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Date: 28<sup>th</sup> October 2015

Dear Councillor,

**Council**

A Meeting of the **Council** will be held in the **Council Chamber**, on **Thursday, 05 November 2015** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

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

**Labour Group**

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

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies
- 2** DIGITAL DERBYSHIRE - Presentation
- 3** Minutes  
  
Council Open Minutes 24th September 2015 **6 - 11**
- 4** To note any declarations of interest arising from any items on the Agenda
- 5** To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 6** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 7** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.  
  
Notice of Question **12 - 12**
- 8** To authorise the sealing of the documents.  
  
SEALED DOCUMENTS **13 - 13**
- 9** THE ANNUAL AUDIT LETTER FOR SOUTH DERBYSHIRE DISTRICT COUNCIL **14 - 24**
- 10** REPORT OF THE INDEPENDENT REMUNERATION PANEL **25 - 53**

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| <b>11</b> | LICENSING ACT 2003 - STATEMENT OF POLICY  | <b>54 - 78</b>       |
| <b>12</b> | GAMBLING ACT 2005 - STATEMENT OF POLICY   | <b>79 - 108</b>      |
| <b>13</b> | DEVOLUTION DEAL   | <b>109 -<br/>113</b> |
| <b>14</b> | LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER<br>2015 AND UPDATE ON RECENT DEVELOPMENTS TO THE<br>OMBUDSMAN SERVICE | <b>114 -<br/>117</b> |
| <b>15</b> | To receive and consider the Open Minutes of the following<br>Committees:  |                      |
|           | Etwall Joint Management Committee Open Minutes 13th July 2015<br>Open Minutes   | <b>118 -<br/>120</b> |
|           | Licensing and Appeals Sub-Committee 3rd September 2015 Open<br>Minutes  | <b>121 -<br/>122</b> |
|           | Finance and Management Committee 3rd September 2015 Open<br>Minutes   | <b>123 -<br/>126</b> |
|           | Planning Committee 15th September 2015 Open Minutes   | <b>127 -<br/>131</b> |
|           | Licensing and Appeals Sub-Committee 24th September 2015 Open<br>Minutes   | <b>132 -<br/>133</b> |
|           | Finance and Management Committee Special 24th September 2015<br>Open Minutes  | <b>134 -<br/>134</b> |
|           | Etwall Joint Management Committee 28th September 2015 Open<br>Minutes   | <b>135 -<br/>137</b> |
|           | Finance and Management Committee Special 30th September 2015<br>Open Minutes  | <b>138 -<br/>140</b> |
|           | Licensing and Appeals Sub-Committee 1st October 2015 Open<br>Minutes  | <b>141 -<br/>141</b> |

|   |              |
|---|--------------|
| Environmental and Development Services Committee 1st October 2015 Open Minutes  | 142 -<br>144 |
| Planning Committee 6th October 2015 Open Minutes  | 145 -<br>148 |
| Housing and Community Services Committee 8th October 2015 Open Minutes  | 149 -<br>151 |
| Finance and Management Committee 15th October 2015 Open Minutes   | 152 -<br>154 |
| <b>16</b> To review the composition of Committees, Sub-Committees and Working Panels for the remainder of the municipal year. |              |
| <b>17</b> To review the compositions of Substitute Panels.  |              |
| <b>18</b> To review representation on Outside Bodies.   |              |

**Exclusion of the Public and Press:**

- 19** The Chairman may therefore move:-  
That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 20** Exempt Minutes  
To confirm the Exempt Minutes of the Council Meeting held on 24th September 2015 (CL/59-CL/61)  
Council Exempt Minutes 24th September 2015 (CL/59-CL/61)
- See agenda for reasons for exemption
- 21** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.  
Details
- 22** DEVOLUTION DEAL Exempt Annexe B  
DEVOLUTION DEAL Exempt Annexe C

- 23** To receive and consider the Exempt Minutes of the following Committees:
- Licensing and Appeals Sub-Committee 3rd September 2015 Exempt Minutes
  - Finance and Management Committee 3rd September 2015 Exempt Minutes
  - Licensing and Appeals Sub-Committee 24th September 2015 Exempt Minutes
  - Planning Committee 6th October 2015 Exempt Minutes
  - Housing and Community Services 8th October 2015 Exempt Minutes
  - Finance and Management Committee 15th October 2015 Exempt Minutes

MINUTES of the MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at the Civic Offices, Civic Way, Swadlincote  
on Thursday 24<sup>th</sup> September 2015  
at 6.00 p.m.

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Dunn, Pearson, Rhind, Shepherd, Mrs Stuart, Taylor, Tilley and Wilkins.

CL/45 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Smith (Conservative Group) and Bambrick, Chahal, Richards and Southerd (Labour Group).

CL/46 **OPEN MINUTES OF THE COUNCIL**

The Open Minutes of the Council Meeting held on 2<sup>nd</sup> July 2015 (Minute Nos. CL/27- CL/41) were approved as a true record.

Councillor Shepherd wished for it to be noted that he had raised the matter of the Stenson Fields and Barrow on Trent parish council's boundary change proposal at the previous Council Meeting.

CL/47 **DECLARATIONS OF INTEREST**

The Chairman declared a pecuniary interest in relation to Item 9 on the Agenda, by reason of the Local Plan covering an area of potential housing and employment development sites identified on land in the family ownership; the Chairman being a partner in the family business.

CL/48 **ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER**

The Chairman of the Council outlined the various engagements he had attended since the last Council on 2<sup>nd</sup> July 2015, in particular the Area Forums, the South Derbyshire Partnership Board Meeting, various military events, the Derbyshire Music Partnership Concert, the opening of the Swadlincote Golfing Academy and later visit with a delegation from Toyota City, a visit from Church Gresley School, Pingle School's 50<sup>th</sup> Anniversary, an

awards ceremony at Burton & South Derbyshire College with students from South Korea, The Last Night of the Proms event at Rosliston, Derbyshire Children's Holiday Centre's 125<sup>th</sup> Anniversary and their recognition for the Queen's Award for Voluntary Services. Reference was made to projects such as the new build affordable housing sites at Coton Park and Overseal, as well as the Melbourne Sporting Partnership, also relaying the news that the company holding the rights to sell Cornish Pottery is to bring the business hub back to Swadlincote by 2022.

Respect was paid to both Flt Lt George Thompson and Lady Hilda Clarke, both having passed away recently, marking their long-term and valued contributions to the local community. The Leader joined the Chairman in acknowledging their service to South Derbyshire.

The Leader of the Council commented that many who provide long-term service to the community often do so unnoticed and wished to highlight two such individuals, namely Councillor Paul Marbrow, who has served as a Parish Councillor for over thirty years, often as Chairman, and Tony Hurrell, the Chairman of Sharpes Pottery, who has steered the site to its current success.

The Leader also made reference to the topic of devolution and that notes had been circulated within the Controlling Group, as well as being forwarded to the Labour Group. He advised that further information would be brought to the next meeting of Council in November.

CL/49 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/50 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received.

CL/51 **SEALED DOCUMENTS**

18.06.15 11133 Lease (RTB) – 116 Main Street, Linton  
07.08.15 11162 Lease (RTB) – 21 West End Drive, Shardlow

Councillor Dunn asked for clarification regarding the tenure of properties sold.

**RESOLVED:**

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

CL/52 **ANNUAL REPORT 2014/15**

The Director of Finance and Corporate Services introduced the Annual Report to Council.

**RESOLVED:-**

***That the Annual Report 2014/15 be noted and approved.***

The Chairman left the Chamber at 6.20pm prior to the following item being debated.

CL/53 **LOCAL PLAN PART 1 - UPDATE**

The Director of Community and Planning Services introduced this Report and the Planning Policy Manager presented details from the Report to Council.

Councillor Watson thanked Officers for the comprehensive report and commented that suspension of the Plan had led to some successful appeals for development not covered in the Plan. He further stated that once the Local Plan had been passed, it would afford the district some protection against unwanted development. Councillor Mrs Brown sought assurances regarding the consultation process, relating to the sustainability element of the Plan. Councillor Shepherd queried the late addition of a strategic site, now being undertaken during the period of suspension and commented that decisions made were now incurring the Council costs. Councillor Taylor referred to some discomfort amongst Members with the current position, querying the value of the consultation, as appeals had allowed developers into certain sites. He also requested figures for the number of homes now being added into the allocation. The Leader affirmed that Members are obliged to take all views into consideration and that, whilst there were compromises in the Local Plan, it was needed in order to protect South Derbyshire. Councillor Ford expressed how uncomfortable he was with the number of large development sites in the District, due to their impact on the infrastructure, re-emphasising the need for the Local Plan to be implemented as promptly as possible.

The Planning Policy Manager responded to the matters raised by Members and also undertook to issue a Briefing Note to all Members regarding the housing numbers.

**RESOLVED:-**

***That, subject to further consultation and assessment through an updated Sustainability Appraisal, the following be agreed in principle:***

- 1.1 The addition of a strategic site to the Local Plan Part 1 for a site to the West of Mickleover that includes the New House Farm site and the site west of Ladybank Road for around 1,650 dwellings in the Local Plan Part 1 as a main modification; and***
- 1.2 The drafted housing policy for the land west of Mickleover subject to any modifications agreed by the Director of Community of Planning, Leader of the Council and Chairman of the Environmental***

**and Development Services Committee following the updating of the Sustainability Appraisal and/or further consultation.**

The Chairman returned to the Chamber at 6.50pm.

CL/54 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

**RESOLVED:-**

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

|  |                        |                             |
|--|------------------------|-----------------------------|
| <b><i>Housing and Community Services</i></b>           | <b><i>11.06.15</i></b> | <b><i>HCS/1-HCS/12</i></b>  |
| <b><i>Planning</i></b>                                 | <b><i>23.06.15</i></b> | <b><i>PL/21- PL/30</i></b>  |
| <b><i>Overview and Scrutiny</i></b>                    | <b><i>24.06.15</i></b> | <b><i>OS/1-OS/8</i></b>     |
| <b><i>Finance and Management-Special</i></b>           | <b><i>25.06.15</i></b> | <b><i>FM/20-FM/28</i></b>   |
| <b><i>Planning</i></b>                                 | <b><i>14.07.15</i></b> | <b><i>PL/31-PL/41</i></b>   |
| <b><i>Licensing and Appeals Sub-Committee</i></b>      | <b><i>23.07.15</i></b> | <b><i>LAS/5-LAS/8</i></b>   |
| <b><i>Planning</i></b>                                 | <b><i>04.08.15</i></b> | <b><i>PL/44-PL/53</i></b>   |
| <b><i>Environmental &amp; Development Services</i></b> | <b><i>20.08.15</i></b> | <b><i>EDS/19-EDS/36</i></b> |
| <b><i>Planning</i></b>                                 | <b><i>25.08.15</i></b> | <b><i>PL/54-PL/64</i></b>   |
| <b><i>Licensing and Appeals Sub-Committee</i></b>      | <b><i>27.08.15</i></b> | <b><i>LAS/9-LAS/11</i></b>  |
| <b><i>Housing and Community Services</i></b>           | <b><i>27.08.15</i></b> | <b><i>HCS/15-HCS/26</i></b> |
| <b><i>Overview and Scrutiny</i></b>                    | <b><i>09.09.15</i></b> | <b><i>OS/9-OS/16</i></b>    |
| <b><u>Area Forums</u></b>                              |                        |                             |
| <b><i>Swadlincote</i></b>                              | <b><i>30.06.15</i></b> | <b><i>SA/1-SA/9</i></b>     |
| <b><i>Etwall</i></b>                                   | <b><i>01.07.15</i></b> | <b><i>EA/1-EA/10</i></b>    |
| <b><i>Linton</i></b>                                   | <b><i>15.07.15</i></b> | <b><i>LA/1-LA/9</i></b>     |
| <b><i>Newhall</i></b>                                  | <b><i>16.07.15</i></b> | <b><i>NA/1-NA/10</i></b>    |
| <b><i>Repton</i></b>                                   | <b><i>21.07.15</i></b> | <b><i>RA/1-RA/9</i></b>     |
| <b><i>Melbourne</i></b>                                | <b><i>22.07.15</i></b> | <b><i>MA/1-MA/10</i></b>    |

Councillor Swann sought clarification as to the District Councillor attendees at the Swadlincote Area Forum.

CL/55 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE MUNICIPAL YEAR**

Council was informed that Councillor Atkin would substitute Councillor Stanton on the Audit Sub-Committee.

CL/56 **COMPOSITION OF SUBSTITUTE PANELS**

Council was informed that no changes had been made to the composition of the substitute panels since its last meeting.

CL/57 **REPRESENTATION ON OUTSIDE BODIES**

Council was informed that Councillor Mrs Plenderleith would substitute Councillor Mrs Farrington on the Burton Hospitals NHS Foundation Trust Governors Board and that Councillor Murray would substitute Councillor Mrs Farrington on the Derbyshire Police and Crime Panel.

CL/58 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

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

**EXEMPT MINUTES OF THE COUNCIL**

*The Exempt Minutes of the Council Meeting held on 2<sup>nd</sup> July 2015, (Minute Nos. CL/42-CL/44) 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:-*

|   |                 |                      |
|---|-----------------|----------------------|
| <i>Housing and Community Services</i>           | <i>11.06.15</i> | <i>HCS/13-HCS/14</i> |
| <i>Finance and Management</i>                   | <i>25.06.15</i> | <i>FM/29-FM/31</i>   |
| <i>Planning</i>                                 | <i>14.07.15</i> | <i>PL/42-PL/43</i>   |
| <i>Environmental &amp; Development Services</i> | <i>20.08.15</i> | <i>EDS/37-EDS/38</i> |
| <i>Planning</i>                                 | <i>25.08.15</i> | <i>PL/65-PL/66</i>   |
| <i>Housing and Community Services</i>           | <i>27.08.15</i> | <i>HCS/27-HCS/30</i> |

The meeting terminated at 7.05pm.

