ▶ We reviewed accounting estimates for evidence of management bias. ▶ We evaluated the business rationale for any significant unusual transactions. ▶ We reviewed capital expenditure on property, plant and equipment (PPE) to ensure it meets the relevant accounting requirements to be capitalised. 	<ul style="list-style-type: none"> ▶ We tested a sample of manual journals using our data analytics interrogation tool to focus on the specific areas of risk. These included journals; <ul style="list-style-type: none"> • With no description • Reducing expenditure • Increasing revenue <p>Our work did not identify any matters to report to you.</p> <ul style="list-style-type: none"> ▶ We did not identify any significant unusual or unexpected transactions. ▶ Our review of specific significant estimates has not identified any matters to report. ▶ Our testing of PPE additions confirmed the expenditure had been capitalised in accordance with relevant accounting standards. ▶ We reviewed the accounting adjustments processed and disclosed in the Movement in Reserves Statement.

Significant Financial Statement Risks	Audit procedures performed	Assurance gained
<p>Revenue and expenditure recognition Under ISA240 there is a presumed risk that revenue may be misstated due to improper recognition of revenue. In this public sector this requirement is modified by Practice Note 10, issued by the Financial Reporting Council, which states that auditors should also consider the risk that material misstatements may occur by manipulating expenditure recognition.</p>	<ul style="list-style-type: none"> ▶ We reviewed and tested revenue and expenditure recognition policies. ▶ We reviewed and discussed with management any accounting estimates on revenue and expenditure for evidence of bias. ▶ We developed a strategy to test material revenue and expenditure streams; and ▶ Reviewed and tested revenue and expenditure cut-off at the period end date. 	<ul style="list-style-type: none"> ▶ We did not identify any issues from our review of the accounting policies or evidence of management bias in accounting for estimates. ▶ Our substantive testing of income and expenditure has not identified any matters. ▶ No issues have been identified from our cut-off transaction testing.

Other Financial Statement Risks	Audit procedures performed	Assurance gained
<p>Valuation of Property, Plant and equipment The Council's land and buildings, including the housing stock, totalled £113m at 31 March 2016, representing 85% of the total asset base. The valuation of land and buildings is subject to a number of assumptions and judgements and even a small movement in these assumptions could have a material impact on the financial statements.</p>	<p>We tested the revaluation cycle, including the instructions to, and completeness of, information provided to the Council's external valuer.</p> <ul style="list-style-type: none"> ▶ We reviewed the classification of assets and assessed how the Council has determined that the correct valuation methodology has been applied by the expert. ▶ We considered the approach adopted by the external valuer and their findings. ▶ Considered the valuation implications of the planned move to the newly acquired depot. 	<p>We tested a sample of revaluations and concluded that the correct accounting treatment had been made to the financial statements.</p> <ul style="list-style-type: none"> ▶ We were satisfied that the valuer had received sufficient and relevant information to complete their work. ▶ We found that the valuation methodologies were appropriate for the class of asset valued. ▶ There were no issues arising from our review of the valuation to the new depot. ▶ We were satisfied that the revaluation gain of £13m was as a result of the change in the valuations of discount factor used for valuation of social housing increasing from 34% to 42%.
<p>Valuation of the Local Government pension scheme (LGPS) liability</p>	<ul style="list-style-type: none"> ▶ We reviewed the output of the report from the Administering Council's actuary. 	<p>We obtained assurance from the pension fund auditor that proper</p>

<p>Funding of the Council's participation in the LGPS) will continue to have an impact on both cash flows and balance sheet liabilities. The pension scheme liability is the most significant liability on the Council's balance sheet and is calculated through use of a number of actuarial assumptions. A small movement in these assumptions could have a material impact on the balance sheet.</p>	<ul style="list-style-type: none"> ▶ We reviewed the assumptions used by the actuary to determine whether they are in our expected range. ▶ We tested the journal entries for the pension transactions to check that they have been appropriately processed in the financial statements. 	<p>arrangements are in place to support and administer the pension fund.</p> <ul style="list-style-type: none"> ▶ We engaged an independent expert to review the assumptions and estimates used by the fund Actuary for reasonableness. ▶ We reviewed the pension fund disclosures in the financial statements to confirm consistency with the report of the fund actuary and that the accounting treatment met the requirements of IAS 19.
<p>Financial statements presentation</p> <p>Amendments have been made to the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17 (the code) this year changing the way the financial statements are presented. The new reporting requirements impact on CIES and the movement in Reserves Statement, an includes the introduction of the new EFA note as a result of 'Telling the story' review of the presentation of the local authority financial statements. The code no longer requires statements or notes to be prepared in accordance with the service code of practice (SeRCOP). Instead the code requires that the service analysis is based on the organisational structure under which the Council operates. We expect this to show the Council's segmental analysis. This change in the Code will require a new structure for the primary statements (CIES) and notes and a full retrospective restatement of impact primary statements. The restatement of the 2015/16 comparatives will requires audit review, which could potentially incur additional costs, depending on the</p>	<p>We reviewed the EFA, CIES and new notes to ensure that the disclosures are in line with the Code.</p> <ul style="list-style-type: none"> ▶ We reviewed the analysis of these figures are derived, how the ledger system has been remapped to reflect the Council's organisational structure and how overheads are apportioned across the service areas are reported. ▶ We agreed the restated comparative figures back to the Council's segmental analysis and supporting working papers. 	<ul style="list-style-type: none"> ▶ We found that there were some disclosures for the EFA which had not been completed. ▶ We have confirmed that the presentation of the CIES and EFA is consistent to the Council's organisation structure and the quarterly budget monitoring reports. ▶ Our review of the entries in the CIES and EFA were consistent to the Council's financial ledger and supporting working papers.

complexity and manner in which the changes are made.

The Council's Statement of Accounts is an important tool for the Council to show how it has used public money and how it can demonstrate its financial management and financial health.

Our application of materiality

When establishing our overall audit strategy, we determined a magnitude of uncorrected misstatements that we judged would be material for the financial statements as a whole.

Item	Thresholds applied
Planning materiality	<p>We determined planning materiality to be £0.920 million (2015/16: £0.880 million), which is 2% of operating expenditure which was reassessed and adjusted to £0.900k using the actual year-end figures in the draft financial statements.</p> <p>We consider operating expenditure to be one of the principal considerations for stakeholders in assessing the financial performance of the Council.</p>
Reporting threshold	<p>We reported to Audit-Sub Committee that we would report to the Committee all audit differences in excess of £0.46 million (2015/16: £0.44 million)</p>

We also identified the following areas where misstatement at a level lower than our overall materiality level might influence the reader. For these areas we developed an audit strategy specific to these areas. The areas identified and audit strategy applied include:

- Remuneration disclosures including any severance payments, exit packages and termination benefits. For these areas we have set a materiality level to the extent any error may change the relevant reported bandings.
- Related party transactions. For any errors identified we would concept of materiality of the transaction and balance as would be relevant to the related individual or organisation.
- Members allowances

- External audit fees

We evaluate any uncorrected misstatements against both the quantitative measures of materiality discussed above and in light of other relevant qualitative considerations.

A close-up, shallow depth-of-field photograph of a stack of coins. The coins are stacked vertically, with some showing their edges and others showing their faces. The lighting is warm, highlighting the metallic texture and the ridges on the edges. A bright yellow rectangular box is overlaid on the left side of the image, containing the text 'Value for Money'.

Value for Money

Value for Money

We are required to consider whether the Council has put in place 'proper arrangements' to secure economy, efficiency and effectiveness on its use of resources. This is known as our value for money conclusion.

Proper arrangements are defined by statutory guidance issued by the National Audit Office. They comprise your arrangements to:

- Take informed decisions;
- Deploy resources in a sustainable manner; and
- Work with partners and other third parties.



We identified two significant risks in relation to these arrangements. The table below present the findings of our work in response to the risks identified and any other significant weaknesses or issues to bring to your attention.

We have performed the procedures outlined in our audit plan and the table below confirms the results of our work. The issues identified evidence of weakness in proper arrangements for procuring services effectively to support the delivery of strategic priorities which resulted in the Council being issued with a qualified value for money conclusion in relation to working with partners.

Significant Risk	Our audit approach	Our findings
<p>Procurement and related issues in the Housing and Environmental Services Directorate</p> <p>This affects the Council's arrangements to working with partners and other third parties specifically in relation to contractual arrangements for procuring supplies and services effectively to support the delivery of strategic priorities.</p> <p>The Authority is currently investigating issues identified with respect to procurement related matters and other procedures within the Housing and Environmental Services Directorate.</p> <p>The Housing and Environmental Services department is a material part of the Council's business. Control weaknesses in procurement are considered material to our Value for Money conclusion.</p> <p>This issues being investigated create a significant risk to our value for money conclusion with respect to the Council's ability to take informed decisions.</p>	<p>We reviewed the outcomes of investigations undertaken by Internal Audit.</p> <ul style="list-style-type: none"> ▶ We reviewed the outcome of investigations undertaken by the Director of Finance. ▶ We reviewed the output of legal advice sought by the Authority in relation to the issues identified. ▶ We have understood the extent of any identified failings in internal control, and the extent speed to which the Authority has moved to correct these. 	<p>Our work has revealed that the Council has been operating without signed contracts in place in the Housing, Waste and Leisure services directorates. Furthermore, documentation to support procurement decisions undertaken by the Housing and Environmental Services departments is weak or non-existent, putting the Council at risk of legal challenge.</p> <p>In addition, the Council's contract register is incomplete and poorly managed, increasing the operational risk of contract compliance requirements not being met and expenditure being incurred outside of contractual arrangements.</p>

Securing Financial Resilience

The arrangements affected are deploying resources in a sustainable manner. In its latest medium term financial plan, the Council has identified it will experience budget deficits from 2018/19 to 2021/22 with the general fund depleting to just over the £1 Million (m) minimum level by 2021/22. Going forward the Council will need scrutinise its financial plans to achieve base budget savings of £0.850m ahead of 2018/19.

- ▶ We reviewed the MTFS including the adequacy of the major assumptions.
- ▶ We reviewed the Council's arrangements to develop robust savings plans to address the future financial challenges.

2016/17 has seen the Council further its established track record of delivering budget surpluses and prudently increasing its level of reserves. The revenue budget set by the Council in February 2016 forecast a surplus on the general fund of £1.198m. The final outturn for 2016/17 resulted in the Council in exceeding this target with a final outturn of £1.780m. However, in the latest update of the MTFS, from 2018/19 the Council Revenue budget shows a projected deficit of £0.852m which increases to £2.069m by 2021/22. This consequently requires the Council to rely on the use of reserves which will see the level fall from £7.141m to £1.110m across the same four year period. Whilst we are assured that the Council has effective arrangements in place for the 2016/17 financial year to ensure that resources are deployed in a sustainable manner, officers and members will need to focus in the coming year on the following;

- ▶ Review and challenge current service delivery models to reduce expenditure.
- ▶ Formulate savings and efficiency plans; and
- ▶ increase existing or identify new sources of income



Other Reporting Issues

Other Reporting Issues

Whole of Government Accounts

The Council is below the specified audit threshold of £350 million. Therefore, we did not perform any audit procedures on the consolidation pack.

Annual Governance Statement

We are required to consider the completeness of disclosures in the Council's annual governance statement, identify any inconsistencies with the other information of which we are aware from our work, and consider whether it is misleading.

We completed this work and identified a small number of areas where further disclosure was required to reflect the position at the Council. We can confirm Management has made the required changes.

Report in the Public Interest

We have a duty under the Local Audit and Accountability Act 2014 to consider whether, in the public interest, to report on any matter that comes to our attention in the course of the audit in order for it to be considered by the Council or brought to the attention of the public.

We did not identify any issues which required us to issue a report in the public interest.

Written Recommendations

We have a duty under the Local Audit and Accountability Act 2014 to designate any audit recommendation as one that requires the Council to consider it at a public meeting and to decide what action to take in response.

We did not identify any issues which required us to issue a written recommendation.

Objections Received

We did not receive any objections to the 2016/17 financial statements from member of the public.

Other Powers and Duties

We identified no issues during our audit that required us to use our additional powers under the Local Audit and Accountability Act 2014.

Independence

We communicated our assessment of independence in our Audit Results Report to the Audit-Sub Committee on 20 September 2017. In our professional judgement the firm is independent and the objectivity of the audit engagement partner and audit staff has not been compromised within the meaning regulatory and professional requirements.

Control Themes and Observations

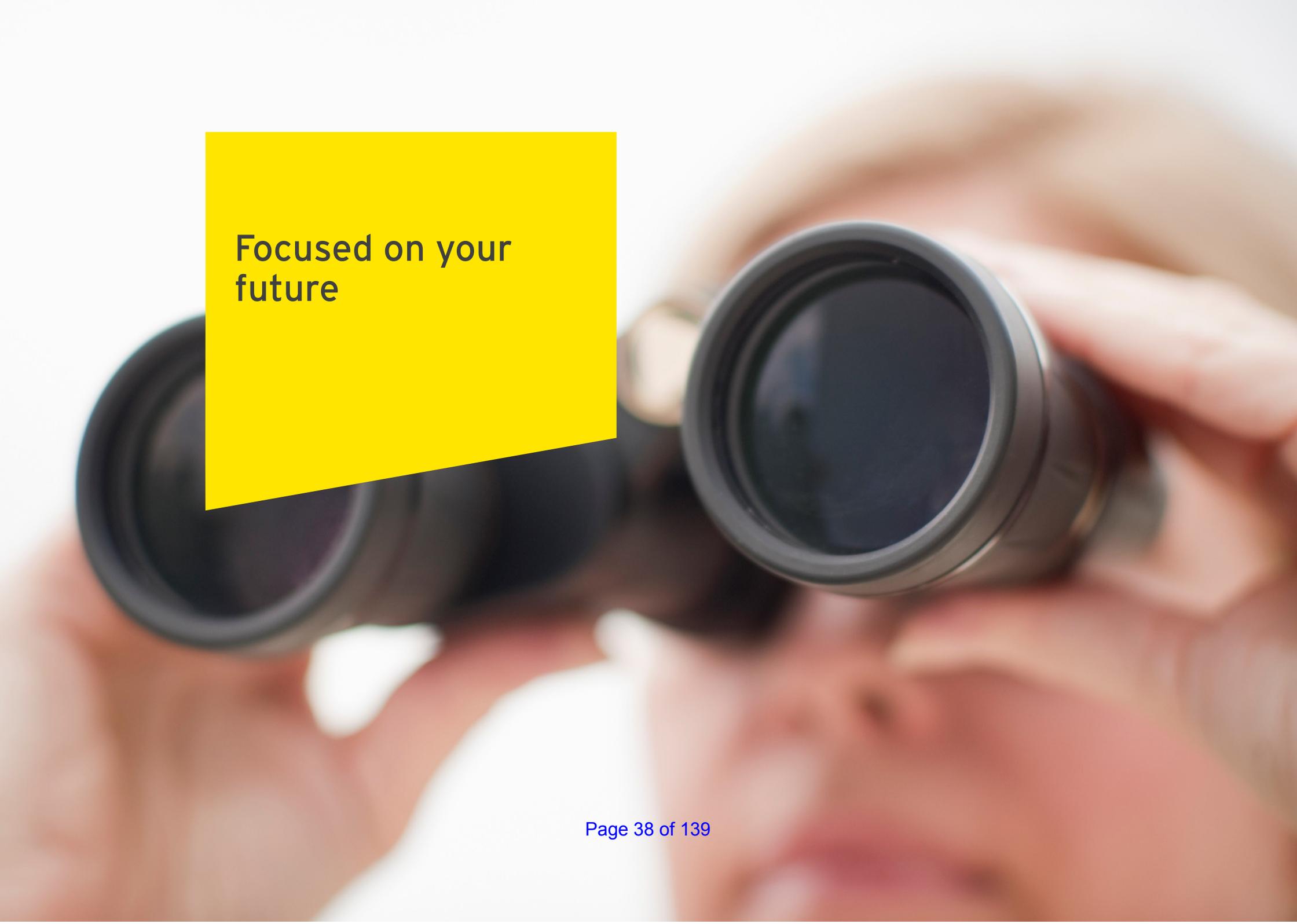
We have adopted a fully substantive approach and have therefore not tested the operation of controls. We have not identified any significant deficiencies in the design or operation of an internal control that might result in a material misstatement in the financial statements, we have identified the following control deficiencies in the table below.