COUNCILLOR N ATKIN

CHAIRMAN OF THE DISTRICT COUNCIL

The following question has been received, on notice, from Councillor Richards to the Chairman of the Council;

*"The government recently brought forward the date to December 2015 for transferring to the new system of "Individual Electoral Registration" - one year earlier than previously planned, it is estimated that nearly two million people could drop off the register for no good reason.*

*I believe that's unnecessary, and wrong, what is this Council doing to persuade residents in South Derbyshire to register in order that they are not deprived of their democratic right to vote in future elections?"*

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|                                |  |                                |
|--------------------------------|--|--------------------------------|
| <b>REPORT TO:</b>              | <b>COUNCIL</b>                                       | <b>AGENDA ITEM: 8</b>          |
| <b>DATE OF MEETING:</b>        | <b>5<sup>th</sup> NOVEMBER 2015</b>                  | <b>CATEGORY: DELEGATED</b>     |
| <b>REPORT FROM:</b>            | <b>CHIEF EXECUTIVE</b>                               | <b>OPEN</b>                    |
| <b>MEMBERS' CONTACT POINT:</b> | <b>DEMOCRATIC SERVICES<br/>01283 595848 / 595722</b> | <b>DOC:</b>                    |
| <b>SUBJECT:</b>                | <b>SEALED DOCUMENTS</b>                              | <b>REF: J. BEECH</b>           |
| <b>WARD(S) AFFECTED:</b>       | <b>VARIOUS</b>                                       | <b>TERMS OF REFERENCE: N/A</b> |

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

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

| <u>Date</u> | <u>No. of Seal</u> | <u>Nature of Document</u>               |
|-------------|--------------------|---|
| 09.09.15    | 11177              | Transfer – 12 Elmsdale Road, Hartshorne |
| 21.09.15    | 11194              | Transfer – 101 Elmsleigh Drive, Midway  |
| 21.09.15    | 11199              | Transfer – 143 Salisbury Drive, 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

|                                |  |   |
|--------------------------------|--|---|
| <b>REPORT TO:</b>              | <b>FULL COUNCIL</b>  | <b>AGENDA ITEM: 9</b>   |
| <b>DATE OF MEETING:</b>        | <b>5th NOVEMBER 2015</b>   | <b>CATEGORY: RECOMMENDED</b>  |
| <b>REPORT FROM:</b>            | <b>DIRECTOR OF FINANCE and CORPORATE SERVICES</b>  | <b>OPEN</b>   |
| <b>MEMBERS' CONTACT POINT:</b> | <b>KEVIN STACKHOUSE (01283 595811)</b><br><a href="mailto:kevin.stackhouse@south-derbys.gov.uk">kevin.stackhouse@south-derbys.gov.uk</a> | <b>DOC:</b> u/ks/audit/Grant Thornton/audit letters/covering report |
| <b>SUBJECT:</b>                | <b>THE ANNUAL AUDIT LETTER FOR SOUTH DERBYSHIRE DISTRICT COUNCIL</b>   | <b>REF:</b>   |
| <b>WARD(S) AFFECTED:</b>       | <b>ALL</b>   | <b>TERMS OF REFERENCE:</b>  |

## **1.0 Recommendations**

1.1 That the Annual Audit Letter for 2014/15 is considered and approved.

## **2.0 Purpose of Report**

2.1 For Grant Thornton, as the Council's appointed auditors, to present their Annual Audit Letter for 2014/15.

## **3.0 Detail**

3.1 The Annual Audit Letter summarises the key issues arising from the work that the External Auditor's have undertaken at the Council during 2014/15. The Letter is designed to communicate key messages to the Council and external stakeholders, including members of the public. The letter is published on both the Audit Commission and Council websites.

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

- Auditing the 2014/15 Accounts and Financial Statements.
- The accuracy of grant claims and returns to various government departments and other agencies.
- Assessing the Council's arrangements for securing economy, efficiency and effectiveness to ensure that Value for Money (VFM) is achieved.

3.3 This covers various aspects of the Council's financial performance and position, its financial systems and other project based work undertaken in the year. The detailed report is attached and will be presented to the Council by the External Auditor.

#### **4.0 Financial Implications**

4.1 None directly.

#### **5.0 Corporate Implications**

5.1 None directly.

#### **6.0 Community Implications**

6.1 None directly.

#### **7.0 Background Papers**

None

# The Annual Audit Letter for South Derbyshire District Council

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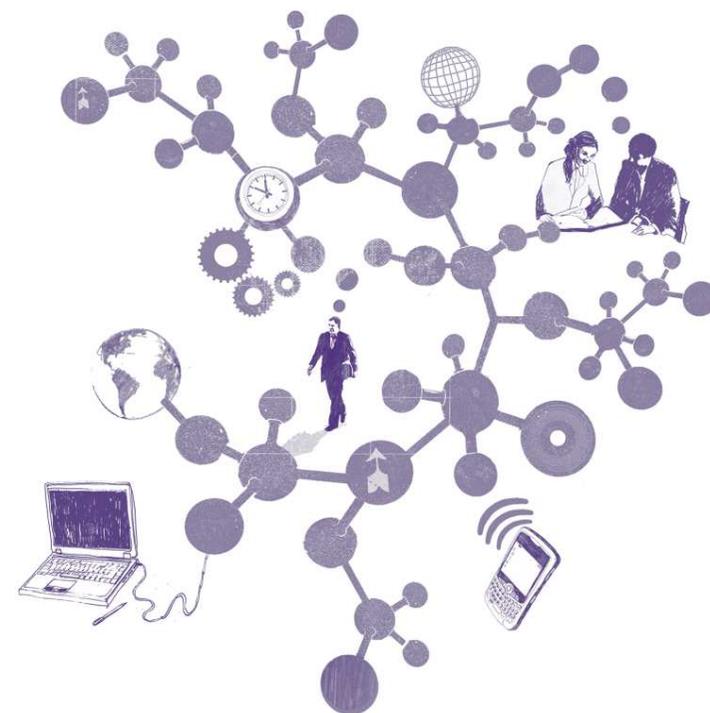
**Year ended 31 March 2015**

October 2015

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1. Key messages

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## **Appendices**

A Key issues and recommendations

B Summary of reports and audit fees

# Key messages

Our Annual Audit Letter summarises the key findings arising from the work that we have carried out at South Derbyshire District Council ('the Council') for the year ended 31 March 2015.

The Letter is intended to communicate key messages to the Council and external stakeholders, including members of the public. Our annual work programme, which includes nationally prescribed and locally determined work, has been undertaken in accordance with the Audit Plan that we issued on 6 March 2015 and was conducted in accordance with the Audit Commission's Code of Audit Practice, International Standards on Auditing (UK and Ireland) and other guidance issued by the Audit Commission and Public Sector Audit Appointments Limited.

|   |  |
|---|--|
| <b>Financial statements audit (including audit opinion)</b> | <p>We reported our findings arising from the audit of the financial statements in our Audit Findings Report on 30 September 2015 to the Audit - Sub Committee.</p> <p>We issued an unqualified opinion on the Council's 2014/15 financial statements on 30 September 2015, meeting the deadline set by the Department for Communities and Local Government. Our opinion confirms that the financial statements give a true and fair view of the Council's financial position and of the income and expenditure recorded by the Council.</p> <p>The key messages reported were:</p> <ul style="list-style-type: none"><li>• We have not identified any adjustments affecting the Council's reported surplus on provision of services of £6,414k.</li><li>• We identified a number of misclassification and disclosure changes during the course of the audit. Management have adjusted the financial statements for these changes.</li><li>• The supporting working papers presented for audit were of a higher standard than last year.</li><li>• We have also identified a number of adjustments to improve the presentation of the financial statements.</li></ul> |
| <b>Value for Money (VfM) conclusion</b>                     | <p>We issued an unqualified VfM conclusion for 2014/15 on 30 September 2015.</p> <p style="text-align: center;"><a href="#">Page 18 of 154</a></p> <p>On the basis of our work, and having regard to the guidance on the specified criteria published by the Audit Commission, we are satisfied that in all significant respects the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015.</p>   |

# Key messages continued

## Payment of an Efficiency Dividend

The Council has distributed an 'efficiency dividend' of £250k to council tax payers in 2015/16, amounting to £6.20 per council tax payer. The Council set the 2015/16 budget at its meeting on 19 February 2015 but determined late in the process that a further report should be considered by the Council at the earliest opportunity in response to the current level of the General Fund Reserve (GFR). A further report was presented to Council on March 2<sup>nd</sup> which presented a number of options for utilising a proportion of the unallocated GFR. The options included for instance: supplementing current capital projects, investing in IT as well as providing an 'efficiency dividend' to council tax payers. The report of March 2<sup>nd</sup> by the Director of Finance & Corporate Services, set out the Council's projected medium-term financial position, which argued that if the Council made use of £250k of general reserves, it would still retain a reserve of £1.75m by 2020, on the assumption that around £2.5m of reserves would be required to support the budget in the years 2017/18-2019/20.

Whilst the Council's level of general reserves is reasonably healthy compared to similar councils, it is important to note that the forward projections of the Council's medium-term financial position are necessarily based on current assumptions which could clearly change over time in response to changes in both the external economic environment and Governments' spending intentions.

It is moreover unclear why these proposals were not built into all other budget discussions considered by the Council before 19 February, not least as the decision which the Council reached at its meeting on March 2<sup>nd</sup> resulted in additional costs to the Council of £46k, due to the need to amend software and other routines to enable council tax bills to be sent out, showing the discount per household, which amounted to £6.20 per council tax payer. We have discussed with management our concerns about the way in which this decision was reached, which we set out below:

- *Governance*: this was a last minute decision reached outside the normal budget setting process. Furthermore, it was not a priority for the Council or part of the Corporate Plan. The imminence of all-out local council elections in May 2015 should also have alerted the Council to the dangers that this action might be perceived as inconsistent with the spirit of good governance.

## Key messages continued

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• <i>Value for money</i>: this decision resulted in the Council incurring £46k in additional costs to provide a discount to each council tax payer of £6.20 each, a benefit which appears relatively small. The lack of proportionality between benefit and cost is underlined by the fact that the few councils we are aware of who have done something similar achieved a better cost-benefit balance. In addition the rationale for such a decision was better justified; for instance one council dispensed an efficiency dividend in response to a one-off unplanned windfall.</li> <li>• <i>Affordability</i>: whilst General Reserves are reasonably healthy the Council also needs to be prudent in retaining sufficient financial resources to meet its medium term requirements, given that there are considerable long-term uncertainties about Government funding levels and economic conditions.</li> <li>• <i>Legality</i> – the Council has relied upon the general power of competence under Section 1 of the Localism Act 2011 to provide the vires for the decision. Other councils who have undertaken similar initiatives have also relied upon this power and have secured legal opinions which are supportive of the use of the power. The Council relied upon the legal advice of its solicitor, and also taking account of the legal advice produced elsewhere in relation to similar decisions.</li> <li>• Should the Council contemplate repeating this initiative at any future stage, we would recommend that it should consider any such decision in light of all of the factors outlined above (governance, value for money, affordability), but in particular we would recommend that a contemporaneous legal opinion be sought as to its potential lawfulness, focusing on the particular decision and circumstances in play relevant at that time.</li> </ul> |
| <b>Certification of housing benefit grant claim</b> | <p>Our work on certification of the housing benefit grant claim is on-going. Our work to date has not identified any issues which we wish to highlight. The detailed findings of our work will be reported in our Grant Certification report upon completion of our work.</p>   |
| <b>Audit fee</b>                                    | <p>Our fee for 2014/15 was £65,700 which is the same as the planned fee. Further detail is included within appendix B.</p>  |

# Appendix A: Key issues and recommendations

This appendix summarised the significant recommendations identified during the 2014/15 audit.

| No. | Issue and recommendation  | Priority | Management response   |
|-----|---|----------|---|
| 1.  | <p>The Council is relatively late in the process of implementing job evaluation and has only recently appointed a consultant to assist with the exercise. There are uncertainties around the cost of implementation.</p> <p><b>Recommendation:</b> The job evaluation exercise should be completed as soon as possible so that the Council can assess the potential additional costs.</p> | High     | This has now commenced and is due to be completed by April 2016.  |
| 2.  | <p>The Council does not have a Financial Services Manager and is relying on the support from temporary staff. The lack of capacity in the finance department increases the risks to the Council.</p> <p><b>Recommendation:</b> The Council should ensure that appropriate arrangements are in place to recruit the necessary resources to improve the capacity of the finance team.</p>   | Medium   | A restructure of the Financial Services Unit was approved by the Finance and Management Committee on 3rd September 2015. Recruitment to 2 vacant posts, including the Financial Services Manager, has now commenced |

## Appendix A: Key issues and recommendations continued

| No. | Issue and recommendation  | Priority | Management response  |
|-----|---|----------|--|
| 3.  | <p>A deficit is forecast from 2017/18 of £526k increasing to £1.1m by 2019/20. The General Reserve is healthy but is expected to reduce from £5m in 2015/16 to £2.1m by 2019/20. There are a number of uncertainties including the level of future funding for the Council, increased demand for services and further cost pressures.</p> <p><b>Recommendation:</b> The Council should continue to regularly monitor and update the Medium Term Financial Plan. In particular, it should continue to monitor the key assumptions in the Plan.</p> | High     | This will be completed in accordance with usual practice. A full review of the MTFP will continue to be completed following the annual out-turn and as part of the annual budgets setting process. General updates will be provided in quarterly monitoring reports. |
| 4.  | <p>The Council made a decision to give an 'Efficiency Dividend' of £250k and incurred costs of £46k. This has raised a number of questions. The Council took a decision which in our view did not demonstrate a robust consideration of the wider cost - benefits to the community it serves.</p> <p><b>Recommendation:</b> The Council should give more robust consideration to the wider cost-benefits to the community it serves, before making similar decisions to the efficiency dividend in the future.</p>                                | High     | Noted  |

# Appendix B: Reports issued and fees

We confirm below the fees charged for the audit and non-audit services.

## Fees for audit services

|   | Per Audit plan<br>£ | Actual fees<br>£ |
|---|---------------------|------------------|
| Council audit                           | 65,700              | 65,700           |
| Housing benefit grant certification fee | 24,440              | 24,440           |
| <b>Total audit fees</b>                 | <b>90,140</b>       | <b>90,140</b>    |

## Fees for other services

| Service  | Fees £ |
|--|--------|
| <b>Audit related services</b>  | Nil    |
| <b>Non-audit related services</b> <ul style="list-style-type: none"><li>Benchmarking in connection with the existing service contracts</li></ul> | 10,000 |

## Reports issued

| Report                              | Date issued    |
|-------------------------------------|----------------|
| Informing the Audit Risk Assessment | January 2015   |
| Audit Plan                          | March 2015     |
| Audit Findings Report               | September 2015 |
| Annual Audit Letter                 | October 2015   |



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|                                |  |                               |
|--------------------------------|--|-------------------------------|
| <b>REPORT TO:</b>              | <b>COUNCIL</b>   | <b>AGENDA ITEM: 10</b>        |
| <b>DATE OF MEETING:</b>        | <b>5<sup>TH</sup> NOVEMBER 2015</b>  | <b>CATEGORY: DELEGATED</b>    |
| <b>REPORT FROM:</b>            | <b>CHIEF EXECUTIVE</b>   | <b>OPEN PARAGRAPH NO: N/A</b> |
| <b>MEMBERS' CONTACT POINT:</b> | <b>ARDIP KAUR (595715)</b><br><a href="mailto:Ardip.Kaur@south-derbys.gov.uk">Ardip.Kaur@south-derbys.gov.uk</a> | <b>DOC:</b>                   |
| <b>SUBJECT:</b>                | <b>INDEPENDENT REMUNERATION PANEL</b>  | <b>REF:</b>                   |
| <b>WARD(S) AFFECTED:</b>       | <b>ALL</b>   |                               |

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### **1.0 Recommendations**

1.1 That Members are requested to consider the recommendations contained in the report of the Independent Remuneration Panel.

### **2.0 Purpose of Report**

2.1 To consider the report of the Independent Remuneration Panel on Members' Allowances attached at Annexe 'A'.

### **3.0 Detail**

3.1 Members are reminded that the Council is required to undertake a review of its Members' Allowances scheme by an Independent Remuneration Panel under the four year rule, as required by The Local Authorities (Members' Allowances) (England) Regulations 2003.

3.2 An Independent Remuneration Panel has previously met in 2001, 2003, 2007 and 2011 to make recommendations to the Council on Members' Allowances. At the Full Council meeting on 2<sup>nd</sup> July 2015, it was agreed to convene the Panel again in order that a report on the Panel's recommendations could be considered by Full Council.

3.3 The following Members were appointed to the Panel, which met on 9<sup>th</sup> and 10<sup>th</sup> September 2015:-

- Dr. Declan L. G. Hall (Chair of the Panel), a former academic at the Institute of Local Government, School of Public Policy, The University of Birmingham, now an independent consultant specialising in Members' allowances and support.
- Gary Musson, chartered Health and Safety practitioner, Chair of Swadlincote and District Chamber of Trade, a local resident and businessman.
- Reverend Sue Rolls, a Methodist Minister and local resident with a professional background as an educational psychologist.

Dr. Hall will be in attendance at the Meeting to present the report and answer any questions from Members.

#### **4.0 Financial Implications**

4.1 As contained in the report.

#### **5.0 Corporate Implications**

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

#### **6.0 Community Implications**

6.1 None.

#### **7.0 Background Papers**

Report of the Independent Remuneration Panel

**A Review of  
Members' Allowances  
For  
South Derbyshire  
District Council**

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**The Fifth Report**

**By the**

**Independent  
Remuneration Panel**

**Dr Declan Hall (Chairman)  
Gary Musson  
Rev. Sue Rolls**

**October 2015**

## **Independent Remuneration Panel:**

### **A Review of Members' Allowances**

**For**

### **South Derbyshire District Council**

## **The Fifth Report**

**October 2015**

### **Introduction: The Regulatory Context**

1. This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel (the Panel) appointed by South Derbyshire District Council (SDDC) to provide advice on its Members' Allowances scheme.
2. The Panel was convened under *The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021)* (the 2003 Regulations). These regulations, arising out of the relevant provisions in the *Local Government Act 2000*, require all local authorities to maintain an independent remuneration panel (also known as an IRP) to review and provide advice on the councils' Members' Allowances. This is in the context whereby full council retains powers of determination regarding Members allowances both levels and scope of remuneration and other allowances/reimbursements.
3. Before a Council exercises such powers of determination it is required to convene its Panel and seek its advice before they make any changes or amendments to its members' allowances scheme. In doing so each Council must 'pay regard' to the Panel's recommendations before setting a new or amended members' allowances scheme.
4. In particular, the Panel has been reconvened under the 2003 Regulations [10. (50)], which states:

Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.

5. This mechanism is the means by which all Councils are required to reconvene their Independent Remuneration Panel at least once every four years to ensure a degree of periodic public accountability vis-à-vis their Members' Allowances schemes. It is under this requirement that the Panel has undertaken this review of Members' Allowances for South Derbyshire District Council.

### **Terms of Reference**

6. The Panel, appointed by full Council on 2 July 2015, was given the following terms of reference as agreed by full Council on the same date as contained in a report from the Chief Executive; namely to make recommendations:
  - I. On the amount of Basic Allowance that should be payable to Members and the expenses it includes;
  - II. On the categories of Members who should receive a Special Responsibility Allowance and the amount of such an allowance;
  - III. On the amount of Co-optees allowances, where applicable;
  - IV. On travel and subsistence allowances;
  - V. On the amount of Childcare and Dependent Carers' Allowances;
  - VI. On whether the allowances should continue to be adjusted in line with the average pay increases negotiated through the National Joint Committee for Local Government Employees or with reference to any other index or none;
  - VII. On the implementation date for the new Scheme of Allowances;
  - VIII. On the Civic Allowances;
  - IX. On additional expenses received by Members;
  - X. On any other matters which the Panel considers necessary.

### **The Panel**

7. South Derbyshire District Council reconvened its Panel and the following Members were appointed to carry out the independent allowances review, namely:
  - Dr. Declan Hall: Chairman  
A former academic at the Institute of Local Government, The University of Birmingham, now an independent consultant

specialising in Members' allowances and support. A national representative.

- Gary Musson:  
Is a chartered Health & Safety practitioner, Chair of Swadlincote & District Chamber of Trade, a local resident and businessman. A private sector representative.
- Rev. Sue Rolls:  
Is a Methodist Minister and local resident with a professional background as an educational psychologist. A community representative.

8. The Panel was ably supported by Ardip Kaur, Legal and Democratic Services Manager and Monitoring Officer, whose role was to support the proceedings and take the organisational lead in facilitating the whole process. Additional support was provided by Cheryl Lukaszewicz, Administration Assistant.

## **Process and Methodology**

### **Evidence Reviewed by the Panel**

9. The Panel met at the Civic Offices, Swadlincote on 9 - 10 September 2015 to consider the evidence and hear representations, including factual briefings on the Council by Officers. All Members were invited to make written submissions to the Panel (none of which were received) and all Members who wished to meet with the Panel were accommodated as far as practically possible – see appendices one and two for details. The Panel also reviewed relevant written information, such as council and committee meetings schedules, benchmarking data, statutory guidance, etc. See appendices three and four for further details. The Panel meetings were held in private session to enable it to meet with Members and Officers and consider the evidence in confidence.

### **Benchmarking - the SDDC comparator group of councils**

10. As per previous reviews the Panel has reviewed and evaluated the evidence and representations within a comparative context. In particular, the Panel has benchmarked the scope and levels of allowances paid in South Derbyshire District Council against those paid in the 16 comparator councils utilised for benchmarking purposes. The benchmarking group of councils was made up of 3 sub groups:
  - I. SDDCs 6 nearest neighbours (2014 model) as defined by the Chartered Institute of Public Finance and Accountancy (CIPFA). These authorities are those deemed closest to South Derbyshire

District Council on a range of demographic, and social and economic criteria - this is done on a national basis.

- II. Adjacent district councils, or immediate neighbours - these are next door neighbours
  - III. The other Derbyshire districts not otherwise included the sub groups I and II - these are county wide neighbours.<sup>1</sup>
11. The Panel has not been driven by the mean rates and levels of allowances paid across the comparator authorities but it was concerned to understand how the issues under review have been addressed elsewhere, i.e., what is the most common and good practice. (See Appendix 3 for summary of benchmarking information utilised by the Panel). Moreover, the Panel felt that it was important to place the SDDC allowances scheme in a comparative perspective. Leaving aside the fact that this only gives relative values and is less a guide to the real worth of councillors work it does inform elected Members on the wider picture and in this case helps show that SDDC Members are not comparatively speaking hard done by.

## **Principles and Key Messages**

### **The purpose of a Members' Allowances scheme**

12. During meetings with Members it was mentioned on more than one occasion that the levels of main allowances payable under the current SDDC Members' Allowances scheme were insufficient to 'attract' a wider range of people to stand for Council. This may well be the case, however members' allowances schemes are not intended to 'attract' candidates for Council - they would have to be at a level so high as not to be publically acceptable. Moreover, the Panel (and a number of interviewees) were not at ease with the concept of using allowances to 'attract' candidates for council - if elected Members were standing for and remaining on the Council due to financial appeal it would run contrary to the public service ethos. The desire to serve local communities and residents is the prime motive for being a Councillor. Members' allowances were never intended to be paid at full 'market rates.'
13. The Panel shares the concern that was conveyed by Members, namely the profile of the council and indeed all councils is not representative of the communities that make up SDDC. However, addressing the representativeness of the council body is beyond the remit of this Panel and there are other important factors that play a part in restricting access to serving on council.

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<sup>1</sup> See Appendix 3 for more details.

14. The policy intention behind the requirement to establish a Members' Allowances scheme for all English councils is to enable and facilitate Members' roles and responsibilities as far as practically possible while taking into account such factors as the nature of the council, local economic conditions and good practice. Thus the Panel has sought to recommend a scheme that seeks to minimise financial barriers to public service so as to enable a wide range of people to become a Councillor without incurring undue personal financial cost. While consciously not set at market rates allowances should provide large degree of recompense for time spent and responsibility carried by Members.

### **The South Derbyshire District Council Members' Allowances Model**

15. SDDC has a distinctive model of remuneration - it pays a comparatively high Basic Allowance and in most instances it is the same for the SRAs payable. The comparative data does indeed show that for many of the allowances paid in South Derbyshire District Council they are relatively high. The Panel took the opportunity to discuss this in some depth but was satisfied that the Basic Allowance and SRAs payable in South Derbyshire District Council are not as high as initially perceived. This is due to the 2nd distinctive feature of the South Derbyshire District Council model of remuneration - namely while it is the case that there is a relatively high Basic Allowance this is in the context of SDDC having fewer Members than many peer councils. The other qualifier is that the comparatively high SRAs in SDDC are paid for fewer posts than in the comparator councils - while particular SRA may be high they are not so high once the total paid out in SRAs is taken into account.
16. Consequently, when compared to peer or comparator councils, the total paid out in Basic Allowance is not as high as it may seem at first glance. SDDC only has 36 Members and the statutory publication of allowances and expenses received by Members of SDDC for 2014/15 shows that the total paid out in Basic Allowance was £218,709. The equivalent publication for North East Derbyshire Council show that council's Basic Allowance (£5,087) is almost £1,000 less than that paid in SDDC (£6,075). But as NEDC has 53 Members the total paid out via the Basic Allowance was £266,757<sup>2</sup>.
17. Similarly, while a number of SRAs payable are indeed the highest or towards the higher end of the levels paid across the comparator group, the number of SRAs payable in South Derbyshire District Council is not always as extensive as elsewhere. The SRAs payable in South Derbyshire District Council take the role and responsibilities of the post 'in the round' into account and do not 'build up' remuneration through being able to be receive multiple SRAs as is the case in Derbyshire Dales for example. SDDC has a more transparent model of remuneration in which both peers and the public can understand the level of

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<sup>2</sup> [NEDC Members Expenses 1 April 2014 - 31 March 2015](#)

remuneration received by Members, whereas in other comparator authority schemes a degree of obfuscation may be detected at times.

18. Moreover, the South Derbyshire District Council model means that the total remuneration paid for the respective function, such as Overview and Scrutiny, or Planning is more often comparable to that paid in peer councils than it first appears. For instance, the South Derbyshire District Council scheme does not pay for multiple Overview and Scrutiny Chairmen, as is the case in North Kesteven which has 3 Overview and Scrutiny Panels with each Chair receiving an SRA of £3,125 giving a total of £9,375 to remunerate Members chairing O&S, whereas in SDDC there is one Overview and Scrutiny Committee with the Chair paid £9,248. Nor does SDDC pay a small SRA to all Planning Members, which does occur in some of the comparator authorities.
19. Within this context the Panel further notes that the South Derbyshire District Council model of paying SRAs – i.e., a Member can draw down 1-SRA only regardless of number of remunerated posts a Member may hold – means that not all SRAs are not paid. By maintaining this principle, it means that while there are headline minor decreases in allowances arising out of the recommendations below the reality will be that there may be further savings due to the 1-SRA only rule.

### **Recognizing the economic context**

20. While benchmarking needs to be put in context the current economic climate is less contextual. It is true that despite the need to find savings over the past few years the Council is in comparatively good financial health and the South Derbyshire area in general is experiencing economic growth. Yet, the Council will continue to need to find savings in the next few years. The Panel cannot but be aware of the economic context both generally and for the council in the coming 2-3 years.
21. This has led the Panel to take the view that it would be reluctant to increase the total spend on allowances, and even a marginal increase in the current total spend would require strong evidence for the Panel to make such a recommendation. While the Panel has not been driven by the need to find savings the recommendations arising out of this review will, if adopted by Council, result in marginal savings on the current Members' Allowances scheme and greater savings in the cost of supporting Members.
22. Yet, the workloads and responsibilities of elected Members of South Derbyshire DC have not noticeably reduced and where they have changed the evidence suggests that they have got larger. While the Council is seeking further savings, it does not mean Members are doing less. At the time of the previous review in the spring of 2011, South Derbyshire was a high achieving Council and it continues to be so - an

achievement in which Members play a role. The economic context has to be balanced against the continued demands placed upon Members.

### **The role of the Panel at this juncture**

23. The contextual comparisons aside, the evidence reviewed by the Panel suggests that significant increases in allowances or additional remunerated posts cannot be justified. Moreover, a strong theme emerging from the representation was that the allowances were 'adequate' all things considered and at most only minor amendments were required.
24. This context has led the Panel to restricting itself to correcting current anomalies where they exist rather than undertake a fundamental re-setting of the whole allowances scheme. In addition, there are some clarifications required so as to remove ambiguity in the claiming of some allowances. Finally, it is recognised that local government is in a state of flux, how it operates now and the roles Members undertake in the quickly evolving world of local and indeed sub regional government will also undergo change. While this is another reason not to revisit the fundamentals of the current allowances scheme it also provides the opportunity for the Panel to flag up areas of concern for the future, which it will take to revisit during the next review.

## **Recommendations - the Basic Allowance**

### **Recalibrating the Basic Allowance**

25. Previously, in arriving at the recommended Basic Allowance the Panel has always followed the formulaic approach as laid out in the 2003 Statutory Guidance (paragraphs 67-69) which recommends the consideration of three variables. If the Panel 'recalibrated' the Basic Allowance by repeating the formulaic approach as set out in the 2003 Statutory Guidance but up dated the variables to take into account the most recent rate of remuneration it gives the following values:

- Time required to fulfil duties: 99 days per year
- Public Service Discount: 1/3
- 2014 Rate of Remuneration: £94 per day

### **Time to fulfil duties for which the Basic Allowance is paid**

26. The Basic Allowance is primarily a time based payment (see 2003 Statutory Guidance paragraph 10). Since the 2007 review the Panel has utilized 99 days per year as the minimum required input from a Member to fulfil those duties for which the Basic Allowance is paid, including preparing for and attending meetings, - both formal and informal,

addressing constituents concerns, engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with Officers.

27. The most up to date information available on what is a reasonable time expectation for which the Basic Allowance is paid comes from the 2013 Councillors Census. It shows that Councillors in district councils who hold no positions of responsibility report that they put in on average 14 hours per week on "on council business". Leaving aside the issue of whether reported inputs are equivalent to time required, this is as close to the Panel's historic time assessment for SDDC Members as to make no difference (assuming a working day between 7 - 7.5 hours).
28. Thus, the Panel for the purposes of this review has retained 99 days per years expected time input from Members for recalibrating the Basic Allowance.

### **The Public Service Discount (PSD)**

29. The Public Service Discount (PSD) recognizes the principle that not all of what a Councillor does should be remunerated – there is an element of public service. This principle is realized by discounting an element of the expected time inputs associated with the Basic Allowance; in this case 1/3 of the 99 days per year. Thus 33 days annual workload is not remunerated. The proportion of 1/3 has been utilised as the standard PSD used by Panels in England – largely on the grounds that research shows that just over 28% of work by all Councillors is dealing with ward/constituency issues and when other constituent/ward related activities are taken into account at least one third of councillors workload is spent representing local constituents and communities<sup>3</sup> – thus deemed to be the *pro bono* element of a councillors' workload.
30. At this stage the Panel was not presented with hard information to suggest a PSD of 1/3 required revision.