Matter arising	Impact
<p>Related parties transactions and declaration of interest</p> <p>We reviewed the Council's arrangements to capture and evaluate declarations of interest for senior managers and elected members.</p> <p>We identified that three members had not complied with the Council's procedures</p>	<p>We undertook further checks for the three members and were satisfied that there were no undisclosed material related party transactions.</p>
<p>Payroll matter</p> <p>Payroll data analytics identified that deductions of national insurance for one employee were not being made on a monthly basis.</p>	<p>We confirmed with the Council that this matter arose from a payroll system error. The Council had also identified this matter and paid HMRC a lump sum payment on behalf of the employee. The Council had set-up a repayment arrangement to recover the outstanding amount through monthly deductions.</p> <p>We were satisfied with the Council's additional checks to conclude that this was an isolated error but noted that the repayment agreement had not been signed by the employee.</p>

Other audit matters

The Audit Results Report also communicated the following matters to the Audit-Sub Committee.

Matter arising	Impact
<p>Provisions - National non-domestic rates (NNDR) appeals We reviewed the methodology to assess and calculate the provision for NNDR appeals identified the following matters;</p> <ul style="list-style-type: none"> ▶ there were four appeals where there was more than one provision for the same case thereby double-counting and overstating the total liability on which the provision was calculated. Our recalculation resulted in the four cases being overstated by £46k, which is not material to the financial statements; and ▶ Where appeals had either been withdrawn or successful, the initial calculation had not been reflected where the provision was released or utilised. 	<p>We have reviewed the Council's recalculation of the provision and are satisfied that there is no material impact on the financial statements.</p> <p>Management has agreed to review its arrangements to calculate the provision for 2017/18.</p>
<p>Journals without descriptions We identified that there were 13 journals where the journal description field was blank.</p>	<p>We noted that there was a compensating control which requires the Finance Team to complete a journal log, which included all 13 journals together with an appropriate description. This provided assurance that there was sufficient detail to enable the journal to be authorised.</p> <p>In 2017/18 Management will review arrangements to ensure that all journals posted to the ledger contains a description.</p>
<p>Preparing for early close in 2017/18 and production of working papers The draft financial statements were published on the Council's website on 28 June 2017 which was before the statutory deadline of 30 June 2018, but three weeks later than planned.</p>	<p>As the deadline for production of the financial statements for 2017/18 comes forward one month to 31 May 2018, the Council will need to review its preparation arrangements to ensure that the new deadline is achieved.</p>

A close-up photograph of a person's hands holding binoculars to their eyes. The person's face is partially visible in the background, looking through the lenses. A bright yellow rectangular box is overlaid on the left side of the image, containing the text "Focused on your future".

Focused on your
future

Focused on your future

Area	Issue	Impact on the Council
<p>Accounting update</p>	<p>We reported in the Audit Results Report dated 20 September 2017 that there are new accounting standards changes in 2018/19 which will have an impact on Council as follows;</p> <ul style="list-style-type: none"> ➤ IFRS 9 Financial Instruments ➤ IFRS 15 Revenue from contracts with customers ➤ IFRS 16 Leases 	<p>For IFRS 9, this will require the Council to:</p> <ul style="list-style-type: none"> ▶ Reclassify existing financial instrument assets ▶ Re-measure and recalculate potential impairments of those assets; and ▶ Prepare additional disclosure notes for material items <p>IFRS 15 will require all material income sources from customers the Council will have to:</p> <ul style="list-style-type: none"> ▶ Disaggregate revenue into appropriate categories ▶ Identify relevant performance obligations and allocate income to each ▶ Summarise significant judgements <p>IFRS 16, will require the Council to ensure that all lease arrangements are fully documented in order to undertake a detailed exercise to classify all of its leases.</p> <p>At this stage the Council has yet to commence work in these areas due to the timing of implementation but will monitor further communications to clarify the necessary requirements.</p>
<p>Earlier deadline for production and audit of the financial statements from 2017/18</p>	<p>The Accounts and Audit Regulations 2015 introduced a significant change in statutory deadlines from the 2017/18 financial year. From that year the timetable for the preparation and approval of accounts will be brought forward with draft accounts needing to be prepared by 31 May and the publication of the audited accounts by 31 July.</p>	<p>These changes provide challenges for both the preparers and the auditors of the financial statements.</p> <p>To prepare for this change the Council has reviewed and amended the closedown process and achieved draft accounts production by 28 June for 2016/17.</p> <p>Locally we have:</p> <ul style="list-style-type: none"> ▶ Had regular discussions through the year on

Area	Issue	Impact on the Council
		<p>the Council's proposals to bring forward the closedown timetable</p> <ul style="list-style-type: none">▶ we plan to meet the finance team to discuss areas for early testing at the interim audit.▶ To further support the faster closedown, we recommend that the Council consider bringing forward the commissioning and production of key externally provided information such as IAS 19 pension information, and land and buildings valuations.

Appendix A

Audit Fees

Appendix A Audit Fees

The table below sets out the scale fee and our final proposed audit fees for 2016/17..

Description	Final Fee 2016/17 £	Planned Fee 2016/17 £	Scale Fee 2016/17 £	Final Fee 2015/16 £
Total Audit Fee - Code work	57,264 *	49,275	49,275	49,275
Total Audit Fee - Certification of claims and returns (Housing Benefits)	TBD	13,590	13,590	16,313
Non-audit work - Pooling of Housing Capital Receipts	TBD	TBD	N/A	2,500

* The variation to the planned fee is as a result of the additional procedures undertaken to address the significant risk identified for the value for money conclusion. The variation is subject to PSAA approval.

EY | Assurance | Tax | Transactions | Advisory

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ED None

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REPORT TO:	COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	2nd NOVEMBER 2017	CATEGORY:
REPORT FROM:	STUART BATCHELOR DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	KAREN BEAVIN karen.beavin@south-derbys.gov.uk	DOC:
SUBJECT:	ADOPTION OF SOUTH DERBYSHIRE LOCAL PLAN PART 2	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: PL01

1.0 Recommendations

- 1.1 To adopt the Local Plan Part 2, 2011 – 2028 incorporating all the main modifications set out by the Inspector and the additional modifications proposed by the Council, including any consequential and other appropriate alterations for the purposes of clarification or typographical corrections.

2.0 Purpose of Report

- 2.1 The report is brought to Members to inform the Council of the Inspector's final report into the Local Plan Part 2, 2011 – 2028 (Appendix A-D) that recommends adoption of the Plan subject to modifications. If adopted the Plan, in conjunction with the already adopted Local Plan Part 1, would replace the 1998 South Derbyshire Local Plan entirely.

3.0 Detail

- 3.1 The Local Plan Part 1 sets out strategic housing allocations and employment allocations for South Derbyshire, alongside key Development Management policies for the period up to 2028. The Local Plan Part 2 completes the 'handover' from the 1998 Local Plan and includes 14 non-strategic housing allocations (that is, allocations of fewer than 100 dwellings) together with a suite of development management policies.
- 3.2 The Local Plan Part 2 was submitted for examination in January 2017. Hearings subsequently took place 25-27 April 2017. Following the close of the hearing, the main modifications were prepared and then consulted on for six weeks until 18 August 2017. Following this consultation, the responses made were submitted to the Inspector.
- 3.3 The Inspector has considered all of the modifications and consultation responses and issued his report (Appendix E). In two cases the Inspector has recommended a one-worded change to the detailed [Word List of the](#) are with modifications MM37 and

MM51, regarding policies BNE5: Development in Rural Areas and INF12: Provision of Secondary Education Facilities, respectively.

- 3.4 There are 53 main modifications that all need to be applied to the Plan in order for it to be both sound and legally compliant. These are set out at Appendix F. The additional modifications are set out at Appendix G, with any further changes such as the contents page being updated or additional typographical corrections included. The Policies Maps, which illustrate both the Part 1 and Part 2 policies, are at Appendix H and I.
- 3.5 Published alongside the Local Plan Part 2 is the Implementation and Monitoring Table (Appendix J), with any modifications taken into account. The Sustainability Appraisal documents are also included at Appendices K to P.
- 3.6 Subject to the Council agreeing to adopt the Local Plan Part 2, it will be necessary to: prepare an adoption statement; send a copy of the adoption statement to those who have asked to be notified of the adoption of the Plan and; to make available the adopted Local Plan Part 2, the Inspector's Report, the adoption statement, the sustainability appraisal report and its adoption statement and publicise details of where and when the documents are available for inspection.
- 3.7 Following adoption, there is a six week period for a High Court challenge to the adoption of the Plan. These six weeks start at the point of adoption. Any person aggrieved by the Local Plan Part 2 may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004, on the grounds that the document is not within the appropriate power and/or procedural requirements have not been complied with.

4.0 Financial Implications

- 4.1 The only possible foreseeable financial implication would come from any necessary costs incurred in the event that a high court challenge ensued.

5.0 Corporate Implications

- 5.1 The adoption of the South Derbyshire Local Plan is a key action within the Place theme of the Corporate Plan.
- 5.2 Legal implications – The Local Plan has been prepared in accordance with the relevant planning acts and the Town and Country Planning (Local Development) (England) Regulations 2012.
- 5.3 As stated above, following adoption, there is a six week period for a High Court challenge to the adoption of the Plan. Any person aggrieved by the Local Plan Part 2 may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004, on the grounds that the document is not within the appropriate power and/or procedural requirements have not been complied with.
- 5.4 The Local Plan has been prepared with extensive consultations. Following adoption, the Plan will be made available along with the updated Sustainability Appraisal and the associated adoption statements.

6.0 **Community Implications**

6.1 Adoption of the Local Plan Part 2 provides complete replacement of the 1998 Local Plan and will ensure that development across the District is achieved in a sustainable way, providing necessary infrastructure and community facilities for existing and new residents.

7.0 **Background Papers**

7.1 The appendices listed below are available to view at www.south-derbys.gov.uk/localplanpart2

Appendices

Appendix A – Local Plan Part 2 Part A

Appendix B – Local Plan Part 2 Part B

Appendix C – Local Plan Part 2 Part C

Appendix D – Local Plan Part 2 Part D

Appendix E – Inspector’s Report

Appendix F – Main Modifications

Appendix G – Additional Modifications

Appendix H – Policies Maps Part 1

Appendix I – Policies Maps Part 2

Appendix J – Implementation and Monitoring Table

Appendix K – Sustainability Appraisal Non-Technical Summary

Appendix L – Sustainability Appraisal Main Report

Appendix M - Sustainability Appraisal Technical Appendices Part 1

Appendix N - Sustainability Appraisal Technical Appendices Part 2

Appendix O - Sustainability Appraisal Technical Appendices Part 3

Appendix P - Sustainability Appraisal Technical Appendices Part 4

REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	2 NOVEMBER 2017	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	FRANK MCARDLE 01283 595700 frank.mcardle@south-derbys.gov.uk	DOC:
SUBJECT:	DYING TO WORK CHARTER	REF: FM/DC
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM05

1.0 Recommendations

1.1 That the Council supports the TUC's Dying to Work Campaign and formally signs up to the Charter.

2.0 Purpose of Report

2.1 To recommend that the Council continues to support and help terminally ill employees by agreeing to sign up to a voluntary charter that has been launched by the Trades Unions as part of the campaign called 'Dying to Work'.

3.0 Detail

3.1 The TUC have launched a national campaign to encourage organisations to commit to supporting and helping terminally ill workers by agreeing to sign up to a voluntary charter. The campaign is called 'Dying to Work.'

3.2 The campaign enables organisations to 'sign up' to support workers who are diagnosed with terminal illnesses and is part of a wider TUC campaign which is seeking to change the law to secure terminally ill workers a 'protected period' where they cannot be dismissed as a result of their condition.

3.3 A terminal illness is a disease that cannot be cured or adequately treated and there is a reasonable expectation that the patient will die within a relatively short period of time. Usually, but not always, they are progressive diseases such as cancer or advanced heart disease.

3.4 UK Social Security legislation defines a terminal illness as: "a progressive disease where death as a consequence of that disease can reasonably be

expected within 6 months”, however many patients can have a terminal illness and survive much longer than 6 months.

3.5 Current employment legislation, contained within the Equality Act 2010, protects people from discrimination in the workplace and specifies nine characteristics that are protected. Currently it is unlawful to discriminate against people on the grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

3.6 The Dying to Work charter includes the following commitments from employers:

- We recognize that terminal illness requires support and understanding and not additional and avoidable stress and worry.
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognize that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.
- We support the TUC’s Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

3.7 The Council has a long history of supporting employees diagnosed with terminal illness. Recently the Chief Executive used the discretion enabled under the sick pay scheme to continue payments to 2 employees that had been diagnosed with a terminal illness. This approach and the support provided by different Officers to these 2 employees was formally recognized by the Trade Unions at a recent meeting of the Joint Negotiating Group. The Trade Unions asked that the following be entered in to the minutes;

‘the members of management and HR undertook their duties within the (Attendance Management) policy, however the way they carried them out was professional, and in a sympathetic manner showing empathy to the member throughout these meetings. The compassion shown during the meetings was exemplary and they were conducted with sensitivity, care, understanding, and tenderness’.