### **The rate of remuneration**

31. The Panel has always utilised a rate of remuneration that most closely reflects the typical earnings of Members' constituents. In late 2006 this was £90 per day, the median gross daily salary for all full time employees in the UK as published by the Office of National Statistics (ONS) in its Annual Survey of Hourly Earnings (ASHE). Panels have increasingly

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<sup>3</sup> See Kettlewell, K. And Phillips, L. (2014), *Census of Local Authority Councillors 2013*, (LGA Research Report), Slough, NFER, Table 7 (p. 42) shows that out of an average weekly workload of 21.3 hours per week for all Councillors that they spend 6 hours per week on "engaging with constituents, surgeries, enquiries" and another 4.5 hours per week "working with community groups" (a proportion of which has been assumed to be ward/constituency related and not council related). Data is not broken down for district councils in this instance.

switched to a local authority specific rate of remuneration - largely because ASHE began to collect data on an authority by authority basis about 4 four years ago.

32. Therefore the Panel has reset the rate of remuneration and based it on the median gross daily earnings of all full time employees who work within the boundaries of SDDC<sup>4</sup>. The ASHE survey shows the weekly figure to be £470.90 which equates to £94 per day to the nearest pound.
33. Thus, if the Panel replicated the previous methodology with the day rate updated it produces the following recalibrated Basic Allowance:
  - 99 days minus 1/3 PSD multiplied by £94 per day = £6,204
34. The current Basic Allowance (with indexation) is £6,175, thus it has not lost its value relative to the Basic Allowance in 2007. As previously indicated the Panel is not going to revisit the Basic Allowance despite representation that it is not high enough to 'attract' a wider range of candidates to stand for council. Not only is the Panel ill at ease with the concept but the SDDC BA is already noticeably above the mean BA (£4,552) paid in the comparator group of councils (health warnings on benchmarking notwithstanding).
35. While the Panel has decided not to increase the Basic Allowance based on an updated daily rate for 2014 as the difference is so marginal to the current BA so as not to make any difference it has also decided not to decrease the Basic Allowance simply because it is comparatively high, albeit as we have seen not as high as it may first be assumed. The Panel has sought to find ways to make savings in other, more appropriate, ways – namely where there is a case to do so (see below).
36. **The Panel recommends no change to the current Basic Allowance (£6,175) payable in South Derbyshire District Council for 2015/16.**

### **Support for Telecommunications and Broadband**

37. Up until the 2011 review Members received an additional Telephone Allowance of £300 per year which was simply added on top of the Basic Allowance. It was designed to cover the additional telephone costs that arising from being a Member. In addition Members had the opportunity for a phone line to be installed at their home with a broadband connection paid for by the Council. This phone line was installed solely for broadband purposes and not for making phone calls, for which the Telephone Allowance was already payable.
38. In 2011 the Panel was persuaded that the Council was not making the most effective and efficient use of the telecoms infrastructure that was

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<sup>4</sup> See ASHE, Table 7.1a - Weekly pay - gross - for full time employee jobs in SDDC 2014

available. Consequently, in the 4th Report the Panel recommended the discontinuation of the annual £300 telephone allowance. Specifically it recommended that those **Members who wished to seek support for the cost of their council-related communications may do so through one of the following options:-**

- **The Council will offer a line rental, including installation costs, and broadband package to Members. This will now include a telephone for Council-related calls. This handset will utilise the broadband connection in place to become part of the Council's telephone system and to enable all calls to be routed through it.**
- **Alternatively, for those Members wishing to continue to use their own broadband provider then they are able to seek reimbursement of up to a maximum of £15 per month upon the production of relevant receipts.** In this scenario, Members will still have the opportunity to have a telephone, provided by the Council, to make Council-related calls. This will utilise the Member's broadband connection to enable the handset to become part of the Council's telephone system.

39. Although the Council accepted this recommendation it proved to be a less cost effective option than originally estimated when the one-off costs such as handsets, licences for software and "power bricks" to provide either of the options available were taken into account. Consequently, the implementation of the recommendation was suspended and all Members bar those newly elected from May 2015 continue to receive an annual £300 Telephone Allowance.
40. There is no reason to treat Members differently in respect of the support they receive. Moreover, the world has moved on regarding information technology. It is now common practice for households to have a home telephone land line and to a lesser extent a broadband service as well as individuals owning a personal mobile phone. Packages are widely available that bundles all 3 services for a flat rate monthly sum with the effect that the costs of telecommunications associated with Member related duties are either zero or marginal and the concept of a Telephone Allowance is now outmoded and should be discontinued.
41. To give Members and the Council the time to move adjust to the change **the Panel recommends that the Telephone Allowance be discontinued from 1<sup>st</sup> January 2016.**

### **The Special Responsibility Allowances - the Leader's SRA**

42. The current SRA (£18,518) for the Leader was set at a multiple of 3 times the BA as it reflected the common differential between a BA and Leader's SRA nationally, regardless of the type of council. Benchmarking

shows that the Leader's mean SRA (£13,477) is exactly 2.96 times the mean BA (£4,553). This approximate factor of 3 over the BA has emerged and remains at the most typical differential.

43. The Leader's SRA and total remuneration package is at the higher end of the comparative spectrum. Again, a health warning must be provided when looking at the comparative data. For one, it does not take into account where Leaders (and other post holders) can be paid more than one SRA - although as it was readily identifiable the SRA listed for the Leader of Derbyshire Dales takes into account the post holder is able to and indeed does receive 1.5 SRAs although from the published schemes it is not known the extent to which this type of practice occurs amongst the comparator councils.
44. Looking at the role of Leader of the Council in the South Derbyshire context, it remains the fact that the Leader's overall commitment, regardless of the individual, is if not quite a full time role it requires a significant time commitment that precludes full time employment in the normal sense. Many of the SRAs for Leaders in the benchmarking group have been explicitly set with a limited time commitment in mind such as the High Peaks - the remuneration was expressly set with the model of a part time Leader in mind. Bearing this in mind the current total remuneration received (£24,693) is still below the median annual gross full time salary for all employees in South Derbyshire, which in 2014 was £26,188 (ASHE Table 7.7a).
45. The Leader's role appears to have changed the most since 2011, particularly with regards to being on and working with the Local Enterprise Partnership (LEP - a statutory body) and more partnership working in general. More recently the Leader has begun to devote more time and attention to the proposed Combined Authority for Derbyshire, Nottinghamshire and Leicestershire - and regardless of the final form of the CA the Leader will continue to work with it - most likely by being on the CA Leaders' Board in the future.
46. The SRA for the Leader was always set in recognition that there is a regional role to undertake. While it may be more of a case of the regional role growing into the original assessment of the role rather than the SRA being too low the Panel received no evidence that the current SRA required revisiting at this stage.
47. **The Panel recommends that the SRA for the Leader remains at £18,518 for 2015/16.**

### **Arriving at the other SRAs**

48. In arriving at the other recommended SRAs the Panel continued with the pro rata approach as advised in the 2003 Statutory Guidance (paragraph 76). In most cases the current ratios, as expressed as a percentage of

the Leader's SRA, have been maintained except where there is a compelling case to reset the original ratio.

### **The Deputy Leader**

49. The Deputy Leader's SRA (£10,178) is set at 55% of the Leader's SRA. Again it is at the higher end of the comparative spectrum but the Panel has always recognised that the role of Deputy Leader in SDDC is an active one, more so than in many of the comparator councils. While the Deputy Leader may no longer chair a Policy Committee the post holder has acquired a greater range of discrete tasks undertaken at the behest of the Leader such as being on more outside bodies due to the pressures on the Leaders' role. The Deputy Leader also is required to deputize (within and outwith the Council) for the Leader more often than in the past for similar reasons.
50. **The Panel recommends that the SRA for the Deputy Leader remains at £10,178 for 2015/16.**

### **The Chairmen of the Policy Committees (3)**

51. Currently, the Chairmen of the 3 Policy Committees each receive an SRA (£9,249) set at 50% of the Leader's SRA. Once again while it is at the high end of the comparative spectrum it is in a context whereby there are fewer Policy Committees (or equivalent) in the 5 out of 16 councils in the benchmarking group where such a post exists. For instance the Chairmen of the policy or equivalent committees in Newark and Sherwood each receive an SRA of £5,296 but with 4 such committees the total remuneration for the policy committee chairmen is £21,184. While the Chairmen of the 3 Policy Committees are paid a total of £27,747 in SDDC the difference is not as large as it first appears. Moreover, no evidence was received to suggest the SRAs for the Chairmen of the 3 Policy Committees needed revising.
52. **The Panel recommends that the SRA for the Chairmen of the 3 Policy Committees remains at £9,249 for 2015/16.**

### **The Chairman of the Planning Committee**

53. Similarly, the Panel is content to maintain the current 50% ratio of the Leader's SRA as the appropriate pro rata in setting the SRA (£9,249) for the Chairman of the Planning Committee. This leaves it the highest SRA for a Planning Chairman *vis-à-vis* the comparator group. Yet, once more, it must be set in context where in some authorities, all Members of the Planning Committee receive additional remuneration, such as in Amber Valley (£570 for all other 13 Members on Planning) and Newark & Sherwood (£96 per site visit paid to all other 13 Members on Planning).

54. Moreover, the Planning Committee in SDDC is highly visible and attracts a lot of attention - the pressures of economic growth and development locally means the Chairman has to do a lot of reading, including objections from residents, and has to handle meetings with great aplomb. The Panel received no evidence that the current SRA required revising.
55. **The Panel recommends that the SRA for the Chairman of the Planning Committee remains at £9,249 for 2015/16.**

### **Ordinary Members of the Planning Committee**

56. Representation was received advocating a small SRA for the ordinary Members of the Planning Committee on the grounds that it met more often (on a monthly cycle) than other committees. This type of SRA is not as common as it used to be. Benchmarking shows it only occurs 2 out of the 16 councils in the benchmarking group - Amber Valley £570 and in Newark and Sherwood £96 per site visit where they are formally organised. Moreover, the Panel is mindful of the 2003 Statutory Guidance (paragraph 73)

It does not necessarily follow that a particular responsibility which is vested to a particular member is a significant additional responsibility for which a special responsibility allowance should be paid. Local authorities will need to consider such particular responsibilities very carefully. Whilst such responsibilities may be unique to a particular member it may be that all or most members have some such responsibility to varying degrees. Such duties may not lead to a significant extra workload for any one particular member above another. These sorts of responsibilities should be recognised as a time commitment to council work which is acknowledged within the basic allowance and not responsibilities for which a special responsibility allowance should be recommended.

57. Sitting on a Planning Committee is one of the regulatory roles that all Members are asked to undertake. It is recognised that Planning Committee Members have a greater workload than Members on other committees but it is workload issue rather than a question of responsibility. Other Members can be and indeed are called upon at times to undertake additional work for sustained periods.
58. **The Panel does not recommend that the ordinary Members of the Planning Committee are paid an SRA.**

### **The Chairman of the Overview and Scrutiny Committee**

59. Of all the posts considered for benchmarking purposes the SRA (£9,249) for the Chairman of the Overview and Scrutiny Committee is the one that

is most above the mean SRA (£3,314). Again, the Panel points that in South Derbyshire District Council there is only one remunerated Chairman of Overview and Scrutiny whereas this is not necessarily the case in some of the comparator councils. For instance, the Chairmen of the 3 Overview and Scrutiny Panels in North Kesteven each receive an SRA of £3,125, with a total cost of £9,375. Moreover, Panel received no evidence to alter the current differentials of the SRA for the Chairman of Overview and Scrutiny, which is paid on a par with the Chairmen of the other main committees - the Panel has consistently supported a flat rate model for the remuneration of the main committee chairmen.

60. **The Panel recommends that the SRA for the Chairman of the Overview and Scrutiny Committee remains at £9,249 for 2015/16.**

### **The Chairman of the Licensing and Appeals Committee**

61. This SRA (£2,312) was set at 25% of the Leader's SRA. Benchmarking shows that the mean SRA paid to Chairmen of equivalent committees is £2,812. At first glance it appears there may be a case to increase this SRA yet Licensing and Appeals never meets as a full Committee, the real work of the Committee is undertaken by the Licensing Appeals Sub Committees that carry out licensing appeals including liquor, housing, personnel and miscellaneous licensing. A Licensing and Appeals Sub Committee always consists of 3 Members drawn from the parent committee and they are constituted and meet as and when required. Over the past 3 years they have averaged 10-11 times per year, although at least one of them last less than 1 hour in length.
62. The default position is that the Chairman of the full Licensing and Appeals Committee chairs the sub committees but this is not always necessarily the case particularly where there may be conflicts of interest. Consequently there are Licensing Members who also undertake the role of chairing a Licensing Sub Committee who are not remunerated whereas the Chairman of the Licensing and Appeals Committee while chairing the majority of the sub committees takes 100% of the SRA allotted to this function. This is an anomaly and in the interests of equity the Panel has decided to change how the licensing and appeals function is remunerated that has a stronger relationship to workload and responsibility than is currently the case.
63. **The Panel recommends that the SRA for the Chairman of Licensing and Appeals is discontinued from 1 January 2016 and replaced with an SRA paid to the Chairmen of the Licensing and Appeals Sub Committee for every meeting they chair as follows:**

- **Sub Committee Meetings - less than 2 hours: £94**
- **Sub Committee Meetings - 2 hours or more: £188**

### **Vice Chairmen of the Policy, Planning, Overview & Scrutiny Committees**

64. Currently each of the 5 Vice Chairmen of the main committees (3 Policy, 1 Planning and 1 Overview & Scrutiny Committee) receives an SRA of £2,312, set at 25% of the SRA for their respective Chairmen. One view expressed to the Panel questioned the merit of remunerating any committee vice chairmen on the basis that it was the type of role that most Members could reasonably expect to fulfil over a term of office and therefore covered by the Basic Allowance.
65. The Panel has not accepted this argument - there was another view that the role of Vice Chairmen of the main committees was vital for succession planning, without a remuneration it could make having competent Vice Chairmen ready to step up to a Chairman harder to plan for. While the comparative picture is mixed benchmarking shows that it is by no means unusual to pay a Committee Vice Chairmen an SRA - in the case of planning it is the more common practice.
66. Yet, the picture that emerged in SDDC was that the role of Committee Vice Chairman is somewhat ill defined and nebulous. While a Committee Vice Chairman is required to and indeed does step in for their Chairman when required there is no standard definition of the role beyond this old fashioned and somewhat narrow conception of the role. In particular, there is no standard expectation that all Committee Vice Chairmen are required to carry out discrete tasks, and in practice their role appears to be variable and for the most part dependent on the how their respective Chairmen view the role.
67. This is not to say the Vice Chairmen do not merit an SRA rather the evidence does not support the current SRA across the board. Consequently, the Panel has reset the SRA for the Vice Chairmen of the 5 main committees at 20% of their respective Chairmen's SRA (£9,249), which equates to £1,850. The Panel flags up that during the next review it would like to see role profiles for the Vice Chairmen and will then further reconsider their SRAs.
68. **The recommended SRA for the Vice Chairmen of the Policy Committees, the Planning Committee and the Overview and Scrutiny Committee is £1,850.**

### **Chairman of the Audit Sub Committee**

69. The Panel received evidence that the Chairman of the Audit Sub Committee merited an SRA. Indeed benchmarking shows that the equivalent post is typically remunerated with a mean SRA of £2,525. It is recognised that the Audit Sub Committee has a vital role and has real impacts in posing financial challenge. Yet to be consistent the Panel has decided that to recommend an SRA for this post it would need to see a

role profile during the next review where it will reconsider an SRA for the Chairman of the Audit Sub Committee.

70. **At this stage the Panel does not recommend that the Chairman of the Audit Sub Committee is paid an SRA.**

#### **The Leader and Deputy Leader of the Opposition**

71. No evidence was received to indicate the SRA for the Opposition Leader (£9,249) and Deputy Leader (£2,312) required revising.
72. **The Panel recommends that the SRA for the Leader and Deputy Leader of the Opposition continue to receive an SRA of £9,249 and £2,312 respectively.**

#### **Confirmation of the 1-SRA only rule**

73. The 2003 Regulations do not prohibit the payment of multiple SRAs to Members, as the benchmarking clearly shows. As per good practice, South Derbyshire District Council has adopted a 1-SRA only rule. In other words, regardless of the number of remunerated posts a Member may hold they can be paid 1 SRA only. This cap on the payment of SRAs to Members means that posts are not simply sought out for financial reasons. Indeed, the pressure is that if anything, posts tend to be spread around more. It also makes for a more transparent allowances scheme in that the published SRA for a post is the total SRA paid and is not topped up through multiple SRAs. Finally, in practice the 1-SRA only rule means not all the SRAs are paid which results in a small savings to the Council.
74. **The Panel recommends that the Council continue to impose a 1-SRA only rule within the South Derbyshire District Council Members' Allowances scheme.**

#### **Co-optees' Allowances**

75. Currently there are no Co-optees in receipt of a Co-optees' Allowance and no evidence was received to indicate this situation should be changed.
76. **The Panel does not recommend that a Co-optees' Allowance is made available to any Co-optees the Council chooses to appoint to its committees and/or panels.**

#### **Dependants' Carers' Allowance (DCA)**

77. The Local Government Act 2000 explicitly clarifies the right of local

authorities to pay a Dependants' Carers' Allowance (DCA), which Members can claim to assist in meeting care costs for their dependants while undertaking approved Council duties. It is an allowance explicitly designed to enable a wider range of candidates to stand for and remain on Council. It has rarely been claimed but the Panel feels that the principal behind the DCA is a sound one. This allowance is now almost universally available in English local authorities.

78. **The Panel recommends that the DCA and the terms and conditions under which it can be claimed are maintained.**

## **Travel and Subsistence Allowances**

### **The Subsistence Allowance**

79. There were no issues brought to the Panel's attention regarding the scope and levels payable under the Subsistence Allowance scheme. There is no subsistence allowances payable for Members attending in-authority approved duties. For attending out of authority approved duties schedule 2 of the SDDC allowances scheme states that subsistence is payable "at the *current* rates if not pre-booked by the Authority". In effect the 'current' rates are the same that apply to Officers. However, for clarification purposes and to be fully compliant with the 2003 Regulations the actual subsistence rates need setting out in the allowances scheme in Schedule 2 thus ensuring maximum transparency and removing any ambiguity regarding the Subsistence rates payable.
80. **The Panel recommends that the maximum Subsistence and overnight rates that Members may claim for undertaking approved duties out of the authority are set out in Schedule 2 of the SDDC Members' Allowances scheme. The Panel does not recommend any changes to the current rates and terms and conditions of the Subsistence Allowances scheme for 2015/16.**

### **The Travel Allowance - Mileage**

81. The current mileage rates that Members can claim for undertaking approved duties are based on the approved mileage rates as published by Her Majesty's Revenue and Customs (HMRC). These mileage rates have the advantage of not incurring any tax or national insurance liability for Members. They are now the most prevalent mileage rates for Members in British local government and the Panel received no evidence that they required revising.
82. **Thus, the Panel recommends that the Council continue to pay mileage rates claimable by Members for attending approved duties at the HMRC mileage rates for the mileage allowances.**

### **Extending Approved Duties to cover Parish/Town Council attendance**

83. The Panel was asked to extend the current list of approved duties for claiming a mileage allowance to include when Members attend Parish and Town Council meetings in their wards. The Panel understands that Members who represent wards that contain parish councils feel they need to attend their parish council meetings. Yet all Members have to undertake some travel related to their ward and community duties for which they are not currently reimbursed - that is part of their voluntary contribution. Moreover, Members can claim mileage from their respective parish councils - where they have travel allowances in place.
84. **The Panel does not recommend that Members attending the meetings of Parish and Town Councils within their wards be included in the list of approved duties for which Members can claim a mileage allowance. Furthermore, that the current terms and conditions applicable for which Members can claim travel mileage allowances and the reimbursement of public transport (where used) remain unchanged.**

### **The Civic Allowances**

85. The Panel considered the current Civic Allowances payable to the Chairman (£7,649) and Vice Chairman (£1,982) of the Council. The Civic Allowances are paid under the Local Government Act 1972 (sections 3.5 and 5.4), not as remuneration (although in many authorities it has in effect become a substitute salary), but to meet the expenses of holding the office of Chairman and Vice-Chairman of the Council.
86. There has already been substantial savings in the support costs for the Chairman and Vice Chairman mostly arising from the discontinuation of the civic car and chauffeur. The role has been more narrowly defined with attendance at civic functions or to functions where the Chairman has been invited limited to within the authority or authorities adjacent to SDDC. The Chairman and where relevant the Vice Chairman of the Council now have to drive themselves.
87. More importantly the Chairman and Deputy Chairman now attend a lot less formal functions than previously, particularly outside of SDDC. It is recognised that that is more to the role of Chairman than attending civic functions, such as being the 'champion of unsung local heroes'. Yet the fact remains that attendance at civic functions has decreased along with the associated expenses for which the Civic Allowance is supposed to meet while that Allowance has remained the same and this is no longer justified.
88. Some local authorities explicitly remunerate their Council Chairman and Vice-Chairman through the payment of a SRA (e.g., Derbyshire Dales) in

addition to the provision of a civic allowance for meeting the cost of holding office. However, this issue was never raised with the Panel; the issue raised was the level of Civic Allowances not being adjusted to reflect the more narrowly defined role of the Civic Head.

96. **The Panel recommends that the Council Chairman's Civic Allowance is reset at £5,000 per annum and the Civic Allowance for the Vice Chairman of the Council is also reduced by a similar proportion and set at £1,189 per year.**
89. **To ensure that they are not out of pocket the Panel also recommends that the SDDC Members' Allowances scheme is clarified so that the Chairman and Vice Chairman of the Council are able to claim travel and subsistence for undertaking their civic duties subject to the maximum rates and conditions that apply.**

#### **Confirmation of indexing - for 2 years only: 2016-2018**

90. The Panel was minded not to recommend the indexation of allowances so that the allowances would over time fall more in line (albeit marginally) with those paid in the comparator authorities. However, the Panel has always accepted in principle that the main allowances should be indexed, particularly to the same annual percentage increase in Officers salary. Indeed when Officers salary was subject to a zero per cent annual cost of living increase Members also received the same, i.e., zero annual increase.
91. **Thus, the Panel recommends and confirms the use of the following indices for allowances but only for the next 2 years 2016-2018:**
  - **Basic Allowance, SRAs and Civic Allowances:** increased by same percentage applied annually to the pay of local government staff, implemented each April (linked to spinal column point 49 of the NJC scheme), backdated to the date of the Council Annual Meeting on 21<sup>th</sup> May 2015.
  - **Travel:** Mileage rates to be indexed to the rates approved by HMRC for cars, motor cycles, bicycles, including the passenger supplement rate where applicable. Other travel will be reimbursement of actual costs taking into account the most cost effective means of transport available and the convenience of use.
  - **Subsistence (out of authority only):** indexed to the same rates that applies to Officers of South Derbyshire District Council, for reimbursement of actual costs up to the maximum rate applicable as laid out in Schedule 2 of the allowances scheme.

92. The Panel points out that if the Council adopt indexation for 2 years only

then to extend any of the indices beyond May 2017 that the Council must seek the advice of the Panel, at which stage the Panel will take the opportunity to revisit the issues flagged up in a mini-review.

## **Implementation**

93. **The Panel recommends that the recommendations contained in this report (with any amendments) be implemented from date of the council meeting at which the new allowances scheme is adopted.**
94. **The exceptions to this recommendation are**
  - **Discontinuation of the Telephone Allowance: to be implemented from 1 January 2016**
  - **Discontinuation of the SRA for the Chairman of the Licensing and Appeals Committee and the implementation of the SRAs for the Chairmen of the Licensing and Appeals Sub Committees: to be implemented from 1 January 2016**
  - **The resetting of the SRAs for the Vice Chairmen of the 5 main committees: to be implemented from 1 January 2016.**
  - **The resetting of the Civic Allowances for the Chairman and Vice Chairman of the Council: to be implemented from the date of the Civic Council Meeting 2016**

## **Appendix One**

### **Members and Officers who met with the Panel**

#### **Members**

|                       |  |
|-----------------------|--|
| Cllr N. Atkin         | Chairman of the Council                                    |
| Cllr Mrs L Brown      | Vice Chairman of Planning Committee                        |
| Cllr Mrs H Coyle      | Deputy Leader of Council & Conservative Group              |
| Cllr Mrs G Farrington | Chairman of Overview & Scrutiny Committee                  |
| Cllr J Grant          | Chairman of Audit Sub Committee                            |
| Cllr J Harrison       | Chairman of Finance & Management Committee                 |
| Cllr P Murray         | Vice Chairman of Council                                   |
| Cllr. K. Richards     | Leader of the Opposition (Labour Group)                    |
| Cllr P Smith          | Vice Chairman of Housing & Community Services Committee    |
| Cllr M Stanton        | Chairman of Licensing & Appeals Committee                  |
| Cllr T Southerd       | Deputy Leader of the Opposition (Labour Group)             |
| Cllr P Watson         | Chairman of Environmental & Development Services Committee |
| Cllr. B. Wheeler      | Leader of the Council & Conservative Group                 |

#### **Officers**

|                  |   |
|------------------|---|
| Mr. F.B. McArdle | Chief Executive   |
| Ms. A. Kaur      | Solicitor, Legal & Democratic Services Manager & Monitoring Officer |

## **Appendix Two**

### **Information Received by the Panel**

1. Terms of Reference as agreed by Report to Council 2 July 2015 Section 3.4, including full report.
2. SDDC Members Allowances Scheme (2015/16) including DCA, travel and out of authority subsistence rates and any other support Members receive
3. SDDC statutory annual publication that summarizes allowances and expenses paid/claimed (2014/15) for each Member, including sub totals for each category
4. Consolidated Guidance for Panels and Regulations May 2003 (Department of Communities and Local Government)
5. Flow Chart showing political structures of the Council, committees and sub committees, etc
6. Membership of main committees, sub committees and panels, including Chair and Vice Chairmen
7. Remit or responsibility for functions for main committees and sub committees, including meetings schedule 2015/16
8. Benchmarking information summarizing allowances paid in neighbouring/comparator authorities 2015/16
9. The Fourth Report of the Independent Remuneration Panel (March 2011) including accompanying report to Council and accompanying Minutes that shows Council decision
10. Councillors Census 2013 data showing mean hours worked by Councillors broken down by type of council and positions held
11. PowerPoint presentation on introduction to allowances reviews: The South Derbyshire model, patterns and issues to consider (by Chair of IRP)
12. Office of National Statistics, 2014 Annual Survey of Earnings Statistical Bulletin showing average salary rates for South Derbyshire
13. The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) - to table when IRP convenes
14. Member role profiles
15. SDDC Annual Report 2014-15

16. SDDC Pay Policy Statement 2015-16
17. SDDC Expenses Policy & Guidance on claiming Expenses Novemberf 2014

## Appendix Three: Benchmarking Allowances for South Derbyshire District Council

| <b>BM1 S. Derbyshire DC Comparator Group: BA + Policy &amp; Scrutiny SRAs 2015/16</b> |                        |                |                     |                      |  |                                      |                           |                                |                           |                                |
|---|------------------------|----------------|---------------------|----------------------|--|--------------------------------------|---------------------------|--------------------------------|---------------------------|--------------------------------|
| <b>Authority</b>  | <b>Basic Allowance</b> | <b>Leader</b>  | <b>Leader Total</b> | <b>Deputy Leader</b> | <b>Chairs Policy or Service Committees</b> | <b>Vice Chairs Policy Committees</b> | <b>Chair Main O&amp;S</b> | <b>Vice Chair Main O&amp;S</b> | <b>Chairs of Scrutiny</b> | <b>Vice Chairs of Scrutiny</b> |
| Amber Valley  | £3,800                 | £11,390        | £15,190             | £5,725               | NA   | NA                                   | £2,280                    |                                |                           |                                |
| Bolsover  | £9,902                 | £14,672        | £24,574             | £9,781               | NA   | NA                                   |                           |                                | £3,260                    | £1,630                         |
| Chesterfield  | £4,421                 | £27,785        | £32,206             | £15,285              | NA   | NA                                   |                           |                                | £4,654                    | £2,327                         |
| Chorley*  | £4,379                 | £13,213        | £17,592             | £4,091               | NA   | NA                                   | £4,379                    | £1,460                         | £322                      |                                |
| Derbyshire Dales  | £4,243                 | £10,658        | £14,901             | £7,319               | £4,408                                     | £1,454                               |                           |                                |                           |                                |
| East Norants  | £4,600                 | £8,000         | £12,600             | £5,000               | £3,683                                     | £1,228                               | £3,250                    | £1,083                         |                           |                                |
| East Staffs   | £4,540                 | £18,417        | £22,957             | £9,208               | £9,208                                     |                                      |                           |                                | £1,842                    |                                |
| Erewash*  | £3,848                 | £12,754        | £16,602             | £6,374               | NA   | NA                                   | £3,377                    | £1,124                         |                           |                                |
| High Peak 13/14   | £3,002                 | £9,905         | £12,907             | £5,942               | NA   | NA                                   |                           |                                | £1,980                    |                                |
| Hinckley & Bosworth*  | £3,275                 | £11,735        | £15,010             |                      | NA   | NA                                   | £2,455                    |                                |                           |                                |
| Newark & Sherwood   | £4,279                 | £9,774         | £14,053             | £6,799               | £5,298                                     | £977                                 |                           |                                |                           |                                |
| NE Derbyshire*  | £5,171                 | £17,777        | £22,948             | £12,774              |  |                                      |                           |                                | £3,890                    | £1,294                         |
| N. Kesteven   | £4,550                 | £13,158        | £17,708             | £8,421               | NA   | NA                                   |                           |                                | £3,125                    | £1,002                         |
| N. Warwickshire*  | £4,942                 | £10,987        | £15,929             |                      | £4,983                                     | £1,745                               | £4,983                    |                                |                           |                                |
| NW Leicestershire   | £3,780                 | £15,120        | £18,900             | £9,450               | NA   |                                      | £4,914                    |                                |                           |                                |
| Selby*  | £4,115                 | £10,288        | £14,403             |                      | NA   |                                      | £3,087                    |                                |                           |                                |
| <b>S. Derbyshire</b>  | <b>£6,175</b>          | <b>£18,518</b> | <b>£24,693</b>      | <b>£10,178</b>       | <b>£9,249</b>                              | <b>£2,312</b>                        | <b>£9,249</b>             | <b>£2,312</b>                  |                           |                                |
| <b>Mean</b>   | £4,553                 | £13,477        | £18,030             | £8,167               | £5,516                                     | £1,351                               | £3,591                    | £1,222                         | £2,725                    | £1,563                         |
| <b>Highest</b>  | £9,902                 | £27,785        | £32,206             | £15,285              | £9,208                                     | £1,745                               | £4,983                    | £1,460                         | £4,654                    | £2,327                         |
| <b>Lowest</b>   | £3,002                 | £8,000         | £12,600             | £4,091               | £3,683                                     | £977                                 | £2,280                    | £1,083                         | £322                      | £1,002                         |