3.8 Once an employee has been given a terminal diagnosis Human Resources, Occupational Health and management work with the employee to see what support can be provided. This could include implementing reasonable adjustments to support the employee to remain at work for as long as possible, flexibility in working arrangements and discussing with the employee whether they want to seek ill health retirement or if they wish to remain in employment

- 3.9 It is proposed that in order to formalise the Council's position on managing employees with a terminal illness, the Council agrees to support the campaign by signing the Dying to Work Charter.

4.0 Employment implications

- 4.1 The Equality Act 2010 sets out the characteristics that are protected by law. These are currently age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The Equality Act does not currently recognise terminal illness itself as a protected characteristic. However, the definition of disability within the act is: a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer. In these circumstances, other terminal illnesses may be argued as a disability depending on circumstances.
- 4.2 As noted in the Report, the Council has been proactive and supportive when informed that an employee has a terminal illness. Signing up to the Charter will continue this approach as well as making it clear to the workforce and their families that support, help and advice will be given should an employee be placed in to this most difficult position.
- 4.3 The Trade Unions have been consulted over this matter at recent meeting of the Joint Negotiating Group and are supportive of the Council signing up to the Charter.

5.0 Financial Implications

- 5.1 There are no direct financial implications from signing up to the Dying to Work Charter.

6.0 Corporate Implications

- 6.1 Through adopting the Dying to Work Charter the Council is taking active steps as an employer to help ensure that terminally ill employees receive appropriate employment protection. Supporting the TUC Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and their death in service benefits protected will benefit employees.

7.0 Community Implications

- 7.1 As a major employer in the District, the Council has a responsibility to adopt employment practices that are fair, supportive and sets standards for other to follow. Research from the TUC has shown that whilst many employers proactively support employees with a terminal illness that others may be less unsympathetic or put up barriers to prevent the employee remaining at work.

This Campaign is about enabling a change in the employment legislation to afford protection to employees with a terminal illness.

8.0 Background Papers

- 8.1 Additional information on the Campaign and a list of organizations that have signed up to the Charter can be found at www.dyingtowork.co.uk

REPORT TO:	COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	2 NOVEMBER 2017	CATEGORY: DELEGATED/
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING	EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	TONY SYLVESTER Ext: 5743	DOC:
SUBJECT:	INFINITY GARDEN VILLAGE – LIAISON GROUP & EXPENDITURE OF GRANT FUNDING	REF:
WARD(S) AFFECTED:	ASTON AND STENSON	TERMS OF REFERENCE: EDS03

1.0 Recommendations

- 1.1 Members note the comments of the Infinity Garden Village Liaison Group (IGVLG) and authorise the expenditure of the first tranche of grant funding as detailed in the report.
- 1.2 Subject to further reporting to the IGVLG at its future meetings, Members grant delegated authority to the Chairman of Environmental and Development Services Committee and Chief Executive to agree the final round of expenditure of the remaining sum (c.£49k).

3.0 Purpose of Report

- 3.1 The Council's Environmental and Development Services Committee (E&DS) agreed at its meeting of 28 September that any expenditure of the grant be the subject of consultation with the soon to then be inaugurated IGVLG. This report updates members of the outcome of the first meeting of the IGVLG and seeks authorisation for expenditure of remaining funds. Much of the detail below is repeated from the E&DS report as necessary background to the receipt of the grant.

4.0 Detail

- 4.1 Last year the Department for Communities and Local Government sought expressions of interest for the Locally-Led Garden Villages, Towns and Cities initiative in order to encourage and support smaller scale (below 10,000 dwellings) developments to come forward with an on-going process as well as delivering developments of over 10,000. An expression of interest (EOI) was submitted on behalf of both South Derbyshire and Derby City on 31st July 2016 for 'Infinity Garden Village' following several discussions with the Homes and Community Agency (HCA), the lead agency on this Government scheme who initially suggested an expression should be submitted. The site size was over 180 hectares with 2,000 homes proposed and a potential further 1,000 possible with 4.7million square feet of employment space as an extension to Infinity Park in Derby and a further 30 hectares

of employment land in South Derbyshire. An announcement was made on the 2 January as to which expressions had been shortlisted and would be offered support to develop the Garden Village project. Across the country there are 14 new garden villages to receive support and have access to a £6 million fund over two financial years. As a successful 'bidder', to date the Council has received £214,285 for use by this Council and the City to assist in the delivery of the project. None of these funds have so far been expended by the Council or the City.

- 4.2 With a development of this size, there are significant infrastructure requirements. The largest of these is the introduction of the South Derby Integrated Transport Link (SDITL) that will connect the Wragley Way housing site to Infinity Park and the recently opened new road, Infinity Park Way. The SDITL is a requirement of the Wragley Way Housing Policy H15 as mitigation for the site's transport impact. Also being considered is the introduction of an A50 junction that would directly link to the SDITL. Policy H15 also states that development of the housing site "should not prejudice the construction of a potential junction connecting to the A50, which may potentially be needed following the completion of the SDITL". A further phase of the SDITL is proposed that would link the Wragley Way housing site to Rykneld Road (to the west of the site) although this is not proposed as part of the garden village nor is it a requirement of any allocation within the Local Plan Part 1; it is a future consideration only. More recently, the Local Plan Part 2 (LPP2) has been through its examination in public where Policy INF13 – *Southern Derby Area and Infinity Garden Village* was debated and recommendations for its modification were recommended by the Inspector in order to make the Plan sound. Members will recall this among other modification coming before them at Council at the end of June this year. Following a period of consultation, the Proposed Modifications to the Plan will be reported to Council later in the year with the advice of the Inspector.
- 4.3 The main elements of the village (see above) were approved by Council prior to the adoption of the Local Plan Part 1 in June last year following the usual process of public consultation and approvals at the various stages.
- 4.4 The Local Plan Part 2 version for initial submission to the Secretary of State was approved by the Council's E&DS Committee on 5 January 2017 following the Regulation 19 public consultation. The Committee resolution included the approval of modification MM3 which introduced a new policy [INF13]:
- '... The policy relates to the Southern Derby Area that includes the Part 1 allocation of Wragley Way, the extension to the existing Infinity Park in Derby City and requires the delivery of the South Derby Integrated Transport Link. Progress has been made on this wider area with all the relevant parties including Highways England having met on several occasions; highways consultants have been appointed by the developers to develop the required transport information. This area was also the subject of a Garden Village bid for additional funding, the result of which is awaited.'*
- 4.5 The decision of the E&DS Committee was similarly agreed at Council on 19 January 2017 authorising the Director of Community and Planning Services and the Planning Policy Manager to prepare and submit reports, statements, and proofs of evidence, and to make further changes during the hearings in pursuit of the Council's agreed position following submission.
- 4.6 At its meeting of 2 March 2017, the E&DS Committee accepted support and funding from the Homes and Communities Agency regarding the Garden Village as requested. The report presented to the meeting explained to members the process undertaken for the submission of the EOI and to more fully explain the area submitted and the status of such and the funding available.

- 4.7 At the E&DS meeting of 17 August it was resolved that a further report would bring forward suggested areas for expenditure of the grant funding so far secured.
- 4.8 Further discussions have with the City Council have culminated in a set of funding areas considered critical to the advancement of the project:
- a. Traffic modelling of the potential new junction to include the main housing allocation at Wragley Way, the main employment allocation and all necessary highway connections to the existing and proposed network (to include sensitivity testing for other elements): c.£75,000;
 - b. The appointment of a Partnership/Project Manager for 12 months to manage the delivery of the project taking instruction from the three Councils: c.£60,000;
 - c. The appointment of an assistant to the Project Manager for 12 months: c.£30,000.

Although these costs are estimates, this would leave about £49,000 unallocated at this time. It would seem prudent to leave this sum in reserve to be allocated at a later date subject to progress of the project and to facilitate other tasks as they become evident. A further report to members would therefore follow at the appropriate time.

- 4.9 At the subsequent September meeting of the E&DS Committee, it was agreed that the destination of the funding would be consulted upon with the IGVLG and their comments reported back to Council. As such, the first meeting of the IGVLG took place on 11 October attended by the following:
- Aston Ward Member
 - Stenson Ward Member
 - Stenson Fields Parish Council member
 - Barrow on Trent Parish Council member
 - SDDC Officer
 - Derby City Council Officer
 - Chellaston Ward Member (apologies)
 - Sinfon Ward Member
 - Developer representative
 - Local resident representatives
 - Local business representative (apologies)
- 4.10 At the meeting, among other issues discussed, the following comments were made in regard to the proposed expenditure plan:
- A query was raised as to the initial sum first stated in the Council's press release as £400k and that the sum received was only c.£214k;
 - It was clarified that the remainder of the sum was being 'claimed' by the City Council;
 - The spending proposal was largely for bureaucracy but it was stated that this was inevitable given that the fund is designated to assist with the delivery of the project which at least in part a bureaucratic process;
 - It was generally agreed that the employment of specialist and dedicated project personnel was a good idea to assist both Council's which may otherwise have resourcing issues;
 - It was stated that the traffic modelling was also necessary given the issues raised at the meeting and the local doubt that surrounds the scheme with regard to its future impact on the

local road network (especially given the impact of previous developments in the area);

- It was reiterated that the funding was not like contributions received from developers as a result of S106 funding but rather a fund designed to help the parties to the project deliver the scheme.

5.0 Financial Implications

5.1 The expenditure plan is as set out at 4.8 above. The Council's staff time on the project would be given to the project and absorbed into usual officer time.

6.0 Corporate Implications

6.1 The successful deployment of funds should assist in the delivery of sustainable housing and employment development as required by the Local Plan.

7.0 Community Implications

7.1 The liaison group will be kept up to date on progress of the project with the opportunity for feedback to the authorities involved.

7.2 The main elements of the Garden Village that have been allocated within the Local Plan Part 1 are supported by the Inspector in Part 2 and have been consulted on several times and have also been considered through a public examination process.

8.0 Background Papers

8.1 Adopted Local Plan Part 1 – can be viewed at:
http://www.southderbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part1/default.asp

Relevant section of Local Plan Part 2 (with proposed modifications) can be viewed at:
http://www.south-derbys.gov.uk/Images/Tracked%20changed%20Local%20Plan%20Part%202%20-%20Part%204_tcm21-293812.pdf

REPORT TO:	COUNCIL	AGENDA ITEM: 12
DATE OF MEETING:	2 NOVEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	STUART BATCHELOR DIRECTOR OF COMMUNITY AND PLANNING	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	KEVIN EXLEY kevin.exley@south-derbys.gov.uk	DOC:
SUBJECT:	PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES: CONSULTATION PROPOSALS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: PL01

1.0 Recommendations

1.1 That Members endorse the response to the current consultation by the Department of Communities and Local Government (DCLG) on 'Planning for the Right Homes in the Right Places' set out in this report. The means of response is to answer a set of 30 questions represented in the discussion in Section 4 below.

2.0 Purpose of Report

2.1 To make Members aware of the scope of the current consultation 'Planning for the right homes in the right places'. This consultation sets out the Government's proposals to reform the planning system to increase the supply of new homes and increase local authority capacity to manage growth.

3.0 Executive Summary

3.1 The Government is currently consulting on proposals to reform the planning system through its consultation document 'Planning for the right homes in the right places'. The consultation follows on from the Housing White Paper published earlier this year 'Fixing our Broken Housing Market'.

3.2 The consultation covers a range of issues, including a standard method for calculating local authorities' housing need; the drawbacks with the current system are highlighted and views are being sought on a different approach.

3.3 The consultation paper sets out a plan for more effective joint working, where planning issues go beyond individual authority boundaries, through a statement of common ground. The statement of common ground would set out how authorities intended to work together to meet housing needs.

3.4 Another issue covered by the consultation document is how neighbourhood planning groups can have greater certainty on the level of housing need that must be planned for. Here the consultation paper is seeking views on whether national policy should

expect local authorities to set out, within their plans, a housing figure for designated neighbourhood planning areas and parished areas within their local area.

- 3.5 How viability assessments could be improved to make them simpler, quicker and more transparent, is being consulted upon, including whether changes to planning guidance could be made to improve the way that plans are tested for viability to ensure they are deliverable.
- 3.6 Following on from the Housing White Paper earlier this year, the consultation discusses an increase in planning application fees for those areas where local authorities are delivering the homes their communities need. The Government is seeking views on the most appropriate criteria to enable this fee increase to be applied.
- 3.7 The proposed response to the consultation document is set out in the Appendix 'Consultation Response Proforma'.

4.0 Detail

4.1 The Government has previously published the Housing White Paper 'Fixing our Broken Housing Market' which Members considered earlier in the year. The Government has now published 'Planning for the right homes in the right places: consultation proposals' which deals with a range of issues including:

- a standard method for calculating local authorities' housing need
- how neighbourhood planning groups can have greater certainty on the level of housing need to plan for
- a statement of common ground to improve how local authorities work together to meet housing and other needs across boundaries
- making the use of viability assessments simpler, quicker and more transparent
- increased planning application fees in those areas where local planning authorities are delivering the homes their communities need

Proposed approach to calculating the local housing need

- 4.2 The consultation highlights that the current system of calculating housing need lacks transparency and 'relies on assessments commissioned by individual authorities according to their own requirements, carried out by expensive consultants using their own methodologies'. It is proposing to introduce a three stage process which the Government considers is simple, based on publically available data and realistic.
- 4.3 The approach proposed would firstly identify the need for homes based from projections of household growth for every local authority area (these are published by the ONS every two years) and would then adjust the number having regard to affordability of homes (based on a data set published by ONS annually). DCLG have published a formula to allow the affordability adjustment to be made but in effect in areas where affordability is stretched the adjustment would require a higher number of homes than indicated by the baseline, as it is assumed that greater housing provision will reduce prices.
- 4.4 In some locations the number of homes required would increase significantly. A cap is therefore proposed to limit the number of homes which will be required when Authorities review their plan. However it is unlikely that such a cap would bite in

South Derbyshire based on available information published alongside the consultation report.

- 4.5 An indication of future housing need in South Derbyshire and within the wider Housing Market Area (HMA) as set out in the Consultation is set out below:

	Current Objectively assessed need 2011-28	OAN based on DCLG methodology 2016-26	Change
South Derbyshire	576	589	+13
Amber Valley	435	404	-31
Derby City	964	890	-74
Total (per annum)	1975	1883	-92

- 4.6 Overall based on DCLG calculations the Objectively Assessed Need for South Derbyshire would increase by 13 homes per annum. It would however fall across the remaining HMA Authorities and across the HMA a reduction of 92 homes per annum is identified for the period 2016-26. Given that it would be likely that Derby City would remain capacity constrained any reduction in numbers at an HMA level could potentially reduce South Derbyshire's housing requirement which is comprised of our own need (which has increased slightly) and unmet need in the City (which has fallen more notably).
- 4.7 The consultation paper also suggests that local authorities producing joint plans (for example across a housing market area) should be allowed to calculate their 5 year supply calculation across an area as a whole. It also consults on freezing housing requirements for a period of two years at the point of submission.