\* Denotes scheme is 2014/15 - latest publically available data

| BM2: SDDC Comparator Group: Regulatory & Related SRAs 2015/16   |                   |                     |                  |                    |                   |                          |                                |                                  |                        |                 |
|---|-------------------|---------------------|------------------|--------------------|-------------------|--------------------------|--------------------------------|----------------------------------|------------------------|-----------------|
| Authority   | Chair of Planning | V/Chair of Planning | Members Planning | Chair of Licensing | V/Chair Licensing | Chair Licensing Panel[s] | Chair of Audit &/or Governance | Vice Chair Audit &/or Governance | Chair HR or Employment | Chair Standards |
| Amber Valley  | £2,280            |                     | £570             | £1,710             |                   |                          | £2,280                         |                                  |                        | £1,710          |
| Bolsover  | £4,891            | £2,445              |                  | £2,445             | £1,222            |                          |                                |                                  |                        |                 |
| Chesterfield  | £4,629            |                     |                  | £4,629             |                   |                          | £2,277                         |                                  | £3,491                 |                 |
| Chorley*  | £2,964            | £1,460              |                  | £2,964             | £1,460            |                          | £1,751                         |                                  |                        |                 |
| Derbyshire Dales**  | £4,402            | £1,466              |                  | £1,066             | £852              |                          |                                |                                  |                        |                 |
| East Norants  | £3,683            | £1,228              |                  | £2,000             | £600              |                          | £3,250                         | £1,083                           | £1,228                 |                 |
| East Staffs   | £6,446            |                     |                  | £4,604             |                   |                          | £1,842                         |                                  |                        | £921            |
| Erewash*  | £3,377            | £1,124              |                  | £3,377             | £1,124            | £3,377                   | £3,377                         | £1,124                           |                        | £3,377          |
| High Peak 13/14   | £2,970            | £1,485              |                  | £600               | £300              |                          | £1,980                         |                                  |                        |                 |
| Hinckley & Bosworth*  | £2,455            |                     |                  | £2,455             |                   |                          | £1,645                         |                                  | £1,645                 |                 |
| Newark & Sherwood   | £3,797            | £595                | £96 site visits  | £3,129             | £460              |                          | £1,795                         |                                  |                        | £1,795          |
| NE Derbyshire*  | £7,779            | £1,294              |                  |                    |                   |                          |                                |                                  |                        | £3,890          |
| N. Kesteven   | £4,497            | £1,261              |                  | £2,200             | £500              |                          | £3,125                         | £1,022                           |                        |                 |
| N. Warwickshire*  | £4,983            |                     |                  |                    |                   |                          |                                |                                  |                        |                 |
| NW Leicestershire   | £4,914            |                     |                  | £4,914             |                   |                          | £4,914                         |                                  |                        |                 |
| Selby*  | £4,115            |                     |                  | £4,115             |                   |                          | £2,058                         |                                  |                        |                 |
| <b>S. Derbyshire</b>  | <b>£9,249</b>     | <b>£2,312</b>       |                  | <b>£2,312</b>      |                   |                          |                                |                                  |                        |                 |
| <b>Mean</b>   | £4,261            | £1,373              |                  | £2,872             | £815              |                          | £2,525                         | £1,076                           | £2,121                 | £2,339          |
| <b>Highest</b>  | £7,779            | £2,445              |                  | £4,914             | £1,460            |                          | £4,914                         | £1,124                           | £3,491                 | £3,890          |
| <b>Lowest</b>   | £2,280            | £595                |                  | £600               | £300              |                          | £1,645                         | £1,022                           | £1,228                 | £921            |
| * Denotes scheme is 2014/15 - latest publically available data  |                   |                     |                  |                    |                   |                          |                                |                                  |                        |                 |
| ** Derbyshire Dales has 2 Area DCCs with Chairs & Vice Chairs each receiving an SRA of £2,201 & £733 respectively |                   |                     |                  |                    |                   |                          |                                |                                  |                        |                 |

| <b>BM3: SDDC Comparator Group Opposition &amp; Other SRAs &amp; Comments 2015/16</b> |                               |                                      |                                    |  |
|--|-------------------------------|--------------------------------------|------------------------------------|--|
| <b>Authority</b>   | <b>Main Opposition Leader</b> | <b>Main Opposition Deputy Leader</b> | <b>2nd Opposition Group Leader</b> | <b>Other SRAs/Comments</b>   |
| Amber Valley   | £2,850                        |                                      |                                    | Broadband & Printer Consumables Allowance £250   |
| Bolsover   | £4,891                        |                                      |                                    |  |
| Chesterfield   | £8,686                        | £4,342                               |                                    | Telecommunications Allowance £300 per year   |
| Chorley*   | £6,782                        | £1,908                               | £1,908                             | Other minor SRAs payable   |
| Derbyshire Dales   | £1,807                        |                                      | £1,445                             | More than 1 SRA payable  |
| East Norants   | £3,683                        |                                      |                                    | Finance Chair & Vice Chair get SRA £1,000 & £250 respectively  |
| East Staffs  | £9,208                        |                                      | £921                               | BA inclusive of Broadband & Tel, 70% attendance or 12th instalment withheld  |
| Erewash*   | £4,969                        |                                      |                                    | Chair & Vice Chair Driver's Licensing Panel £3,377 & £1,124 respectively, Vice Chair Standards £1,124, Tel line rental paid + £100 costs for SRA holders |
| High Peak 13/14  | £1,980                        |                                      |                                    | Broadband Allowance up to £216 per year  |
| Hinckley & Bosworth*   | £2,455                        |                                      | £2,455                             | Chair Appeals £1,645   |
| Newark & Sherwood  | £3,797                        |                                      | £795                               | Opposition Spokespersons £977  |
| NE Derbyshire*   | £4,915                        |                                      |                                    | Vice Chair Standards £1,294, Broadband provided or reimbursed  |
| N. Kesteven  | Not specified                 |                                      |                                    | V/Chair Scrutiny Panels £1,002, 75% of 2nd SRA paid & £100 ICT Allowance   |
| North Warwickshire*  | £1,162 + £233 per member      | £1,745                               | £1,162 + £233 per member           | Chairs Sub Committees £1,745, Appeals Panel Members £260, Area Chairs £873   |
| NW Leicestershire  | £3,780                        |                                      | £3,780                             |  |
| Selby*   | £2,058                        |                                      |                                    | Chair Policy Review £3,087, Majority Group Leader £2,058   |
| <b>S. Derbyshire</b>   | <b>£9,249</b>                 | <b>£2,312</b>                        |                                    | <b>Telecommunications support provided</b>   |
| <b>Mean</b>  | £4,419                        | £2,665                               | £1,884                             |  |
| <b>Highest</b>   | £9,208                        | £4,342                               | £3,780                             |  |
| <b>Lowest</b>  | £1,807                        | £1,745                               | £795                               |  |

\* Denotes scheme is 2014/15 - latest publically available data

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|                         |   |                      |
|-------------------------|---|----------------------|
| REPORT TO:              | COUNCIL   | AGENDA ITEM: 11      |
| DATE OF MEETING:        | 5 <sup>TH</sup> NOVEMBER 2015   | CATEGORY: DELEGATED/ |
| REPORT FROM:            | CHIEF EXECUTIVE   | OPEN/                |
| MEMBERS' CONTACT POINT: | EMMA McHUGH (ext. 5716)<br><a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a> | DOC:                 |
| SUBJECT:                | LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY  | REF:                 |
| WARD(S) AFFECTED:       | ALL   | TERMS OF REFERENCE:  |

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## 1. Recommendations

- 1.1 That Members approve and adopt the Council's Licensing Act 2003 Statement of Licensing Policy ("the Policy").

## 2. Purpose of Report

- 2.1 To provide Members with the outcome of a consultation with interested parties.
- 2.2 To advise Members that the draft Policy was approved by Environmental and Development Services Committee on 1<sup>st</sup> October 2015.
- 2.3 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

## 3. Detail

- 3.1 Section 5 of the Licensing Act 2003 ("the Act") requires the Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The Licensing Authority's current Policy was published in January 2011.
- 3.2 The Policy has been updated to reflect the changes to the Act since 2011.

### **Consultation**

- 3.3 The Act requires the Licensing Authority to consult with relevant parties on any revision of the Policy. The consultation took place between 13<sup>th</sup> July 2015 and 4<sup>th</sup> September 2015. Copies of the Policy were sent to all Responsible Authorities, existing licensees and other major stakeholders. The Policy was also placed on the Council's website.
- 3.4 One response was received in relation to the Policy from Councillor Harrison. No other responses were received. The draft Policy is attached as **Appendix 1**.

3.5 On 1<sup>st</sup> October 2015, the draft Policy was approved by Members at the Environmental and Development Services Committee.

**4. Financial Implications**

4.1 There are no financial implications to the Council.

4.2 Recommendation 1.1 will have no financial implications on existing licence holders.

**5. Corporate Implications**

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

5.2 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults from the potential harms of licensable activities seriously, which contributes to the theme of safety and security.



**South  
Derbyshire**  
District Council

# **Licensing Act 2003**

## **Statement of Licensing Policy**

## Contents of Policy

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## 1. Introduction

1.1 South Derbyshire District Council is the Licensing Authority under the Licensing Act 2003 (“the Act”). The Licensing Authority makes this Statement of Licensing Policy (“the Policy”) in accordance with Section 5 of the Act. It explains how the Licensing Authority will carry out its role under the Act.

1.2 In carrying out its functions, this Licensing Authority will have regard to the Section 182 Guidance issued by the Secretary of State and the Policy. This Licensing Authority will carry out its functions with a view to actively promoting the four licensing objectives:

- Prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm.

Each licensing objective is of equal importance. The promotion of the licensing objectives is of paramount consideration at all times for this Licensing Authority carrying out their functions.

1.3 South Derbyshire is situated in the County of Derbyshire which includes 8 other local authorities. South Derbyshire is a mixed urban and rural district covering approximately 338 square kilometres with a population of 94,900 (2011 estimate). The town of Swadlincote is the main focus for employment, shopping and services in South Derbyshire. Hilton and Melbourne are the District’s next largest centres of population. The District includes a number of villages and settlements, such as the historically significant Repton and Shardlow and larger villages like Hatton and Willington.

1.4 A large part of the District has been included within the designated area of the National Forest. This major environmental initiative is creating a new and attractive landscape for work, recreation and wildlife. A map of the District is attached as Appendix A.

1.5 In producing the Policy, this Licensing Authority is required to consult with the following persons:

- The Chief Officer of Police;
- The Fire and Rescue Authority;
- Local Authority’s Director of Public Health in England;
- Other Responsible Authorities;
- Bodies/persons representative of local premises licence holders;
- Bodies/persons representative of local club premises certificate holders;
- Bodies/persons representative of local personal licence holders;
- Bodies/persons representative of businesses and residents in the area.

1.6 This Licensing Authority carried out an 8 week consultation period with the above persons. In addition, the Policy was placed on the Council’s website for consultation. The views of all persons have been given appropriate weight and all comments considered in an objective and reasoned way.

1.7 The Policy comes into effect on 7<sup>th</sup> January 2016 until 7<sup>th</sup> January 2021. During this period, this Licensing Authority will keep the Policy under review and make any changes as it thinks appropriate following consultation with the above persons.

## **2. Aim of the Policy**

2.1 In addition to the four licensing objectives, this Licensing Authority will seek to promote the following aims and objectives so long as they do not conflict with the four statutory licensing objectives:

- secure the safety and amenity of our communities;
- facilitate a safe and sustainable licensed trade that contributes to the economy and vibrancy of the District through minimising the regulatory burden on businesses, encouraging innovation and supporting responsible premises;
- reflect the needs of the community in relation to its cultural needs and diversity by supporting licensable activities, including live music, dancing, theatre and the other cultural experiences offered by such activities;
- effectively manage the night time economy and take action against those premises that are causing problems.

2.2 To achieve these aims, this Licensing Authority is committed to promoting best practice and to working in partnership with Derbyshire Constabulary, Derbyshire Fire and Rescue Service, other Responsible Authorities, local licensing authorities, local agencies, the licensed trade, other local businesses and local communities to promote the objectives as set out in the Policy.

## **3. Purpose of the Policy**

3.1 The Policy is concerned with the administration of the licensing functions required of this Licensing Authority under the Act. The Act regulates the following licensable activities:

- The sale by retail of alcohol;
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- Regulated entertainment;
- Late night refreshment.

3.2 The above licensable activities are authorised by premises licence, club premises certificate and/or temporary event notices. In addition, this Licensing Authority is responsible for personal licences.

3.3 With the introduction of the Live Music Act 2012 and the deregulation of what is classed as regulated entertainment, this Licensing Authority will determine what is regulated entertainment on a case-by-case basis based on the information provided by the applicant or existing licence holder. Any applicant or existing licence holder is advised to contact this Licensing Authority for further advice in order to discuss their proposed event/activities.

3.4 The Policy is designed to provide guidance for all parties involved or affected by the above licensable activities with the District. This includes:

- Applicants;
- Licence holders;
- Organisations or individuals planning events;
- Statutory agencies;
- Residents and business in the neighbourhood;
- Licensing decision makers.

- 3.5 As this Licensing Authority does not operate in a vacuum, there will be a high degree of overlap between licensing and other areas of regulation such as planning, building control, noise nuisance and health and safety, etc. However, this Licensing Authority can only deal with licensing issues and will not duplicate the requirements of other legislation. This Licensing Authority will not attach conditions to any premises licence or club premises certificate which are already provided for in other legislation. However this Licensing Authority would consider attaching appropriate conditions, for the promotion of the licensing objectives, if other legislation does not cover the unique circumstances of the proposed licensable activities.
- 3.6 This Licensing Authority recognises that the Act is not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business, which holds the licence, certificate or notice. However, licensing is a key aspect for the successful control and management of the leisure and night-time economy in town centres therefore this Licensing Authority would expect all licensees to be responsible for minimising the impact of their activities and the behaviour of their patrons on others within the vicinity of the premises.
- 3.7 The Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits, nor will it override the right of any person to make a representation on an application or seek review of a licence where provision has been made for them to do so in the Act.

#### **4. Application Process**

- 4.1 Applicants should set out the steps they intend to take to promote the licensing objectives in their operating schedule on the application form. This Licensing Authority would expect an applicant to carry out a full risk assessment of the premises and proposed licensable activities in producing the operating schedule. Any steps identified in the operating schedule will become a condition on the licence or certificate if granted.
- 4.2 Applicants are urged to discuss their proposals with this Licensing Authority and the Responsible Authorities prior to submitting an application. This will enable them to seek advice when formulating their operating schedule and may avoid the need for a hearing in response to relevant representations from a Responsible Authority.
- 4.3 Under the Act, the applicant is responsible for submitting a copy of the application on the Responsible Authorities unless the application is submitted online. If the application is submitted online, this Licensing Authority will forward a copy of the application to the Responsible Authorities.
- 4.4 Unless relevant representations are received from Responsible Authorities or other persons, there is no provision for this Licensing Authority to impose conditions on a licence and/or certificate other than in accordance with the operating schedule and relevant mandatory conditions. If no representations are made in respect of an application, this Licensing Authority is obliged to issue the licence and/or certificate on the terms sought.
- 4.5 Applications will not be valid unless properly made in accordance with the Act.
- 4.6 As part of the application procedure for a new or variation premises licence or club premises certificate, this Licensing Authority requires the applicant to provide a copy of the newspaper notice, to include the name of the newspaper and the date the notice appeared, in order to satisfy this Licensing Authority that the requirements of the Act have been complied with.