Comment

- 4.8 The notes published alongside the housing projections state that the 'figures *are not an assessment of housing need* or do not take account of future policies. They are an indication of the likely increase in households given the continuation of recent demographic trends'. Whilst current data published by DCLG based on 2014 projections suggest housing requirements for the District remain in line with recently planned-for levels, it is unclear whether recent high levels of delivery in South Derbyshire (including that planned for to meet Derby City's need in the current plan period) will affect future household projections for the District. There has been a recent step change in delivery in South Derbyshire, partly to meet the housing need of other Authorities. It is unclear whether this could lead to notably higher projections in subsequent data releases, as recent and near term predicted growth (under the auspices of the adopted Plan) feed through. Clearly, for Authorities which already meet unmet need from elsewhere, housing need projections should be based on genuinely local need, not a carrying forward of recent demographic trends which includes higher delivery to meet needs that arise beyond their areas.
- 4.9 In respect of assessing the 5 year land supply position, measuring housing delivery at housing market area could mask those authorities failing to adequately deliver new housing. In the interests of localism it is preferable to record delivery at a District or Borough level, in order that those districts failing to deliver sufficient homes can be identified and delivery appropriately addressed.
- 4.10 Whilst the benefits of fixing a housing requirement for a two year period during the closing stages of plan preparation are clear, there is a lack of clarity over what happens after this two year period. Clearly a Plan could be adopted during this

'fixed' period, but even before adoption the proposed methodology could highlight a need for new homes at a level above that planned for. In such an instance it is unclear how decision making, for example in respect of Section 78 appeals will be affected.

- 4.11 It is also noted that the consultation suggests that a centrally prescribed methodology to calculate housing need locally will reduce the time it takes to put plans in place, give communities greater control of where much-needed homes should be built, and also save local taxpayers money (the paper indicates that SHMAs cost tax payers around £3million pound per year nationwide). However calculating overall housing need is only a limited part of undertaking a SHMA and detailed analysis of locally derived housing need in respect of affordable or other housing types such as homes for older people will still be required (see later). It is unclear whether the cost and time savings suggested in this document in respect of the need to prepare a SHMA are realistic, particularly some assessment of the different strands of housing need will still be required and it is unclear what any future assessment will look like.

Statement of common ground

- 4.12 Evidence from recent local plan examinations suggests that failing the duty to co-operate is one of the most regular reasons why plans are not found sound by the Planning Inspectorate. Accordingly the consultation paper sets out a plan for more effective joint working, where planning issues go beyond individual authorities, through a statement of common ground, setting out how they intend to work together to meet housing needs that cut across authority boundaries.
- 4.13 The Consultation identifies the Duty to Co-operate as having a number of flaws. These are:
- a lack of transparency or sufficient certainty in the early stages of the plan-making process about how effectively local planning authorities are working together to reach agreement on strategic cross-boundary matters;
 - that co-operation is only tested towards the end of the plan-making process at examination, at which point it is too late to remedy any failures,
 - that local planning authorities are not legally required to reach agreement on issues. This allows them to avoid taking difficult decisions, which can leave housing need unmet, or can push unfair and unrealistic burdens for delivering housing need on neighbouring authorities.
- 4.14 The statement of common ground is not intended to replicate any stage of the plan-making process, nor should it be an additional burden on local planning authorities. Instead the statement should be both a road-map and a record for cross-boundary co-operation on strategic planning matters which, when completed effectively, will be an important, clear and concise record of how local authorities work together to resolve common strategic issues.
- 4.15 The consultation proposes that all local planning authorities should have a statement of common ground in place within twelve months following the publication of the revised National Planning Policy Framework. However, in order to ensure greater certainty at an early stage of the process, we expect local planning authorities to have an outline statement in place within six months following publication of the revised Framework. The contents of the statement of common ground is set out in appendix 1 of this report and will apply to all local planning authorities regardless of where they are in the plan-making cycle.

- 4.16 Co-operation will continue to be tested by virtue of the statutory Duty to Co-operate, when a plan is submitted for examination. The statement of common ground should provide the primary evidence of compliance with the Duty to Co-operate.

Comment

- 4.17 Whilst it is acknowledged that Duty to Co-operate issues have frustrated plan delivery in many locations, the benefit of undertaking this exercise if authorities are mid cycle and are not currently preparing a strategic Plan (i.e. are working on non-strategic parts of the their Plans) is unclear. Requiring authorities to undertake this work will not effect change and would seem like an unnecessary burden. However, set against this, producing such a statement for the Derby HMA authorities could be a relatively straight forward process largely documenting joint working previously undertaken and ongoing cooperation between the Authorities.

Planning for a mix of housing needs

- 4.18 It is important that local planning authorities do not just plan for the right number of homes, but also the different size, type, tenure and range of housing that is required in their area. The identification of such need is often carried out as part of the strategic housing market assessment (SHMA). Types of housing Authorities could be required to consider could include:

- older and disabled people;
- families with children;
- affordable housing;
- self-build and custom-build development;
- student accommodation;
- travellers who have ceased to travel; and
- private rented sector and build to rent housing.

- 4.19 The consultation proposers that plan makers should disaggregate this total need into the overall need of each type of housing as part of the plan-making process, before taking into account any constraints or other issues which may prevent them from meeting their overall housing need. This means that, as the plan develops plan makers will be expected to make evidence-based planning judgements on the different types of housing that is required within each area to ensure that the plan is effective and positively prepared.

Comment

- 4.20 It is unclear what additional evidence will need to be compiled by the Council in respect of planning for a mix of housing need. Clearly such evidence would replace that set out in any current SHMA and could place a notable burden on local planning Authorities both in terms of workload or lack of expertise. It is also unclear how robust future evidence collected to inform the Plan would be.

Neighbourhood planning

- 4.21 The consultation paper is seeking views on whether national policy should expect local planning authorities to set out, within their plans, a housing figure for designated neighbourhood planning areas and parished areas within their local area.
- 4.22 Where the local plan is out-of-date and cannot be relied on as a basis for allocating housing figures, the government are proposing to set out in guidance a simple formula-based approach which apportions the overall housing need figure for the

relevant local authority area/s, based on the latest figures calculated under the new standard approach (once, and assuming, it is introduced), to the neighbourhood planning area. The proposed formula is simply to take the population of the neighbourhood planning area and calculate what percentage it is of the overall population in the local planning authority area. The housing need figure in the neighbourhood planning area would then be that percentage of the local planning authority's housing need.

Comment

- 4.23 Given that this Authority's Local Plan is relatively up to date it is unlikely that any proposed approach in respect of housing provision in neighbourhood plans would affect local communities bringing forward neighborhood development plans in the short term. However in the longer term such a policy approach could be wholly inappropriate for an Authority such as South Derbyshire for two key reasons:
- Much of South Derbyshire's growth is adjacent to large urban areas immediately outside of the District. Clearly the proposed approach will not reflect the proximity of such areas but apportionment would instead be towards the largest settlements in the District, many of which are actually very small and growth of the quantum required to meet local housing need could harm the character and communities of South Derbyshire.
 - Some larger settlements such as Melbourne, Repton and Shardlow (which are comprised of 1-2000 homes) are heavily constrained for example by heritage assets or flood risk. Apportioning growth to such area on no other basis than the existing proportion of the population living in those areas is likely to lead to unacceptable levels of growth and unsustainable development.

Proposed approach to viability assessment

- 4.24 The consultation states local planning authorities should set out the types and thresholds for affordable housing contributions required; the infrastructure needed to deliver the plan; and expectations for how these will be funded and the contributions developers will be expected to make. The consultation is seeking views on whether changes to planning guidance could be made to improve the way that plans are tested for viability to ensure they are deliverable.
- 4.25 The guidance further proposes to make clear in the National Planning Policy Framework that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage. Applications that meet requirements set out in the plan should be assumed to be viable.

Comment

- 4.26 There is frequently a significant period of time between a site being committed through a Plan and being delivered through the development management process. Viability can often change in this period as can the infrastructure needs of an area (for example a school which is currently full may have capacity to accommodate growth in 5 years' time).
- 4.27 It is sensible for Councils and developers to assess viability at a point in time closest to site delivery. Moreover far more detail about the nature of effects associated with a scheme (and the measures needed to address such effects) are likely to be known at the application stage. Seeking certainty over the capacity of sites to deliver infrastructure through the Plan making process is unlikely to remove the need to consider viability again later in the process. However seeking to reduce

uncertainty at the plan making stage could place a greater burden of evidence gathering (on all parties) and could potentially halt the allocation of sites subject to high levels of uncertainty regarding viability where there is a desire to expedite plan delivery.

Planning fees

4.28 Paragraph 2.15 of the housing White Paper set out the Government's intention to increase nationally set planning fees by 20 per cent for those local planning authorities who commit to invest the additional fee income in improving the productivity of their planning departments. We subsequently invited authorities to make this commitment.

4.29 The housing White Paper suggested that an increase of a further 20 per cent on the current fee level could be applied to those authorities who are delivering the homes their communities need. The Government is seeking views on the most appropriate criteria to enable this fee increase to be applied.

Comment

4.30 An allowance to further increase fees by 20% (in addition to an earlier 20% increase) could allow greater investment into planning services. However it remains far from clear what criteria would need to be met to deliver this. This Authority already has an adopted NPPF compliant plan in place and based on the most recent evidence is meeting its local housing need as well as a proportion of a neighbouring Authority's. However committing a significant number of sites to meet future housing need would place a significant burden on development management and the monitoring of infrastructure delivery. Those Authorities that have been effective at securing the growth needed in their local communities should be able to levy a fee without waiting for all other Authorities to catch up.

5.0 Financial Implications

5.1 The Consultation paper states that 'an increase in planning application fees is an important step to recognise and address the significant, nation-wide problem of under-resourced local planning authorities'.

5.2 The Government has already committed to increase planning fees by 20 per cent for those authorities who commit to invest the additional fee income in improving the productivity of their planning departments. The Government has indicated that it will bring forward regulations at the earliest opportunity to allow local authorities to increase fees.

5.3 The Housing White Paper also proposing to allow an increase of a further 20 per cent for those authorities who are delivering the homes their communities need. This consultation is seeking views on the most appropriate criteria to enable this fee increase to be applied. Based on the current information it is unclear whether this Authority would be able to levy this additional fee should it wish to do so, although based the most recent housing delivery rates the Authority is fully meeting housing need as set out in the Local Plan and in respect of its 5 year housing land supply requirement.

6.0 Corporate Implications

6.1 The delivery of new homes and enhancement and understanding of the planning process are key action within the Place theme of the Corporate Plan.

7.0 **Community Implications**

7.1 Changes proposed through the consultation, could if implemented provide greater clarity to local communities wishing to prepare a neighborhood development plan in respect of local housing requirements.

8.0 **Background Papers**

8.1 [Planning for the right homes in the right places: consultation proposals](#)

8.2 [Housing need consultation data table](#)

8.3 [Fixing our broken housing market](#)

9.0 **Appendices**

9.1 Duty to Cooperate Requirements

9.2 Consultation Response Proforma

Appendix 1: Duty to Co-operate Requirements

Six months after publication of the policy in a revised National Planning Policy Framework

- The geographical area covered by the statement, and justification for the area
- Key strategic cross-boundary matters being addressed by the statement, including housing need for the area, and housing targets in any adopted plans (where known), and proposals for meeting any shortfalls
- Primary authorities responsible for the statement, and list of additional signatories (including matters to which each is signatory)
- Governance arrangements for the co-operation process, including how the statement of common ground will be maintained and kept up to date

After twelve months, the statement of common ground should also include (in addition to the above):

- Process for agreeing the distribution of housing need (including unmet need) across the wider area, and agreed distributions (as agreed through the plan-making process)
- A record of whether agreements have (or have not) been reached on key strategic matters
- Any additional strategic cross-boundary matters to be addressed by the statement which are not already addressed

Consultation response proforma

If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space

Your Details (Required fields are indicated with an asterix(*))

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?* (please tick as appropriate)

- Personal View
- Organisational Response

Name of Organisation (if applicable)

South Derbyshire District Council

If you are responding on behalf of an organisation, please tick the box which best describes your organisation

- Local Authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)
- Neighbourhood Planning Body/Parish or Town Council
- Private Sector organisation (including housebuilders, housing associations, businesses, consultants)
- Trade Association / Interest Group/Voluntary or Charitable organisation

Other (Please specify)

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Proposed approach to calculating the local housing need

Question 1 (a)

do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?

- Yes
- No
- Not sure / don't know

Please enter your comments here

The notes published alongside the housing projections state that the 'figures *are not an assessment of housing need* or do not take account of future policies. They are an indication of the likely increase in households given the continuation of recent demographic trends'. Whilst current data published by DCLG based on 2014 projections suggest housing requirements for the District remain in line with recently planned-for levels, it is unclear whether recent high levels of delivery in South Derbyshire (including that planned for to meet Derby City's need in the current plan period) will affect future household projections for the District. There has been a recent step change in delivery in South Derbyshire partly to meet the housing need of other Authorities. It is unclear whether this could lead to notably higher projections in subsequent data releases, as recent and near term predicted growth (under the auspices of the adopted Plan) feed through. Clearly, for

Question 1(b)

how can information on local housing need be made more transparent?

Please enter your comments here

Question 2

do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Whilst the benefits of fixing a housing requirement for a two year period during the closing stages of plan preparation are clear, there is a lack of clarity over what happens after this two year period. Clearly a Plan could be adopted during this 'fixed' period, but even before adoption the proposed methodology could highlight a need for new homes at a level above that planned for. In such an instance it is unclear how decision making, for example in respect of Section 78 appeals will be affected.

Question 3

do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 4

do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors?

Yes

No

Not sure / don't know

Please enter your comments here

Question 5(a)

do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted?

Yes

No

Not sure / don't know

Please enter your comments here

Question 5(b)

do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole?

- Yes
- No
- Not sure / don't know

Please enter your comments here

In respect of assessing the 5 year land supply position and measuring the proposed housing delivery test across the housing market area or other supra district level could mask those authorities failing to adequately deliver new housing. In the interests of localism it is preferable to record delivery at a District or Borough level, in order that those districts failing to deliver sufficient homes can be identified and delivery appropriately addressed.

Question 5 (c)

do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 6

do you agree with the proposed transitional arrangements for introducing the standard approach for calculating local housing need?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Statement of Common Ground

Question 7(a)

do you agree with the proposed administrative arrangements for preparing the statement of common ground?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 7(b)

how do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers?

Please enter your comments here

Question 7(c)

do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 8

do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Whilst it is acknowledged that Duty to Co-operate issues have frustrated plan delivery in many locations it is unclear what the benefit of undertaking this exercise if authorities are mid cycle and are not currently preparing a strategic Plan (i.e. are working on non-strategic parts of the their Plans). Clearly this work will not effect change and would seem like an unnecessary burden. However, set against this producing such a statement for the Derby HMA authorities could be a relatively straight forward process largely documenting previously undertaken joint working and ongoing cooperation between the Authorities.

Question 9(a)

do you agree with the proposal to amend the tests of soundness to include that:

i) plans should be prepared based on a strategy informed by agreements over the wider area; and

ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 9(b)

do you agree to the proposed transitional arrangements for amending the tests of soundness to ensure effective co-operation?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Planning for a mix of housing needs

Question 10(a)

do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups?

Please enter your comments here

It is unclear what additional evidence will need to be compiled by the Council in respect of planning for a mix of housing need. Clearly such evidence would replace that set out in any current SHMA and could place a notable burden on local planning Authorities both in terms of workload or lack of expertise. It is also unclear how robust future evidence collected to inform the Plan would be.

Question 10(b)

do you agree that the current definition of older people within the National Planning Policy Framework is still fit-for-purpose?

Yes

No

Not sure / don't know

Please enter your comments here

Neighbourhood Planning

Question 11(a)

should a local plan set out the housing need for designated neighbourhood planning areas and parished areas within the area?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 11(b)

do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Given that this Authority's Local Plan is relatively up to date it is unlikely that any proposed approach in respect of housing provision in neighbourhood plans would affect local communities bringing forward neighbourhood development plans in the short term. However in the longer term such a policy approach could be wholly inappropriate for an Authority such as South Derbyshire for two key reasons:

- Much of South Derbyshire's growth is adjacent to large urban areas immediately outside of the District. Clearly the proposed approach will not reflect the proximity of such areas but apportionment would instead be towards the largest settlements in the District, many of which are actually

Proposed approach to Viability Assessment

Question 12

do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make?

Yes

No

Not sure / don't know

Please enter your comments here

Question 13

in reviewing guidance on testing plans and policies for viability, what amendments could be made to improve current practice?

Please enter your comments here

Question 14

do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage?

Yes

No

Not sure / don't know

Please enter your comments here

There is frequently a significant period of time between a site being committed through a Plan and being delivered through the development management process. Viability can often change in this period as can the infrastructure needs of an area (for example a school which is currently full may have capacity to accommodate growth in 5 years' time).

It is sensible for Councils and developers to assess viability at a point in time closest to site delivery. Moreover far more detail about the nature of effects associated with a scheme (and the measures needed to address such effects) are likely to be known at the application stage. Seeking certainty over the capacity of sites to deliver infrastructure through the Plan making process is unlikely to remove the need to consider viability again later in the process. However seeking

Question 15

how can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required?

Please enter your comments here

There is frequently a significant period of time between a site being committed through a Plan and being delivered through the development management process. Viability can often change in this period as can the infrastructure needs of an area (for example a school which is currently full may have capacity to accommodate growth in 5 years' time).

It is sensible for Councils and developers to assess viability at a point in time closest to site delivery. Moreover far more detail about the nature of effects associated with a scheme (and the measures needed to address such effects) are likely to be known at the application stage. Seeking certainty over the capacity of sites to deliver infrastructure through the Plan making process is unlikely to remove the need to consider viability again later in the process. However seeking to reduce uncertainty at the plan making stage could place a greater burden of

Question 16

what factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format?

Please enter your comments here

Question 17(a)

do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions?

- Yes
- No
- Not sure / don't know

Please enter your comments here

Question 17(b)

what factors should we take into account in preparing guidance on a standard approach to monitoring and reporting planning obligations?

Please enter your comments here

Question 17(c)

how can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process?

Please enter your comments here

Planning fees

Question 18(a)

do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this?

Yes

No

Not sure / don't know

Please enter your comments here

Question 18(b)

do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice?

Yes

No

Not sure / don't know

Please enter your comments here

Question 18(c)

should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?

- Apply nationally
- Apply to Individual authorities only
- Not sure / don't know

Please enter your comments here

An allowance to further increase fees by 20% (in addition to an earlier 20% increase) could allow greater investment into planning services. However it remains far from clear what criteria would need to be met to deliver this. This Authority already has an adopted NPPF compliant plan in place and based on the most recent evidence is meeting its local housing need as well as a proportion of a neighbouring Authorities. However committing a significant number of sites to meet future housing need places a significant burden on development management and the monitoring of infrastructure delivery. Those Authorities that have been effective at securing the growth needed in their local communities should be able to levy a fee without waiting for all other Authorities to catch up.

Question 18(d)

are there any other issues we should consider in developing a framework for this additional fee increase?

Please enter your comments here

Other issues

Question 19

having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates?

Yes

No

Not sure / don't know

Please enter your comments here

Your opinion is valuable to us. Thank you for taking the time to read the consultation and respond.

REPORT TO:	COUNCIL	AGENDA ITEM: 13
DATE OF MEETING:	2 nd NOVEMBER 2017	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR - 595715 ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	CONSULTATION – DISQUALIFICATION CRITERIA FOR COUNCILLORS & MAYORS	REF: AK/Council
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 Members consider and note the consultation document titled 'Disqualification criteria for Councillors and Mayors', attached as **Appendix 1** to this report.
- 1.2 If minded to respond, Members consider a response on behalf of the Council to the questions set out in the consultation document and delegate the Monitoring Officer to submit a written response to the Department for Communities and Local Government.

2.0 Purpose of Report

- 2.1 To consider a response to the consultation paper setting out the government's proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority Member, directly-elected Mayor or Member of the London Assembly.

3.0 Detail

- 3.1 The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority Member, directly-elected Mayor or Member of the London Assembly. The consultation began on 18th September and will run for 12 weeks, closing on Friday 8th December. The consultation is open to everyone however, views are sought from members of the public, prospective and current Councillors and those bodies that represent the interest of local authorities and Councillors at all levels.
- 3.2 The consultation proposes updating the disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999.

- 3.3 Currently anyone convicted of an offence carrying a prison sentence of more than 3 months is banned from serving as a local councillor. The proposals seek to include those subject to;
- The notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as ‘being on the sex offenders register’);
 - A civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
 - A Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.
- 3.4 The proposals outlined would apply to Councillors and Mayors in parish, town, local county and unitary councils, combined authorities and the Greater London Authority.
- 3.5 The proposals will not apply retrospectively. Any incumbent local authority Member, directly-elected Mayor or member of the London Assembly, who is on the sex offenders register or subject to a Civil Injunction or Criminal behaviour Order at the time the changes come into force would not be affected. Such individuals would of course be prevented from standing for re-election after the changes come into force.
- 3.6 The questions being asking with regards to the proposals are as follows:
- Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?*
- Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?*
- Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?*
- Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?*
- Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?*
- Q6. Do you have any further views about the proposals set out in this consultation paper?*

4.0 Financial Implications

4.1 None arising from this report.

5.0 Corporate Implications

5.1 The Council is committed to good corporate governance and considers an ethical framework as essential to that process.

6.0 Community Implications

6.1 The proposals seek to ensure those that represent their communities are held to the highest possible standards.

7.0 Background Papers

7.1 Consultation Document – Disqualification criteria for Councillors and Mayors



Department for
Communities and
Local Government

Disqualification criteria for Councillors and Mayors

Consultation on updating disqualification criteria for local authority members



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Scope of the consultation

A consultation paper issued by the Department for Communities and Local Government on behalf of the Secretary of State

Topic of this consultation:	This consultation paper sets out the government’s proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly.
Scope of this consultation:	<p>The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they are subject to:</p> <ul style="list-style-type: none"> • the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as ‘being on the sex offenders register’); • a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or • a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014. <p>Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 1999.</p> <p>The proposed changes would not act retrospectively.</p>
Geographical scope:	The proposals in this consultation paper apply to certain authorities in England, including local authorities, combined authorities and the Greater London Authority. They do <u>not</u> apply to authorities in Wales, Scotland or Northern Ireland.
Impact Assessment:	No impact assessment has been produced for this consultation.

Basic Information

To:	This consultation is open to everyone. We particularly seek the views of individual members of the public, prospective and current councillors and those bodies that represent the interests of local authorities and councillors at all levels.
Body responsible for the consultation:	The Local Government Stewardship Division in the Department for Communities and Local Government is responsible for conducting the consultation.
Duration:	The consultation will begin on Monday 18 September 2017. The consultation will run for 12 weeks and will close on Friday 8 December 2017. All responses should be received by no later than 5pm on Friday 8 December 2017.
Enquiries:	<p>If you have any enquiries, please contact:</p> <p>Stuart Young email: stuart.young@communities.gsi.gov.uk</p> <p>DCLG Tel: 0303 44 40000</p> <p>How to respond:</p> <p>Please respond by email to: Section80consultation@communities.gsi.gov.uk</p> <p>Alternatively, please send postal responses to:</p> <p>Stuart Young Department for Communities and Local Government 2nd Floor, NE, Fry Building 2 Marsham Street London SW1P 4DF</p> <p>Responses should be received by 5pm on Friday 8 December 2017.</p>
How to respond:	<p>You can respond by email or by post.</p> <p>When responding, please make it clear which questions you are responding to.</p> <p>When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an</p>

	<p>official response on behalf of an organisation, and include:</p> <ul style="list-style-type: none">- your name- your position (if applicable)- the name and address of your organisation (if applicable)- an address, and- an email address (if you have one)
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Introduction

1. Local authority members (i.e. councillors), mayors of combined authorities, members of the Greater London Assembly and the London Mayor take strategic decisions that affect all our lives. They decide how best to use taxpayers' money and manage local authority resources, including property, land and assets. They also have a leading role to play in building and preserving a society where the rights and freedoms of individuals are respected. They should be community champions. It is vital, therefore, that they have the trust of the electorate.
2. The Government considers that there should be consequences where councillors, mayors and London Assembly members fall short of the behaviour expected of anyone in a free, inclusive and tolerant society that respects individuals and society generally, and where this has led to enforcement action against an individual.
3. Existing legislation prevents individuals standing, or holding office, as a local authority member, London Assembly member or directly-elected mayor if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.
4. The Government considers that the law should be updated to reflect new options which exist to protect the public and address unlawful and unacceptable behaviour.
5. This consultation proposes updating the disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 to prohibit those subject to the notification requirements (commonly referred to as 'being on the sex offenders register') and those subject to certain anti-social behaviour sanctions from being local authority members, London Assembly members or directly-elected mayors.
6. This consultation does not propose changing the disqualification criteria for Police and Crime Commissioners (PCCs). For the purposes of this consultation, 'local authority member' also extends to directly-elected mayors and co-opted members of authorities, and 'local authority' means:
 - a county council
 - a district council
 - a London Borough council
 - a parish council

The disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 do not cover the Council of the Isles of Scilly or the Common Council of the City of

London. Therefore, the proposals in this consultation do not extend to these councils.

The Current Disqualification Criteria

7. Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they:
 - are employed by the local authority;
 - are employed by a company which is under the control of the local authority;
 - are subject to bankruptcy orders;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
 - are disqualified under Part III of the Representation of the People Act 1983;
 - are employed under the direction of various local authority committees, boards or the Greater London Authority; or
 - are a teacher in a school maintained by the local authority.

8. Paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 sets out the criteria on disqualification from standing as, or being, a directly-elected mayor of a combined authority. A person is disqualified from being elected or holding office as the mayor of a combined authority if they:
 - hold any paid office or employment (other than the office of mayor or deputy mayor), including any appointments or elections made by or on behalf of the combined authority or any of the constituent councils of the combined authority;
 - are subject to bankruptcy orders;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine; or
 - is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983.

9. Section 21 of the Greater London Authority Act 1999 disqualifies someone from being the Mayor or an Assembly member if they:
 - are a member of staff of the Authority;
 - hold an office that disqualifies the holder from being Mayor or an Assembly member;
 - are subject to bankruptcy orders are bankrupt or have made a composition agreement with creditors;
 - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
 - are disqualified under section 85A or Part III of the Representation of the People Act 1983 from being the Mayor or an Assembly member; or

- are a paid officer of a London borough council who is employed under the direction of:
 - a council committee or sub-committee whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a joint committee whose membership includes a member appointed on the nomination of the council and a member appointed on the nomination of the Authority;
 - the council executive, or one of its committees, whose membership includes the Mayor or someone appointed on the nomination of the Authority;
 - a member of the council's executive who is the Mayor or someone appointed on the nomination of the Authority.

Sexual Offences

10. The Government considers that anyone who is subject to sex offender notification requirements, commonly referred to as 'being on the sex offenders register', should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to these notification requirements.

11. An individual can become subject to notification requirements by committing certain criminal acts or being issued with certain types of civil order:

- Being subject to sex offender notification requirements is an automatic consequence of being cautioned or convicted of a sexual offence listed in Schedule 3 of the Sexual Offences Act 2003 (see: <http://www.legislation.gov.uk/ukpga/2003/42/schedule/3>).
- Sexual Harm Prevention Orders are civil orders intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public by placing restrictions on their behaviour. Offenders who are subject to Sexual Harm Prevention Orders become subject to notification requirements.
- Notification Orders are civil orders intended to protect the public in the UK from the risks posed by sex offenders who have been convicted, cautioned, warned or reprimanded for sexual offences committed overseas. Such offenders may be British or foreign nationals convicted, cautioned etc. abroad of a relevant offence. Offenders who are subject to Notification Orders become subject to notification requirements.

12. The duration of the notification requirement period (i.e. how long a person is on the sex offenders register) is set out in the Sexual Offences Act 2003 and in the table below. The courts have no discretion over this.

Where the (adult) offender is:	The notification period is:
Sentenced to imprisonment for life or to a term of 30 months or more	An indefinite period
Detained in a hospital subject to a restriction order	An indefinite period
Sentenced to imprisonment for more than 6 months but less than 30 months imprisonment	10 years
Sentenced to imprisonment for 6 months or less	7 years
Detained in a hospital without being subject to a restriction order	7 years
Cautioned	2 years

Conditional discharge	The period of the conditional discharge
Any other description (i.e. community sentence, fine)	5 years

These periods are halved for offenders who are under 18 on the date of the caution, conviction or finding, as defined within the 2003 Act.

13. Offenders who are subject to the notification requirements must notify the police of (amongst other things) their: name, date of birth, national insurance number, home address, passport number, bank account and credit card details. They must do this annually, any time the details change or when they travel abroad. They must also notify the police when they stay or reside with a child for more than 12 hours.
14. Further information on the Sexual Offences Act 2003 can be found at: <https://www.gov.uk/government/publications/guidance-on-part-2-of-the-sexual-offences-act-2003>.
15. The Government does not propose including another type of civil order, the Sexual Risk Order, as this person would not have been convicted or cautioned of a sexual offence under the Sexual Offences Act 2003 and are not subject to notification requirements for registered sex offenders. A Sexual Risk Order does require the individual to notify to the police their name and their home address. A Sexual Risk Order can be sought by the police against an individual who has not been convicted, cautioned etc. of an offence under Schedule 3 or Schedule 5 of the 2003 Act but who is nevertheless thought to pose a risk of harm to the public in the UK and/or children or vulnerable adults abroad.