4.7 In addition, this Licensing Authority will check the notice displayed at the premises during the 28 days representation period. If the notice is not displayed at the time of the check, this Licensing Authority will notify the applicant and will commence the 28 days representation period from the day after the notice was displayed. A further check will be then carried out to ensure that the notice is displayed.

## **5. Right to Make Representations and Consultation**

5.1 Responsible Authorities are public bodies that must be notified of applications and are entitled to make representations in relation to the application for the grant, variation or review of a premises licence or club premises certificate.

5.2 Responsible Authorities include:

- This Licensing Authority;
- The Chief Officer of Police;
- Fire and Rescue Authority;
- Health and Safety Enforcing Authority under the Health and Safety at Work etc. 1974;
- Environmental Health;
- Planning Authority;
- Body representing those who are responsible for matters relating to the protection of children from harm;
- Local Authority's Director of Public Health in England;
- Trading Standards.

5.3 There may be additional Responsible Authorities that must be served notice of the application e.g. vessels. The applicant is advised to contact this Licensing Authority for further advice.

5.4 This Licensing Authority designates the Derbyshire Safeguarding Children Board as the body representing those who are responsible for matters relating to the protection of children from harm.

5.5 This Licensing Authority can act as a Responsible Authority in its own right. This Licensing Authority will determine when it is appropriate to act in its capacity as a Responsible Authority. This decision will be made with a view to promoting the licensing objectives and having regard to this Policy and the Guidance issued under Section 182.

5.6 This Licensing Authority will not act as a Responsible Authority on behalf of other parties i.e. local residents, local councillors or community groups. Such parties can make representations in their own right. However, if these parties have failed to act and this Licensing Authority is aware of relevant grounds to make a representation, it may choose to act in its capacity of a Responsible Authority.

5.7 This Licensing Authority will expect other Responsible Authorities to intervene where the basis for the intervention falls within the remit of that other Responsible Authority e.g. the Police should make representations on issues that undermine the crime and disorder licensing objective. This Licensing Authority will work with other Responsible Authorities to provide relevant intelligence that may provide more information in relation to their own evidence.

5.8 In acting in its role as Licensing Authority and Responsible Authority, this Licensing Authority will ensure that there is a clear separation of responsibilities to ensure procedural fairness and

eliminate conflicts of interest. The Officer advising the Licensing and Appeal Sub-Committee will be a different Officer to the Officer who is acting as the Responsible Authority.

- 5.9 In addition to Responsible Authorities, any other persons which include any individual, body or business is entitled to make a representation in relation to an application to grant, full variation, minor variation or review of a premises licence or club premises certificate regardless of their geographical proximity to the premises. Any other person may seek the review of a premises licence or club premises certificate in their own right.
- 5.10 In accordance with the Act for premises licenses and a club premises certificate, this Licensing Authority must consider relevant representations as part of the licensing process. A representation is 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. In addition, a representation must not be frivolous or vexatious. The Licensing Authority will decide if a representation is frivolous or vexatious on the basis of what might ordinarily be considered to be frivolous or vexatious.
- 5.11 This Licensing Authority will notify the person making the representation of the decision that a representation is not relevant as soon as practicably possible in order to provide that person with the opportunity to make a relevant representation before the end of the 28 days representation period. This will depend when the initial representation was received as there may not be the chance to provide an opportunity to make a relevant representation if the representation was received towards the end of the representation period.
- 5.12 This Licensing Authority is required to provide the applicant with copies of any relevant representations that have been made. This will include the name and address of the person making representations. This Licensing Authority will only consider withholding some or all of the person's personal details if the circumstances justify the action i.e. a genuine and well-founded fear of intimidation. The personal details of any person making a representation will be redacted in the report that is prepared for the Licensing and Appeals Sub-Committee held to determine the application.

## **6. Cumulative Impact**

- 6.1 In certain situations, the number, type and density of premises selling alcohol may be associated with serious problems of nuisance and disorder. Where a significant number of licensed premises concentrated in one area are having a negative impact on the licensing objective, this Licensing Authority may consider that an area has become saturated. In these circumstances, where evidence is brought to the attention of this Licensing Authority which supports the need for a special policy, it will consider the evidence and, if satisfied, where appropriate and necessary, will include an approach to cumulative impact in the Policy.
- 6.2 This Licensing Authority has received no evidence that would make it consider that the adoption of a saturation policy is currently necessary for South Derbyshire.
- 6.3 This Licensing Authority will review the requirement for a saturation policy in line with the 5 year review of the Policy. However, this does not prevent any Responsible Authority presenting evidence to this Licensing Authority at any time to request the consideration of adopting a saturation policy.
- 6.4 If any evidence is received, this Licensing Authority will take the following steps in considering whether to adopt a saturation policy within the Policy:

- identification of concern about crime and disorder, public safety, public nuisance or protection of children from harm;
- consider whether it can be demonstrated that crime and disorder or nuisance are occurring or whether there are activities which pose a threat to public safety or the protection of children from harm;
- if such problems are occurring, identify whether these problems are being caused by the customers of licensed premises or that the risk of cumulative impact is imminent;
- identify the boundaries of the area where problems are occurring;
- consult with those specified by Section 5(3) of the Act and, subject to the outcome of the consultation, include and publish details of the saturation policy in the Policy.

6.5 The absence of a saturation policy does not prevent any Responsible Authority or other persons making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

6.6 This Licensing Authority regards the adoption of a saturation policy as being exceptional. Many other mechanisms exist outside the licensing regime that are available to address such issues. For example:

- planning controls;
- positive measures to create a safe and clean town and village centres environment in partnership with local businesses, transport operators and other departments of the Council;
- the provision of CCTV surveillance in town and village centres, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of the Council to designate parts of the District as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution for the offence of selling alcohol to people who are drunk (or allowing such a sale);
- the power of Derbyshire Constabulary to instantly close down, for up to 24 hours (extendable to 48 hours), any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance;
- the power of the Police, other Responsible Authorities or other persons to seek a review of a licence or certificate;
- raising a contribution to policing the late night economy through a late night levy;
- early morning alcohol restriction orders.

6.6 This Licensing Authority does not intend to use alternative measures such as fixed closing times, staggered closing times and zoning within the area. Each case will be decided on its own merits based on the representations received. Each decision made will be made in accordance with what is appropriate to promote the licensing objectives.

6.7 There can be confusion between the 'need' for premises and the 'cumulative impact' of premises on the licensing objectives. 'Need' concerns the commercial demand for a premises. This Licensing Authority will not consider the question of 'need' in determining an application as it falls outside of the remit of the licensing regime.

## **7. Licensing Hours**

- 7.1 This Licensing Authority will determine licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are specific objections to those hours raised by Responsible Authorities or any other persons on the basis of the licensing objectives. If such objections are raised, the hours will be decided at a hearing of the Licensing and Appeals Sub Committee. This Licensing Authority recognises that longer licensing hours for the sale of alcohol can avoid large numbers of people leaving premises at the same time. This in turn can reduce the friction at late night fast food outlets, provision of private hire vehicles and other sources of transport, which can lead to disorder and disturbance. This Licensing Authority will not impose conditions known as zoning that artificially fixes opening hours for any premises or area of the District.
- 7.2 This Licensing Authority may impose stricter conditions with regard to noise control in areas, which have denser residential accommodation, although this will not prejudice consideration of individual applications where the licensing objectives are observed.
- 7.3 With regard to shops, stores and supermarkets, this Licensing Authority will allow the sale of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless to do so would undermine the licensing objectives.

## **8. Use of Standardised Conditions**

- 8.1 Conditions (other than mandatory conditions and those attached in accordance with the operating schedule) may only be attached to a premises licence or club premise certificate if relevant representations are received and it is satisfied, as a result of a hearing (unless all parties agree that a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the licensing objectives. Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 8.2 Standardised or blanket conditions will be avoided. However, this Licensing Authority may draw from the Licensing Authority's Pool of Model Conditions on the Council's website to ensure that all conditions attached are clear, enforceable and expressed in plain language capable of being understood by those expected to comply with them.
- 8.3 Applicants are recommended to identify key issues in their operating schedules so to reduce the likelihood of representations from Responsible Authorities and/or other persons.

## **9. Prevention of Crime and Disorder**

- 9.1 This Licensing Authority is committed to reducing crime and disorder across the District through its statutory duty under the Crime and Disorder Act 1998. In addition, this Licensing Authority is committed to further improving quality of life for the people of South Derbyshire by continuing to reduce crime and the fear of crime.
- 9.2 This Licensing Authority will expect applicants to detail in their operating schedule the reasonable steps that they propose to take to deter and prevent crime and disorder.
- 9.3 This Licensing Authority will work in partnership with local Pub Watch schemes operating in the District in order to support licence holders to actively prevent crime and disorder issues and to form strategies to reduce current levels. Examples of strategies would address matters such as underage sales, problems associated with drunken behaviour of groups or individuals, prevention of the use of drugs, along with violent and anti-social behaviour.

- 9.4 As the lead body on crime and disorder, this Licensing Authority works very closely with Derbyshire Constabulary on tackling problem premises as well as working together to provide advice and guidance to all licensed premises. In addition to this, this Licensing Authority is an active member of the South Derbyshire Violence, Alcohol Harm and Licensing Group set up in order to tackle problem premises through joint working with all other relevant agencies.
- 9.5 This Licensing Authority recommends that applicants consider the following when preparing their operating schedule:
- The capability of the person who is in charge to run the premises;
  - The applicant's intention to engage with recognised local liaison groups, such as Pub Watch, other groups/organisations such as the Council, the Parish Council, Derbyshire Constabulary, the Community Safety Partnership and other agencies working to promote the licensing objectives in the District. Applicants might make clear their intention to adopt reasonable safeguards promoted by the recognised groups/organisations;
  - Acknowledgement and implementation of the Code of Practice produced by the Portman Group, which seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older;
  - Provision of CCTV and recording equipment for inside and outside the premises;
  - Radio network communication;
  - Search facilities;
  - Use of safety and shatter-resistant glasses and receptacles;
  - Drug prevention policy;
  - Signage and crime prevention notices;
  - Door supervision;
  - Recording of incidents;
  - Capacity limits;
  - Staff training;
  - Any other relevant matter(s)
- 9.6 Even though this is not an exhaustive list of measures, applicants should only consider those measures they feel are appropriate to their premises and locality. Conditions (other than mandatory conditions) will only be attached to a licence which are consistent with their operating schedule, unless representations are received and additional conditions are considered appropriate to promote the licensing objectives.
- 9.7 A written proof of age policy implemented at the premises and responsible pricing policies are extremely important in promoting this licensing objective. Both are covered by the mandatory conditions that are attached to any licence therefore an applicant would not be expected to include these measures in their operating schedule.
- 9.8 There are a number of offences within the Act and other legislation that relate to crime and disorder. This Licensing Authority expects licensees to be familiar with these offences and to take action to prevent any offences occurring. These offences stand in their own right and will not be duplicated as conditions on any licence.

## 10. Public Safety

- 10.1 Members of the public have the right to expect when visiting licensed premises that due consideration has been taken with respect to their physical safety. Licensees must be able to demonstrate that they

have considered and put into effect measures to protect members of the public and the commercial interests of neighbouring premises.

10.2 This Licensing Authority would expect any applicant to consider the following points to promote this licensing objective by ensuring:

- Appropriate access for emergency services;
- Good communication with local authorities and the emergency services;
- The presence of trained first aiders on the premises and appropriate first aid kits;
- The safety of people when leaving the premises i.e. providing information for local taxi companies and adequate lighting on paths and car parks, etc.;
- Appropriate and frequent waste disposal;
- Appropriate limits on the maximum capacity of the premises;
- Consideration of the use of CCTV in and around the premises;
- Any other relevant matter(s).

10.3 The list is not exhaustive and the measures may not apply in all cases. It is the responsibility of the applicant and licence holder to implement measures to promote this licensing objective based on their individual premises and locality.

10.4 Due to the Regulatory Reform (Fire Safety) Order 2005, no conditions relating to fire safety can be attached to any licence even if deemed appropriate. The Order requires the person responsible for the control of the premises to comply with the Order and to carry out a written fire risk assessment for the premises. This Licensing Authority would expect applicants and licence holders to comply with this Order and implement any measures identified in the risk assessment.

10.5 Applicants and licence holders should be aware of the mandatory condition, attached to all on alcohol licensed premises, that requires free potable water is supplied to customers.

## **11. Prevention of Public Nuisance**

11.1 The applicant/licence holder will only be expected to prevent public nuisance that is under their direct control. However for the effective management of the night time economy, this Licensing Authority will expect applicants/licence holders to be responsible for minimising the impact of their activities and behaviour of their patrons on people living and working within the area of their premises.

11.2 In considering the promotion of this licensing objective, this Licensing Authority will focus on the effect of the licensable activities at the specific premises on person living and working (including those carry on a business) in the areas around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise, nuisance, light pollution, noxious smells and litter.

11.2 In order to promote this licensing objective, the applicant should consider the following as part of their application and ongoing promotion of the licensing objectives:

- Prevent noise and vibration escaping from the premises, such measures may include sound proofing, air conditioning, acoustic lobbies and noise limiters;
- Keeping doors and windows closed after a certain time;
- Not permitting people to be in the beer garden after a certain time;

- Prevent disturbance by customers arriving at, or leaving the premises, which is usually of greater significance later into the evening and in the early morning. Operating schedules may need to address the potential disturbance caused by queuing;
- Prevent potential litter problems in the area of the premises caused by their business activity. These could include the distribution of flyers, fly posting, food packaging left by customers from late night refreshment premises;
- The generation of odour, for example from the preparation of food;
- Measures to control light pollution;
- Any other relevant matter(s).

11.3 The list is not exhaustive and the measures may not apply in all cases. It is the responsibility of the applicant and licence holder to implement measures to promote this licensing objective based on their individual premises and locality.

11.4 Any conditions appropriate to promote this licensing objective will be tailored to the type, nature and characteristics of the specific premises and its licensable activities.

## **12. Protection of Children From Harm**

12.1 Protecting from children from harm is one of the fundamental licensing objectives. This Licensing Authority will endeavour to ensure that issues relating to the protection of children are fully taken into consideration by all parties involved in the licensing system.

12.2 The protection from children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives. This Licensing Authority will also consider the need to protect children from sexual exploitation when undertaking licensing functions.

12.3 The Safeguarding Children Board is the lead authority for child protection issues in relation to applications, licences and notices issued under the Act. The Police and Trading Standards are also expected to be responsible for protecting children from harm under the Act. Unless a relevant representation is made, this Licensing Authority cannot go beyond what the applicant proposes in their operating schedule. This Licensing Authority will therefore expect one of the Responsible Authorities to make representations in relation to any application where they have any concern for the welfare or protection of children.