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Anti-Social Behaviour

16. Anti-social behaviour blights people's lives and can leave victims feeling powerless. These are a range of powers to the courts, police and local authorities to tackle the problems in the table below.

17. The Government considers that an individual who is subject to an anti-social behaviour sanction that has been issued by the court, i.e. a Civil Injunction or a Criminal Behaviour Order, should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to the injunction or Order.

Anti-Social Behaviour (ASB) Powers

Type	Power	Description
Issued by the court to deal with individuals	Civil Injunction	A civil order with a civil burden of proof. The injunction can include both prohibitions and positive requirements to tackle the underlying causes of the behaviour. Applications can be made by police, councils, social landlords, Transport for London, Environment Agency, Natural Resources Wales and NHS Protect.
	Criminal Behaviour Order	A court order available on conviction. The order can be issued by any criminal court against a person who has been convicted of an offence. It is aimed at tackling the most persistently anti-social individuals who are also engaged in criminal activity. The order can include both prohibitions and positive requirements. Applications are made by the prosecution, in most cases by the Crown Prosecution Service, either at its own initiative or following a request from the police or council.
Used by the police to move problem groups or individuals on	Dispersal Power	A flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. It allows the police to deal instantly with someone's behaviour and prevent it escalating. The use of the power must be authorised by an officer of at least inspector rank, to be used in a specific locality for up to 48 hours or on a case by case basis. This is to ensure that the power is used fairly and proportionately and only in circumstances in which it is necessary.

Issued by councils, the police and social landlords to deal with problem places	Community Protection Notice	A notice designed to deal with particular problems which negatively affect the community's quality of life. The Notice can be issued to anyone aged 16 or over, businesses or organisations. This is a two-stage power and a written warning has to be issued first. Failure to stop the behaviour or take action to rectify the problem would lead to the notice being issued. The power can be used by councils, police and social landlords (if designated by the council).
	Public Spaces Protection Order	Designed to deal with anti-social behaviour in a public place and apply restrictions to how that public space can be used to stop or prevent anti-social behaviour. The order is issued by the council. Before the order can be made, the council must consult with the police and whatever community representatives they think appropriate, including regular users of the public space. Before the order is made the council must also publish the draft order.
	Closure Power	A fast and flexible two-stage power. Can be used to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder, including residential, business and licensed premises. The police and councils are able to issue Closure Notices for up to 48 hours and the courts are able to issue Closure Orders for up to six months if satisfied that the legal tests have been met. Following the issue of a Closure Notice, an application must be made to the magistrates' court for a closure order.

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Retrospection

18. Legislation does not generally apply retrospectively, the principle being that the law should operate in a clear and certain manner and the public is entitled to know the state of the law at a particular time.
19. The proposals in this consultation would not apply retrospectively, i.e. any incumbent local authority member, directly-elected mayor or member of the London Assembly, who is on the sex offenders register or subject to a Civil Injunction or Criminal Behaviour Order at the time the changes come into force would not be affected.
20. Such individuals would of course be prevented from standing for re-election after the changes came into force.

Questions

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

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Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Q6. Do you have any further views about the proposals set out in this consultation paper?

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

LICENSING AND APPEALS SUB-COMMITTEE

12th September 2017 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs Patten (Chairman), Councillor Atkin (Conservative Group) and Councillor Taylor (Labour Group)

District Council Representatives

S Ali (Principal Legal Officer), M Lomas (Licensing Officer), F Tucker (Trainee Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/9 **ADJOURNMENT**

The Meeting was formally opened and adjourned until 10.45am to allow participants additional time to attend, delayed by local traffic difficulties.

LAS/10 **APOLOGIES**

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

LAS/11 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/12 **DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - Jubilee Fireworks Ltd, Festival of Fireworks, Catton Hall, Catton, Walton on Trent, Derbyshire, DE12 8LN**

The Sub-Committee considered an application for a Variation of a Premises Licence for Jubilee Fireworks Ltd, Festival of Fireworks, Catton Hall, Catton, Walton on Trent, Derbyshire, DE12 8LN

RESOLVED:-

That the application for a Variation of 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/13 **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.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 1)

The Sub-Committee considered a review of a Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 12.20pm.

COUNCILLOR MRS J PATTEN

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE:
SPECIAL – FINAL ACCOUNTS

21st September 2017

PRESENT:-

Conservative Group

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

Labour Group

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

FM/58 **APOLOGIES**

Apologies were received from Councillors Mrs Coyle (Conservative Group) and Southerd (Labour Group)

FM/59 **DECLARATIONS OF INTEREST**

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

FM/60 **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/61 **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/62 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

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

FM/63 **ACCOUNTS and FINANCIAL STATEMENTS 2016/17**

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

Members raised queries or comments relating to the reserves, the auditors' other Local Authority responsibilities and training and development issues relating to governance standards, all of which were addressed by the Director.

RESOLVED:

Members approved that the Council's Audited Accounts and Financial Statements for 2016/17 be signed by the Chairman of the Committee for publication.

FM/64 **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.

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

The Committee was informed that no questions had been received.

REVIEW OF COUNCIL MANAGEMENT STRUCTURE

Members approved the recommendations in the report.

The meeting terminated at 5.40pm.

COUNCILLOR J HARRISON

CHAIRMAN

PLANNING COMMITTEE

26th September 2017

PRESENT:-

Conservative Group

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

Labour Group

Councillors Dr Pearson, Shepherd, Southerd and Tilley

In attendance

Councillor Billings (Conservative Group)

PL/57 **APOLOGIES**

Apologies for absence were received from Councillors Stanton and Watson (Conservative Group)

PL/58 **DECLARATIONS OF INTEREST**

Councillor Shepherd declared a personal interest in Item 1.1 by virtue of a family member's property being in the vicinity of the application.

PL/59 **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/60 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

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

PL/61 **APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT & SCALE PURSUANT TO PLANNING PERMISSION REF: 9/2015/0768 FOR THE ERECTION OF 252 DWELLINGS**

AND ASSOCIATED WORKS AT LAND AT SK2934 8494, WEST OF LADYBANK ROAD, MICKLEOVER, DERBY

Miss Jennifer Towers (applicant's agent) attended the Meeting and addressed Members on this application.

The Principal Area Planning Officer summarised the content of four further letters of objection, received since the report was compiled and updated Committee regarding a minor change to the development layout, additional conditions for greater visibility at one location and the resultant amended plans.

The Vice-Chairman addressed the Committee as Ward Member for Etwall, referring to representations received from individuals neighbouring the site. These included comments or concerns relating to the buffer zone, building proximity, appropriate tree planting, construction access, hours and traffic, building site signage, dust, dirt and wheel washing provision, crime reduction matters and Section 106 considerations, as well as the potential for resurfacing Swayfield Close once construction had been completed. It was also suggested that given the size and proximity of some properties, permitted development rights be removed in some locations.

Other Members raised comment on the feasibility of the Committee considering repairs to a road outside the District boundary, the treatment and future maintenance of the various buffer zones, maintenance of the Sustran cycle routes running alongside the site and, if later implemented, of the bus gates / bollards.

All matters were addressed by the Principal Area Planning Officer, who also reported that no responses had been received from Derby City Council.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to further conditions: removing permitted development rights and obscure glazing for side windows of dwellings on western boundary; resurfacing of Swayfield Close post development subject to Derby City Council approval.

Abstention: Councillor Shepherd.

PL/62

RETROSPECTIVE APPLICATION TO VARY CONDITION 15 OF PLANNING PERMISSION REF: 9/2012/0505 TO READ: THE STORE HEREBY PERMITTED SHALL NOT BE OPEN TO THE PUBLIC OUTSIDE THE FOLLOWING TIMES: 08.00 TO 22.00 MONDAY TO SATURDAY AND 10.00 TO 17.00 ON SUNDAYS; AND NO DELIVERIES TAKEN AT OR DESPATCHED FROM THE SITE OUTSIDE THE FOLLOWING TIMES: 07:00 - 19.00 MONDAY TO SATURDAY. 09.00 - 17.00 SUNDAY ALDI FOOD STORE LTD, HUNTSPILL ROAD, HILTON, DERBY

Councillor Billings addressed the Committee as Ward Member for Hilton, expressing concerns regarding outstanding conditions, requesting the matter be deferred for a site visit.

The registered speaker opted to return when the matter was rescheduled.

RESOLVED:-

That the application be deferred to allow for a site visit to be conducted.

Councillor Billings left the Meeting at 6.35pm.

PL/63 **THE ERECTION OF AN EXTENSION AT 721 BURTON ROAD MIDWAY SWADLINCOTE**

Mr David Bell (objector) attended the Meeting and addressed Members on this application.

Councillor Mrs Hall, speaking on behalf of Councillor Stanton who was unable to attend the Meeting, related his comments regarding the proximity of the two properties and the varying brickwork colours. The Principal Area Planning Officer commented that the application included a re-design to 12metres and that a condition required sight of sample bricks prior to commencement.

Other Members raised comments and concerns regarding sensitivity to materials and distances, the apparent inability to replace fence panels due to the overhanging transgressions, boundary matters, the legal versus moral position and the potential for civil action in such matters.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, with the addition of the issue of an informative advising of trespass and the Party Walls etc Act 1996.

PL/64 **THE DEMOLITION OF A DETACHED OUTBUILDING, ALTERATIONS AND REPAIR WORK TO MAIN HOUSE TO INCLUDE AN EXTENSION TO THE SIDE AND TO THE REAR AND THE CONVERSION OF THE REAR ATTACHED OUTBUILDING TO EXTEND LIVING ACCOMMODATION AT 46 HIGH STREET, MELBOURNE, DERBY**

Councillor Harrison addressed the Committee as Ward Member for Melbourne, stating that as with the Melbourne Civic Society, he had no objection to the application. Councillor Hewlett, the other Ward Member for Melbourne, also concurred, stating that on balance, he was in favour as it improved the location.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services.

PL/65 **PLANNING AND OTHER APPEALS**

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

9/2016/0470	Sutton Road, Church Broughton, DE65 5DB
9/2016/1132	Main Street, Repton, DE65 6FB
9/2017/0202	Rosliston Road South, Drakelow, DE15 9UD
9/2017/0389	Lullington Road, Overseal, DE12 6NG

The Planning Services Manager referred to the Church Broughton appeal, stating that the Inspector had not found against the provision of additional pitches, but against the size of the amenity blocks, so a revised application was anticipated, given that a five year gypsy / traveller site provision is not in place.

PL/66 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

EXEMPT 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 7.00pm.

COUNCILLOR A ROBERTS

CHAIRMAN

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

27th September 2017

PRESENT:-

Representatives of South Derbyshire District Council

Conservative Group

Councillor Mrs A Plenderleith and Councillor A Billings

Labour Group

Councillor D Shepherd

Officers

K Stackhouse (Director of Finance and Corporate Services), M Roseburgh (Cultural Services Manager) and C Tyler (Democratic Services Officer)

Representatives of Etwall John Port School

Governing Body

C Edwards – Finance Governor

Officer

M Walker-Endsor – School Business Manager

Representatives of Active Nation

J Dobson and H Warren

EL/1

APPOINTMENT OF CHAIRMAN

RESOLVED:-

Nominations for the position of Chairman were requested.

RESOLVED:-

That Councillor Mrs Plenderleith be appointed Chairman for the period ending July 2018.

Councillor Billings joined the meeting at 5.05pm.

EL/2

APPOINTMENT OF VICE-CHAIRMAN

The Chairman proposed that this matter be deferred due to the current transitional situation at the school.

RESOLVED:-

That the Appointment of Vice-Chairman be deferred to a later meeting.

EL/3 **APOLOGIES**

Apologies for absence from the Meeting were received from Derbyshire County Councillor Mrs L Chilton.

EL/4 **MINUTES**

The Open Minutes of the Meetings held on 9th January 2017 and 16th May 2017 were noted, approved as a true record and signed by the Chairman.

EL/5 **DECLARATIONS OF INTEREST**

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

EL/6 **ACTIVE NATION PERFORMANCE REPORT – VERBAL REPORT**

J Dobson presented the performance review of Etwall Leisure Centre, making particular reference to the following items;

Supporter Base Performance

- Actual monthly between April 2017 and August 2017 ranged from 40,080 to 43,867, the latter figure achieved in August, with further information provided giving breakdowns by activity type across all centre facilities and in particular the Sports Hall.
- Total annual visits had risen from 320k in 2011/12 to 425k in 2016/17.
- A breakdown giving the postcode location of supporters was also supplied, showing that the majority of users live in the immediate local area.

Good News Stories

- Increased participation levels, year to date stand at 42,441.
- 300 children took part in the Multisport half term holiday camp.
- 40 children took part in the Soccer Stars half term holiday camp, with Will Hughes in attendance from Derby County Football Club.
- Level 1 FA Football coaching course held.
- New 'Born to Move' exercise class launched for children aged 12-16.
- CAP2 launched for swim lesson feedback with positive growth on swim lessons of 1,403 children.
- Works completed on the plant room on the pool pumps and an order for the new pool cover is imminent.
- Melbourne class timetable performing well.
- Net Promotor Score currently 58 (target 40).
- Phase 1 of new wi-fi and IT systems being installed in site.
- New signage ordered for the site (overflow car park and main signs).
- Social Media – Facebook, Twitter and Website increased localised usage.
- Saturday Night Project: 50 children per weekend attending.
- 3g pitch usage – 26,471 users year to date.
- National Fitness Day 27th September 2017 – free activities and challenges.
- Discovery weekends planned for 14th & 15th October 2017.
- Derby Triathlon event attracted 500 participants.

The Chairman queried the additional growth recorded in August 2017. The Centre Manager stated that increases had been achieved via extra exercise

provision being put in place during this school holiday month. The Chairman also noted that the user postcode figures appeared to disprove the perception that large numbers of Derby dwellers had taken up usage of the centre following the closure of facilities in the City.

The School Governor noted the impressive growth in user numbers, but queried what scope there was for further expansion. The Centre Manager stated that whilst catering for demand in certain areas such as swimming was challenging, there was still some scope for additional capacity in the use of the gym, 3g pitches and sports hall, with the centre overall running at around 90% capacity. Car parking had been identified as an issue, addressed by way of the overflow car park.

The Director queried whether customer feedback was still retained in report form. The Centre Manager confirmed that customer feedback was gained via forms on site and electronically via the website. Summary reports to be provided at future meetings.

RESOLVED:-

The Committee considered and noted the points made in the presentation.

EL/7

FINAL ACCOUNTS 2016/17

The Director of Finance and Corporate Services presented the report to Committee, stating that as the previous JMC meeting had been cancelled, the accounts had been audited in the meantime. Particular attention was drawn to the Sinking and Decommissioning Funds, the withdrawal of County Council funding from 2018/19 and the release of the Pension Fund sums, previously set aside to cater for any liability for the 2011/12 TUPE arrangements.

The Chairman queried whether there was any risk still attached to the 2011/12 TUPE arrangements. The Director confirmed that there was none, hence the ability to free up the contents of the Pension Fund for transfer into the Sinking Fund.

Councillor Billings queried, in relation to the County Council funding withdrawal issue, whether it was worth contacting County Hall to clarify if this was still their stance following the recent change in controlling group there. The Director undertook to contact the County Council.

RESOLVED:-

The Committee considered and approved the Final Accounts for 2016/2017.

EL/8

REPAIRS AND MAINTENANCE – LIFECYCLE COSTING

The Cultural Services Manager presented the report to Committee, highlighting the various costings and options. It was suggested that this become an annual report, tied into the budget setting meeting each January, to better inform the Revenue and Capital Fund setting process. The School Governor noted that whilst the Sinking Fund had originally been set up to cover both capital

expenditure and emergencies, with the latter element less prevalent of late, it was heartening to note that more was now being spent on maintenance to reduce the likelihood of breakdowns.

RESOLVED:-

1.1 Members considered and noted the content and findings of the Etwall Leisure Centre Repairs and Maintenance Lifecycle Costing Exercise.

1.2 Members considered the options for managing the budget in relation to repairs and maintenance.

1.3 Members approved that £28,714 originally set aside for the Pension Fund, but no longer required for that purpose, be transferred to the sinking fund and therefore be available to replace major items of plant and equipment.

EL/9

SCHOOL UPDATE

The School Business Manager and Governor provided an update on the current situation at the school, in that the Spencer Academy Trust had completed a due diligence exercise and had unofficially, to date, accepted the proposal to take on management of John Port School. The 2017/18 Budget is and will remain in place and it was noted that the Trust values the leisure centre highly. Whilst the official transfer to the Trust was originally scheduled for January 2018, this may now occur in April 2018, requiring a new JMC Agreement and a likely change in school governors.

RESOLVED:-

Members noted the information provided.

The meeting terminated at 5:40pm.

COUNCILLOR MRS A PLENDERLEITH

CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

28th September 2017

PRESENT:-

Conservative Group

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman) and Councillors Mrs Brown, Mrs Hall, Harrison (substituting for Councillor Wheeler), Hewlett (substituting for Councillor Coe), Mrs Patten and Tipping

Labour Group

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

In attendance

Councillor MacPherson (Conservative Group)

EDS/31 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors Coe, Roberts, Wheeler (Conservative Group), Chahal and Taylor (Labour Group).

EDS/32 **MINUTES**

The Open Minutes of the Meeting held on 17th August 2017 were noted, approved as a true record and signed by the Chairman.

EDS/33 **DECLARATIONS OF INTEREST**

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

EDS/34 **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/35 **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/36 REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE**EDS/37 KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT**

The Chief Executive presented the report to Committee, highlighting that the 92% result against Private Hire Vehicles was purely the result of Licensing staff being also tasked with elections work during the period in question and that a return to the more usual 100% would show in future results.

RESOLVED:

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

EDS/38 PRIVATE HIRE LICENSING POLICY

The Chief Executive presented the report to Committee.

Councillor Dunn referred to the issue of private hire vehicles being required to be free of dents, citing a case where a driver had surrendered his licence plates prior to repair, but had then lost eight days income before his plates were returned. The Chief Executive undertook to investigate the matter further on receipt of the relevant details.

RESOLVED:

Members approved the proposed changes to the Private Hire Licensing Policy, to come into effect on 3rd November 2017.

EDS/39 CHARGING FOR REQUESTS FOR FOOD HYGIENE REVISITS

The Environmental Health Manager presented the report to Committee.

Members queried or raised comment in relation to the proposed £150 fee being subject to VAT, the number of food businesses in the District, businesses with exempt status, the frequency of visits, visit action where results are poor, the display of food hygiene results, the potential negative effect of introducing a charge, whether a charge should be deferred until the display of ratings was made compulsory and the rate of revisit applications, all matters addressed by the Environmental Health Manager and Senior Environmental Health Officer.

Councillor Harrison reported that a lobby group was pressing for the display of food hygiene ratings being made mandatory, as is already the case in Wales and Northern Ireland.

RESOLVED:

Members approved the proposal to charge £150 for every request from a food business for a discretionary food hygiene inspection revisit for a trial period of 18 months.

EDS/40 **SWADLINCOTE HERITAGE TRAIL**

The Environmental Development Manager presented the report to Committee.

Members commended the idea and the valuable work undertaken by Magic Attic members and others who had conducted the research and contributed to this outcome.

RESOLVED:

Members approved the development of the heritage trail and the plans to complete it.

EDS/41 **BEYOND THE HORIZON – THE FUTURE OF UK AVIATION**

The Planning Services Manager presented the report to Committee.

The Chairman referred to the East Midlands Airport Liaison Committee, its membership influencing the make-up of the proposed panel.

RESOLVED:

Members approved that:-

- (i) a Member Working Panel be established to formulate and submit a response to the current and planned Department for Transport consultations on the proposed “Aviation Strategy for Britain”;***
- (ii) the Members Working Panel be constituted of Chairman and Vice-Chairman of Environmental and Development Services Committee, Ward Member Councillor John Harrison and an Opposition Member, Councillor Neil Tilley.***
- (iii) that the initial response be presented to a future meeting of this Committee for information.***

EDS/42 **COMMITTEE WORK PROGRAMME****RESOLVED:**

Members considered and approved the updated work programme.

EDS/43 **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 on 17th August 2017 were received.

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

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

SWADLINCOTE MARKET (Paragraph 3)

Members approved the recommendations contained in the report.

EXPENDITURE OF GRANT FUNDING AND ORGANISATIONAL ARRANGEMENTS - INFINITY GARDEN VILLAGE (Paragraph 3)

Members approved the recommendations contained in the report.

TEMPORARY CHANGES TO STAFFING IN PLANNING (Paragraph 1)

Members approved the recommendations contained in the report.

The meeting terminated at 7.25pm.

COUNCILLOR P WATSON

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

4th October 2017 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs Patten (Chairman), Councillor Muller (Conservative Group) and Councillor Rhind (Labour Group)

District Council Representatives

S Ali (Principal Legal Officer), M Lomas (Licensing Officer), F Tucker (Trainee Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/15 **APOLOGIES**

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

LAS/16 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/17 **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.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 1)

The Sub-Committee considered a review of a Private Hire Driver's Licence, based on the evidence before them.

DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 1)

The Sub-Committee considered an application for a Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 10.50am.

COUNCILLOR MRS J PATTEN

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

5th October 2017

PRESENT:-

Conservative Group

Councillor Hewlett (Chairman), Councillor Smith (Vice-Chairman) and Councillors Atkin (substituting for Councillor Grant), Billings, Coe, Mrs Coyle, MacPherson, Muller and Mrs Wyatt

Labour Group

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

In attendance

Councillor Mrs Coe (Conservative Group)

HCS/30 **APOLOGIES**

Apologies for absence were received from Councillors Grant (Conservative Group) and Taylor (Labour Group)

HCS/31 **MINUTES**

The Open Minutes of the Meeting held on 24th August 2017 were noted and approved as a true record and signed by the Chairman.

HCS/32 **DECLARATIONS OF INTEREST**

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

HCS/33 **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/34 **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/35 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE**HCS/36 OPEN SPACE, SPORT AND COMMUNITY FACILITY STRATEGY UPDATE**

The Open Space and Facility Development Manager and the Director of Community and Planning Services presented the report to Committee.

Members queried or raised comments on the financial implications of implementing all the listed projects, the availability of match-funding, Section 106 funds, other sources of monies and the level of the Council's financial commitment.

Councillor Rhind queried the Swadlincote Woodlands project, the reported shortfall in funding and the feasibility of using sums from the Council's reserves to address the funding gap. The Director clarified the shortfall amount and that an application for Landfill Levy funds was being considered. Councillor Richards inquired as to whether any further Swadlincote based Section 106 funds could be allocated in this instance, concerned that such a well thought of project required completion and maintenance. The Director confirmed that Section 106 funding was not currently available, hence the consideration of other potential funding sources, but that the strategy would inform the deployment of future Section 106 fund allocations.

The Chairman and Vice-Chairman led Members in thanking the Open Space and Facility Development Manager for her valued work and contributions, this being her last meeting prior to leaving the Council.

RESOLVED:-

Members approved the project list for the South Derbyshire Open Space, Sport & Community Facilities Strategy.

HCS/37 DISABLED FACILITIES GRANTS – DELIVERY OF THE 2017/18 ALLOCATION

The Strategic Housing Manager presented the report to Committee.

Members queried how the Council had arrived at such an underspend position, the potential for completing the tender process in a timely manner, the on-costs for the technical officer post, whether the available funds could be appropriately expended in the allotted timescales, details of the application process and adaptations on properties with, or on, a first floor.

The Strategic Housing Manager and the Chief Executive clarified the various points, confirming that plans were being put in place to both speed up the process and allocate virtually all the available funds, if not all. Guidance notes detailing the application process would be circulated to Committee Members for information.

RESOLVED:-

- 1.1 Members approved the appointment of a Technical Officer (scale 6 – subject to Job Evaluation) on an 18 month fixed term contract to address the current underspend on mandatory Disabled Facilities Grants (DFG) and enable the expansion of the service and increased capacity within the team.**
- 1.2 Members reviewed and agreed adaptations to the existing grant administration process to remove the task of procuring each individual job. This will involve undertaking a larger procurement exercise to identify a small number of contractors who will work under a 2 year measured term contract (this will not include major adaptations over £25k which will still go out to tender on an individual basis).**
- 1.3 Members reviewed the use of the Better Care Fund allocation and the existing DFG policy and agreed that proposed revisions and amendments be brought back to this Committee in March 2018.**
- 1.4 That the appointment of the fixed term post to the Council's Establishment, together with the change in the Procurement procedure, is referred to the Finance and Management Committee.**

HCS/38 IMPLICATIONS OF THE HOMELESSNESS REDUCTION ACT 2017

The Strategic Housing Manager presented the report to Committee, outlining the anticipated impact on the Council once the Act takes effect in April 2018.

The Chief Executive introduced a third recommendation for the Committee's consideration, requiring the submission of any requests to increase the establishment to the Finance and Management Committee.

Members raised queries relating to the training commitment, the preparedness of the Housing staff in view of the large increases in applications expected, proposed activity within the Act's given timescales, concerns surrounding the use of bed & breakfast establishments, the scale of the Council's duty within this area, the scale and scope of referrals from other agencies and the penalty element contained in the Act.

The Strategic Housing Manager addressed each point raised, pointing out that the aim was to greatly reduce the use of bed & breakfast establishments, sourcing other accommodation in conjunction with other housing suppliers, in addition to the Council's own stock and plans currently being put in place, six months before the Act takes effect. It was also explained that the Act would require a more proactive approach by those individual's reporting homelessness.

The Committee voted on both the additional recommendation and the substantive report's recommendations.

RESOLVED:-

- 1.1 Members noted the content of this report and the proposed amendments to the delivery of the Council's front line statutory homeless service**
- 1.2 Members granted approval for the Strategic Director to agree the use of the Flexible Support Grant, future DCLG grant allocation and homeless prevention budget to deliver the Act and its associated enhanced prevention services and review functions.**
- 1.3 That the Strategic Director submit any recommendations for any increase in the establishment to a future meeting of the Finance and Management Committee for consideration.**

HCS/39 **COMMITTEE WORK PROGRAMME**

RESOLVED:-

Members considered and approved the updated work programme.

HCS/40 **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 24th August 2017 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.

The Meeting terminated at 6.50pm.

COUNCILLOR J HEWLETT

LICENSING AND APPEALS SUB-COMMITTEE

12th October 2017 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Muller (Chairman), Councillor Watson (Conservative Group) and Councillor Southerd (Labour Group)

District Council Representatives

A Kaur (Legal and Democratic Services Manager), M Lomas (Licensing Officer), F Tucker (Trainee Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/20 **APPOINTMENT OF CHAIRMAN**

Councillor Muller was appointed Chairman of the Sub-Committee.

LAS/21 **APOLOGIES**

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

LAS/22 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/23 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

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

DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 1)

The Sub-Committee considered an application for a Private Hire Driver's Licence, based on the evidence before them.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 1)

The Sub-Committee considered a review of a Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 11.25am.

COUNCILLOR MULLER

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

12th October 2017

PRESENT:-

Conservative Group

Councillor Harrison (Chairman), Councillor Mrs Plenderleith (Vice-Chairman) and Councillors Mrs Coe, Coyle, Ford, Mrs Hall (substituting for Councillor Hewlett), Watson and Wheeler

Labour Group

Councillors Rhind, Richards, Southerd and Wilkins

FM/67 **APOLOGIES**

Apologies were received from Councillors Hewlett and Smith (Conservative Group)

FM/68 **MINUTES**

The Open Minutes of the Meetings held on 22nd June 2017, 20th July 2017 and 31st August 2017 were taken as read, approved as a true record and signed by the Chairman.

FM/69 **DECLARATIONS OF INTEREST**

Councillors Mrs Coe, Richards and Wheeler declared a personal interest in relation to Item 16 on the Agenda by virtue of being acquainted with the current market manager.

FM/70 **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/71 **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/72 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

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

FM/73 **INFORMATION TECHNOLOGY AND DIGITAL STRATEGY 2017 TO 2020**

The Director of Finance and Corporate Services presented the report to Committee updating Members of the Council on progress and proposed strategy that has been through the consultation process.

RESOLVED:

Members approved the Information Technology and Digital Strategy, together with the associated work plan for 2017 to 2020 as detailed in the report, for implementation.

FM/74 UPDATE on the COUNCIL'S MEDIUM TERM FINANCIAL POSITION

The Director of Finance and Corporate Services presented the report to Committee outlining the process, potential risks and benefits of the proposal to enter the government's pilot scheme to trial the 100% retention of Business Rates and highlighted that the rate account is dependent on growth and sustainability of businesses.

Whilst referring to the pilot scheme, some Members queried how funds would be distributed. The Director responded advising that if the Council was to be part of the pilot, it would share in all Business Rates generated in Derbyshire with all growth being retained in the County; it was being proposed that a proportion would be shared locally, with a proportion being retained centrally to be used to finance infrastructure projects approved by the Derbyshire Economic Partnership.

The Director explained how the New Homes Bonus (NHB) bonus would be accounted in the Council's Medium Term Financial Position. The impact of the changes to the NHB scheme were outlined, where the reduction to legacy payments of the bonus from 6 to 4 years, the increase in the baseline where the first 0.4% of growth would be deemed 'deadweight' and therefore no longer qualify for the NHB, and the introduction of penalties for authorities where new homes which were rejected at the application stage, but then overturned on appeal would receive no NHB payment.

The Director highlighted that growth within the District and subsequent cost pressures would affect income, not only council tax and NHB, but also potentially impact the service base budget, for example, the provision of waste collection for new properties. The Director explained the recommendation to set-aside additional income from the NHB in the annual Growth Provision in the MTFP, to specifically deal with the cost of growth allowing the Council to allocate and direct resources accordingly. The Director advised that the current expenditure would not be sustainable, that the cost of growth would need to be monitored and savings identified in order to address the projected longer-term budget deficit.

RESOLVED:

1.1 Members approved the updated financial projections on the General Fund to 2023 and the Housing Revenue Account to 2028 as detailed in the report.

1.2 Members approved that additional income from the New Homes Bonus over that projected in the base budget is set-aside in the annual Growth Provision in the MTFP as detailed in the report.

- 1.3 Members approved that the Council undertakes a review of the impact of residential growth on service delivery to ascertain the potential cost implications over the financial planning period.**
- 1.4 Members approved that further budget savings are pursued to alleviate the projected General Fund deficit in the medium-term.**
- 1.5 Members approved that the financial projections provide the basis for planning purposes and for setting the General Fund and Housing Revenue Account's Base Budgets for 2018/19.**
- 1.6 Members approved that the Policy on Earmarked Reserves as detailed in Appendix 3 be approved.**
- 1.7 Members approved that the Council supports a business case to become a pilot authority, as part of the Derbyshire Business Rates Pool, to trial 100% Business Rates Retention in 2018/19.**
- 1.8 Members approved that subject to the outcome of the business case, the Council submits an application to the Government alongside other Pool authorities for a Derbyshire-wide pilot in 2018/19.**
- 1.9 Members approved that an update on progress of the pilot is provided to the Committee at its next meeting on 30th November 2017.**

FM/75 **PROPOSED LOCAL COUNCIL TAX SUPPORT SCHEME 2018/19**

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

RESOLVED:

- 1.1 Members approved that the existing Local Council Tax Support Scheme currently in place is continued and adopted for 2018/19.**
- 1.2 Members approved that the detailed parameters are reported to Full Council on 18th January 2018.**
- 1.3 Members approved that the current Compensation Grant, associated with the Council's Support Scheme, paid to Parish Councils is maintained for 2018/19**

FM/76 **DISCRETIONARY BUSINESS RATE RELIEF SCHEMES**

The Director of Finance and Corporate Services explained the business rate relief schemes criteria to Committee.

Councillor Richards noted the importance of small businesses in driving the economy and was joined by Members in welcoming the report.

RESOLVED:

1.1 Members approved the proposed Discretionary Business Rate Revaluation Relief Scheme for 2017/18 to support local businesses in South Derbyshire worst affected by the 2017 Rating Revaluation List.

1.2 Members approved that rate relief is awarded to a business based on the following scheme criteria:

- **Its RV is less than £200,000.**
- **Its Business Rates payable in 2017/18 has increased by 10% or greater when compared to 2016/17.**
- **The business does not qualify for any other relief.**
- **The business is not part of a national chain or group of companies, i.e. it is a local business in the District.**
- **Relief is limited to 90% of the total increase in rates payable between 2016/17 and 2017/18.**

1.3 Members approved that the proposed Scheme for future years be reviewed as part of the annual Budget Round.

1.4 Members approved that notice be given to terminate all other discretionary relief payments beyond April 2019 to allow for an annual review process to be implemented from 2019/20.

FM/77 **DISABLED FACILITIES GRANTS – DELIVERY OF THE 2017/18 ALLOCATION**

The Director of Finance and Corporate Services presented the report to Committee. Councillor Rhind noted that the report had been referred by the Housing and Community Services Committee and was joined by Councillor Mrs Coyle in reporting that all queries had been addressed by the Strategic Housing Manager.

RESOLVED:

1.1 Members approved the appointment of a Technical Officer (scale 6 – subject to Job Evaluation) on an 18 month fixed term contract to address the current underspend on mandatory Disabled Facilities Grants (DFGs) and enable the expansion of the service and increased capacity within the team.

1.2 Members reviewed and agreed adaptations to the existing grant administration process to remove the task of procuring each individual job. This will involve undertaking a larger procurement exercise to identify a small number of contractors within a framework agreement who will work under a 2 year measured term contract (this will not include major adaptations over £25k which will still go out to tender on an individual basis)

1.3 Members reviewed the use of the Better Care Fund allocation and the existing DFG policy and agreed that proposed revisions and

amendments be brought back to Housing and Community Services Committee in March 2018.

FM/78 **COMMITTEE WORK PROGRAMME**

The Director of Finance and Corporate Services presented the Work Programme to Committee and advised that titles of reports to be submitted to the Committee from November 2017 to March 2018 would be circulated after the Meeting.

RESOLVED:

That the Committee considered and approved the updated work programme subject to further information.

FM/79 **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 Meetings held on 22nd June 2017, 20th July 2017 and 31st August 2017 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.

SWADLINCOTE MARKET

Members approved the recommendations in the report.

TEMPORARY CHANGES TO STAFFING IN PLANNING

Members approved the recommendations in the report.

PROPERTY IN SWADLINCOTE

Members approved the recommendations in the report.

REVIEW OF COUNCIL MANAGEMENT STRUCTURE

Members approved the recommendations in the report.

REMUNERATION PANEL REPORT

Members approved the recommendations in the report.

The meeting terminated at 7.20pm.

COUNCILLOR J HARRISON

CHAIRMAN

PLANNING COMMITTEE

17th October 2017

PRESENT:-

Conservative Group

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

Labour Group

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

In attendance

Councillor Mrs Patten (Conservative Group)

PL/67 **APOLOGIES**

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

PL/68 **MINUTES**

The Open Minutes of the Meetings held on 27th June 2017, 18th July 2017, 8th August 2017 and 5th September 2017 were taken as read, approved as a true record and signed by the Chairman.

PL/69 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been received.

PL/70 **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/71 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

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

PL/72 **RETROSPECTIVE APPLICATION TO VARY CONDITION 15 OF PLANNING PERMISSION REF: 9/2012/0505 TO READ: THE STORE HEREBY PERMITTED SHALL NOT BE OPEN TO THE PUBLIC OUTSIDE THE FOLLOWING TIMES: 08.00 TO 22.00 MONDAY TO SATURDAY AND 10.00 TO 17.00 ON SUNDAYS; AND NO DELIVERIES TAKEN AT OR DESPACHED FROM THE SITE OUTSIDE THE FOLLOWING TIMES: 07:00 - 19.00 MONDAY TO SATURDAY. 09.00 - 17.00 SUNDAY ALDI FOOD STORE LTD, HUNTSPILL ROAD, HILTON, DERBY**

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

The Planning Services Manager summarised the options available to Members in this case, namely to refuse this application and enforce the previously agreed conditions or grant the application with its mitigation measures, albeit with longer opening hours.

Mr Richard Conway (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Mrs Patten addressed the Committee as Ward Member for Hilton, referring to the confined location, its proximity to residential dwellings, opening times, traffic issues and landscaping. The Councillor also questioned why Aldi had chosen to disregard the original conditions and the lack of enforcement action. Although the community had wanted Aldi in the village, the Councillor expressed a view that the company had not, to date, proved to be good neighbours.

Other Members commented that whilst the store was an asset to the community, deliveries had been made outside the agreed hours, that the current application could be an opportunity to improve matters for residents. Other issues raised included the proposed fence size, design, location and materials, landscaping content, parking, customer notices, car park barriers, banksman responsibilities, the potential for setting up a local liaison group, health and safety considerations in relation to pedestrians, drivers, the banksman and vehicles, council liability and the need for enforcement where applicable.

All matters were addressed by the Planning Services Manager.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to additional / amended conditions to secure: amendment to condition 8 to cover collections, revised condition 9 to require revised Development Management Plan to include arrangements for banksmen to guide deliveries into the site from the public highway, avoiding unnecessary off-site movements; additional conditions to secure: closing of car park barriers outside opening hours, barrier to close off pedestrian access

from The Mease, on-site signage to remind customers to park considerately on surrounding residential streets.

Additional informative to be issued encouraging liaison meetings with residents.

PL/73 **CHANGE OF USE FROM USE CLASS A2 (ESTATE AGENTS) TO USE CLASS D1 (PHYSIOTHERAPY, NUTRITION AND WELLBEING CLINIC) AT 5 DERBY ROAD, MELBOURNE, DERBY**

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services.

PL/74 **DISPLAY OF AN ADVERTISEMENT AT MIDWAY COMMUNITY CENTRE, CHESTNUT AVENUE, MIDWAY, SWADLINCOTE**

RESOLVED:-

That express consent be granted as recommended in the report of the Director of Community & Planning Services.

PL/75 **TO REPLACE THE WINDOWS OF SMISBY VILLAGE HALL ON 3 ELEVATIONS AT SMISBY VILLAGE HALL, MAIN STREET, SMISBY, ASHBY DE LA ZOUCH**

Mr Robert Hounslow (applicant) attended the Meeting and addressed Members on this application.

Councillor Stanton addressed the Committee as Ward Member for Repton, referring to the proposed windows being an improvement, it being difficult to tell the difference between the proposed windows and wooden examples, as well as such windows being permitted on houses in the vicinity.

Other Members referred to the need to maintain standards in accordance with policy, to consider each case on its own merits, the non-historic nature of the building, the design features of the proposed windows, the potential for treating the application as an exception, the responsibility of a public body in setting a good example, particularly in a conservation area, value for money considerations and the need to act reasonably, considering the application as an individual case.

RESOLVED:-

That planning permission be granted, contrary to recommendation, on the grounds that the design is more consistent with the historic environment than the existing pattern and therefore is justified as an exception to the policy.

PL/76 **PROPOSED TREE PRESERVATION ORDER 464 AT LAND AT 41 GROVE CLOSE, THULSTON**

RESOLVED:-

That this Tree Preservation Order (TPO) be confirmed with modifications as per the plan attached to the report.

PL/77 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

EXEMPT MINUTES

The Exempt Minutes of the Meeting held on the 18th July 2017 were taken as read, approved as a true record and signed by the Chairman.

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

The Committee was informed that no questions had been received.

The meeting terminated at 7.15pm.

COUNCILLOR A ROBERTS

CHAIRMAN

OVERVIEW AND SCRUTINY COMMITTEE

18th October 2017

PRESENT:-

Conservative Group

Councillor Swann (Chairman), Councillor Billings (Vice-Chairman) and Councillor Mrs Patten

Labour Group

Councillors Bambrick and Mrs Stuart

OS/19 **APOLOGIES**

Apologies were received from Councillors Atkin and Mrs Coe (Conservative Group) and Councillor Dr Pearson (Labour Group)

OS/20 **MINUTES**

The Open Minutes of the Meetings held on 21st June 2017 and 6th September 2017 were taken as read, approved as a true record and signed by the Chairman.

In relation to Minute No. OS/3, Councillor Bambrick wished for it to be noted that he is a Trustee of the Old Post Centre.

OS/21 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee were informed that no declarations of interest from Members of the Council had been received.

OS/22 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee were informed that no questions from members of the Public had been received.

OS/23 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

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

OS/24 UPDATE ON BURTON HOSPITALS AND DERBY TEACHING HOSPITALS NHS FOUNDATION TRUST COLLABORATION

A verbal presentation was delivered by the Chief Executive of Derby Teaching Hospitals and the Director of Strategy Burton Hospitals NHS Foundation Trust updating Members that the Boards of both Trusts had approved the Outline Business Case to deliver a partnership forming one single organisation. The benefits to both organisations, engagement of stakeholders including patients, and the importance of sustainability were explained in detail to the Committee. The process and timescale for implementation was outlined and the importance of sustaining services in both Burton and Derby were emphasised.

Councillor Mrs Patten queried whether members of hospital staff were supportive of the partnership and whether this had attracted more employees to the organisation. The Chief Executive and Director responded that consultations had shown engagement in the process and that by forming a larger single organisation, the opportunities for specialisation would be increased and potentially attract future employees.

Some Members raised concerns about communication within a large organisation. The Chief Executive and Director addressed these concerns and provided examples of departments at both hospitals that already work well together.

The Chairman thanked both representatives and sought clarification on how progress would be reported once the merger is complete. Members were advised that the completion of a Benefits Realisation Plan and communication with stakeholders would assist in monitoring the success of the merger.

RESOLVED:-

Members noted the presentation.

OS/25 REVIEW OF BULKY HOUSEHOLD WASTE COLLECTIONS, SATURDAY MORNING REFUSE FREIGHTER SERVICE AND COMMERCIAL WASTE COLLECTION

The Interim Strategic Director made a request that the above report be presented in conjunction with Agenda Items 8 and 9 as detailed in the minutes below, which was acceptable to the Committee.

The reports were presented highlighting the impact of growth in South Derbyshire on service provision. In order to address issues raised, the Director suggested that visiting another local authority could provide an opportunity to observe how they address similar issues. This suggestion was welcomed by

the Committee and the Director was tasked with making the appropriate arrangements.

In relation to Appendix D of the report, Councillor Mrs Patten requested information on whether there had been an increase in incidents dealt with by the clean team. Councillor Bambrick added that provision of historical statistics would assist in assessing the service use. The Director offered to circulate the requested figures after the Meeting. Members welcomed this and commended the work of the clean team.

Councillor Mrs Stuart sought clarification on the process of dealing with council tenants who repeatedly litter outside their property. The Direct Services Manager advised that such incidents involving council tenants need to be reported to the Environmental Health team who would work in conjunction with the Housing department to resolve the matter. Persistent offenders could face enforcement action. The Chairman highlighted the importance in raising awareness of such issues on a wider scale.

Making reference to fly-tipping, Councillor Billings emphasised the importance on publicising cases of successful prosecution so that it raised awareness and acted as a deterrent. In relation to grounds maintenance services, Councillor Billings sought clarification on the use of resources and whether a more strategic approach was required in order to address the growth of the District. The Director advised that the matter was being addressed.

RESOLVED:-

The Committee noted and discussed the information contained in the report and advised Officers of any areas they wished to be referred to relevant Committees for consideration.

OS/26 **REVIEW OF STREET SCENE SERVICES**

The Interim Strategic Director presented this report as detailed above at Minute No. OS/25.

RESOLVED:-

The Committee noted and discussed the information contained in the report and advised Officers of any areas they wished to be referred to relevant Committees for consideration.

OS/27 **REVIEW OF THE USE OF STRIMMING AS PART OF THE GROUNDS MAINTENANCE SERVICES**

The Interim Strategic Director presented this report as detailed above at Minute No. OS/25.

RESOLVED:-

The Committee noted and discussed the information contained in the report and advised Officers of any areas they wished to be referred to relevant Committees for consideration.

OS/28 **COMMITTEE WORK PROGRAMME 2017-18**

RESOLVED:-

That the Committee considered and approved the updated work programme.

OS/29 **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.

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

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

The Meeting terminated at 7.25pm.

COUNCILLOR SWANN

CHAIRMAN