12.4 This Licensing Authority recognises the great variety of premises for which licences may be sought, for instance theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. This Licensing Authority will not impose conditions that restrict access to children to any type of premises unless it is considered appropriate to protect them from physical, moral or psychological harm where relevant representations are received.

12.5 This Licensing Authority would strongly consider conditions restricting the access of children to premises in circumstances where:

- entertainment or services of an adult or sexual nature are commonly provided;
- in some cases, the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- there have been convictions of members of the current staff at the premises for serving alcohol to minors or in premises with a reputation for underage drinking;
- there is a known association with drug taking or dealing;
- it is known that unaccompanied children have been allowed access.

- 12.6 It would be unusual for this Licensing Authority to completely prohibit access of children to any premises. This Licensing Authority may use the following options in order to protect children from harm:
- restrictions on the hours when children may be present;
  - age limitations;
  - limitations or exclusions when certain activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - requirements for an accompanying adult;
  - full exclusion of people under 18 years old from the premises when certain licensable activities are taking place.
- 12.7 This Licensing Authority will not impose any condition which requires the admission of children to any premises.
- 12.8 Where this Licensing Authority imposes no restriction on access by children, it is for the discretion of the licence holder to ensure the licensing objectives and the offence provisions under the Act are observed.
- 12.9 This Licensing Authority will liaise with Derbyshire Constabulary and Derbyshire County Council's Trading Standards about the extent of unlawful sale and consumption of alcohol to minors and, as appropriate, will be involved in strategies to control or prevent these unlawful activities and to pursue prosecutions.
- 12.10 This Licensing Authority will expect the licensee to have a Child Protection Policy in place for any licensable events that have a significant number of unaccompanied children. The policy should include the requirement for suitable checks to be carried out on staff before they take up employment. In addition, the licensee should ensure that there will be an adequate number of adult staff present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licence holder, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor. It is recommended that any premises which have internet access facilities should have adequate control settings in place so that web sites which are not suitable for use by children are permanently blocked.
- 12.12 In the case of premises showing films, this Licensing Authority expects licence holders to have arrangements for ensuring compliance with the mandatory film condition which restricts children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or other approved body.

### **13. Temporary Events Notices (TEN)**

- 13.1 The Act allows licensable activities to be carried out in specific circumstances on a temporary basis. A TEN will relate to small scale events with a capacity less than 499 people and that lasts no longer than 168 hours. Other limits on a TEN will apply. A standard TEN must be given to this Licensing Authority and a copy served on the Derbyshire Constabulary and the Environmental Health Department, at least 10 clear working days before the temporary event can take place. The clear working days requirement does not include the day the TEN was submitted to the Licensing Authority and the day of the event. Working day means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday.

- 13.2 If the TEN is served electronically, it is the responsibility of this Licensing Authority to serve a copy on Derbyshire Constabulary and the Council's Environmental Health Department.
- 13.3 Derbyshire Constabulary and/or the Council's Environmental Health Department may submit an objection notice to the TEN if they are satisfied that any of the four licensing objectives may be undermined if the event took place.
- 13.4 If an objection notice is received then the TEN will be referred to the Licensing and Appeals Sub-Committee for consideration unless a modification to the TEN has been agreed by the applicant and Derbyshire Constabulary and/or the Council's Environmental Health Department. If a Sub-Committee is held then the Members may decide to allow the event to take place but may impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate to the promotion of the licensing objectives. The attaching of conditions is only permitted if the premises to which the TEN relates has a premises licence or club premises certificate in place. Alternatively, the Sub-Committee may decide that the event would undermine the licensing objectives and, therefore, should not take place. In this instance, a counter notice would be served on the premises user.
- 13.5 Whilst this Licensing Authority recognises the minimum notice period given for the submission of a TEN, it recommends that the TEN is submitted at least two months prior to the date of the event. This will allow time for the premises user to act appropriately should an objection from Derbyshire Constabulary and/or the Council's Environmental Health Department lead to a serving of a counter notice by this Licensing Authority.
- 13.6 A late TEN can be given up to 5 clear working days but no earlier than 9 working days before the event is due to take place. Clear and working days have the same meaning as for a standard TEN. The number of late TENs served in a calendar year is limited.
- 13.7 A late TEN given less than 5 working days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 13.8 The late TEN must be served in the same manner as a standard TEN. However, if an objection notice is received from Derbyshire Constabulary and/or the Council's Environmental Health Department then a counter notice will be served by this Licensing Authority and the activities at the event will not be authorised. There is a no scope for a hearing, the application of existing conditions or modifying the TEN.
- 13.9 This Licensing Authority would only otherwise intervene if the statutory limits on a TEN would be exceeded.
- 13.10 This Licensing Authority's Officers may visit events held under a TEN on the basis of potential risk or impact.

#### **14. Integrating Strategies**

- 14.1 This Licensing Authority will ensure its licensing function promotes the licensing objectives through its decision making process and by appropriate use of its powers, observance of its responsibilities and through liaison and partnership work.
- 14.2 This Licensing Authority will support the Council's priorities and, in particular, improving the health and well-being of residents, reducing crime, anti-social behaviour and fear, and tourism.

14.3 This Licensing Authority will seek to achieve integration with the following strategies, so far as it can, and will consult with the appropriate organisations to achieve this:

- South Derbyshire Partnership Strategy and local crime prevention strategies;
- Violence, Alcohol Harm and Licensing Action Plan;
- Local Plan;
- National Forest Destination Development Plan;
- Joint Strategic Needs Assessment produced by the Health and Well Being Board.

14.4 This Licensing Authority will ensure that planning permission, building control approvals and licensing regimes are separated to avoid duplication and inefficiency. Applications for licences will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permissions granted on appeal. This Licensing Authority will not refuse any licence application because the premises do not have planning permission.

## **15. Promotion of Equality**

15.1 This Licensing Authority recognises that the Equality Act 2010 places an obligation on all public authorities to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, sex and sexual orientation.

## **16. Enforcement**

16.1 The main enforcement and compliance role for the Licensing Authority in terms of the Act is to ensure compliance with licences and notices issued by this Licensing Authority and any conditions attached to them. In addition, this Licensing Authority will take the appropriate action against any unlicensed licensable activities within the District.

16.2 In determining the most appropriate course of action to secure the licensing objectives, this Licensing Authority will take into account the Act, other separate legislation and other enforcement bodies' powers.

16.3 The Responsible Authorities and Licensing Authorities have agreed an Enforcement Protocol; copies of the protocol can be obtained from South Derbyshire District Council. In addition, this Licensing Authority has an Enforcement Policy that will be complied with in relation to any compliance and enforcement action.

16.4 This Licensing Authority will have regard to the Regulators' Code and will adopt a risk rated approach to regulatory inspection to ensure compliance with the Act. This Licensing Authority will risk a premises based on previous compliance records and intelligence received from other Responsible Authorities and members of the public. This Licensing Authority will inspect premises where a complaint has been received, there has been a change of premises licence holder and/or designated premises supervisor and on risk-based targeted initiatives.

16.5 This Licensing Authority will promote efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on business.

16.6 This Licensing Authority will refer complaints, as required, about licensed premises, club premises, temporary events or licensed individuals to its own appropriate service teams such as Health and Safety or Pollution Control. It may also refer them to other agencies such as

Derbyshire Constabulary or the Derbyshire Fire and Rescue Service for their consideration, in accordance with any enforcement protocols.

## **17. Designated Premises Supervisor and Personal Licence Holders**

- 17.1 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment.
- 17.2 This Licensing Authority accepts that not every person selling alcohol at a premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be at least authorised by such a licence holder. Premises at which alcohol is sold or supplied should ensure that adequate risk assessments have been undertaken in order to ensure that there are adequate arrangements and numbers of personal licence holders.
- 17.3 This Licensing Authority recognises the responsibility of personal licence holders, particularly the Designated Premises Supervisor in overseeing the day-to-day sale of alcohol. This Licensing Authority expects there to be clear control in the absence of the Designated Premises Supervisor.

## **18. Review of a Premises Licence or Club Premises Certificate**

- 18.1 There is a process for reviewing licences if problems were to persist at licensed premises. This Licensing Authority recognises that it is important to work in partnership with other Responsible Authorities, the licensee and persons affected by the premises to resolve any issues at the premises. Therefore, prior to the commencement of the review process, this Licensing Authority will try to give the licensee early warning of any concerns identified at the premises. This Licensing Authority may act as a mediator in the discussions, if necessary. If this is not appropriate or unsuccessful, any Responsible Authority or other persons may apply to review a premises licence/club premises certificate.
- 18.2 The reasons for the review of a licence must relate to one or more of the licensing objectives. Any person wishing to review a licence is advised to contact this Licensing Authority to discuss the problems being caused by the premises in order for other options to be explored before a review is applied for. Further advice about how to apply for a review can be found on the Council's website.
- 18.3 Where the crime prevention licensing objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.
- 18.4 Any review application will be heard by the Licensing and Appeals Sub-Committee who may take any of the following steps:
- Modify the conditions of the licence/certificate;
  - Exclude a licensable activity from the scope of the licence;
  - Remove the Designated Premises Supervisor;
  - Suspend the licence/certificate for a period not exceeding 3 months;
  - Revoke the licence/certificate;
  - Take no action in relation to the licence/certificate;
  - Issue a warning as to further conduct.

## **19. Fees**

- 19.1 This Licensing Authority will send out invoices to all licensed premises one month prior to the due date of the annual fee.
- 19.2 If payment has not been received by the due date, this Licensing Authority must suspend the licence until the annual fee has been paid. This will mean that no licensable activities can take place on the premises whilst the licence is suspended.
- 19.3 If the annual fee has not been paid, this Licensing Authority will attempt to contact the licence holder and this Licensing Authority would expect the licence holder to make payment immediately. If payment is not received or this Licensing Authority is not able to contact the licence holder, a suspension notice will be sent to the premises licence holder at the premises address or the correspondence address on file. The suspension notice will state the date that the suspension will take effect which will be 4 days from the date of the letter to comply with the Act and to ensure the receipt of the letter.
- 19.4 If payment is received before the date on the letter, the suspension will not take effect. If payment is not received, the licence will be suspended and the Police will be notified about the suspension. This Licensing Authority will visit the premises on the date of the suspension to ensure that no licensable activities are being provided at the premises. If licensable activities are being provided whilst the suspension is in place then the appropriate enforcement action will be taken against the licence holder and/or any other person.
- 19.5 The suspension will be lifted on receipt of the annual fee. This Licensing Authority will notify the Police that the suspension has been lifted.

## **20. Sexual Entertainment**

- 20.1 Under the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”), sex establishments, including sexual entertainment venues, must be licensed by this Licensing Authority. Sexual entertainment venues may apply to premises licensed under this Act. This Licensing Authority does not currently have a policy in place regarding sex establishments but a policy is due to be implemented in 2016.
- 20.2 Once the Sex Establishment Policy has been adopted, conditions will be attached to any sex establishment licence. These conditions may be similar to conditions attached to a premises licence and/or club premises certificate. If this is the case, the most onerous conditions will have to be complied with by the licence holder.
- 20.3 There is an exemption under the 1982 Act that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. However, if any sexual entertainment event undermines any of the licensing objectives then the premises licence may be reviewed and conditions may be attached, if appropriate, to control the sexual entertainment events.

## **21. Early Morning Restriction Orders (EMRO)**

- 21.1 Under the Act, this Licensing Authority has the power to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area by way of an EMRO but only if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

21.2 This Licensing Authority does not think it is appropriate at this stage to introduce an EMRO for the whole or part of the District. If this Licensing Authority has or receives any evidence that indicates that an EMRO would be appropriate, a consultation would take place before any EMRO is introduced.

## **22. Administration and Delegation of Functions**

22.1 This Licensing Authority recognises many of the decisions and functions under the Act are purely administrative in nature. In the interest of speed, efficiency and cost-effectiveness, the delegation set out in the Council's Constitution sets out various duties of its Licensing Sub-Committee and officials. A copy of the delegation can be found at Appendix B.

22.2 In addition to the table of delegated functions, this Licensing Authority has delegated the following to Officers:

- Power to suspend a premises licence or club premises certificate for non-payment of annual fees;
- Power to specify the date on which the suspension takes effect;
- Power to make representations as a Responsible Authority.

## **23. Contact Details**

23.1 This Licensing Authority can only offer advice on the process for and progress of applications and as to whether particular activities are required to be licensed. If applicants require detailed advice on the requirements of the legislation and information as to how it may affect their premises, they may wish to seek their own independent legal advice.

23.2 Applications can be found on the Council's website along with Guidance Notes on the Application Procedure. Online applications and payments are also available on the Council's website. Contact details for this Licensing Authority and all other Responsible Authorities can be found in Appendix C.

23.3 This Licensing Authority recommends potential applicants for new or existing premises to contact the Licensing Department to discuss their application prior to submission in order to resolve potential problems and avoid unnecessary hearings. The applicant may also wish to contact the other Responsible Authorities to discuss their application.

# Appendix A Map of the District



Appendix B  
Licensing Scheme of Delegation

| <b>Matter to be dealt with</b>   | <b>Sub-Committee</b>                             | <b>Officers</b>           |
|--|--|---------------------------|
| <b>Application for personal licence</b>  | If a representation from Derbyshire Constabulary | If no representation made |
| <b>Application for personal licence with unspent convictions</b>                                     | All cases  |                           |
| <b>Application for premises licence/club premises certificate</b>                                    | If a representation made                         | If no representation made |
| <b>Application for provisional statement</b>   | If a representation made                         | If no representation made |
| <b>Application to vary premises licence/club premises certificate</b>                                | If a representation made                         | If no representation made |
| <b>Application to vary designated premises supervisor</b>  | If a representation from Derbyshire Constabulary | All other cases           |
| <b>Request to be removed as designated premises supervisor</b>                                       |  | All cases                 |
| <b>Application for transfer of premises licence</b>  | If a representation from Derbyshire Constabulary | All other cases           |
| <b>Application for interim authorities</b>   | If a representation from Derbyshire Constabulary | All other cases           |
| <b>Application to review premises licence/club premises certificate</b>                              | All cases  |                           |
| <b>Decision on whether a representation is irrelevant frivolous vexatious or repetitious</b>         |  | All cases                 |
| <b>Decision to object when the Licensing Authority is a consultee and not the relevant authority</b> | All cases  |                           |

|  |  |                 |
|--|--|-----------------|
| <b>considering the application</b>   |  |                 |
| <b>Determination of an objection to a temporary event notice</b>   | All cases  |                 |
| <b>Determination of an application to vary the premises licence at a community premises to include the alternative licence condition</b> | If a representation from Derbyshire Constabulary | All other cases |
| <b>Decision whether to consult other Responsible Authorities on a minor variation application</b>  |  | All cases       |
| <b>Determination of a minor variation application</b>  |  | All cases       |

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Appendix C  
Responsible Authority Contact List

|  |  |
|--|--|
| <u>Licensing Authority</u>   | <u>Police</u>  |
| <p>South Derbyshire District Council<br/>Civic Offices<br/>Civic Way<br/>Swadlincote<br/>Derbyshire<br/>DE11 0AH</p> <p>licensing@south-derbys.gov.uk</p>  | <p>Derbyshire Constabulary<br/>Licensing Section<br/>Derby Divisional HQ<br/>St. Mary's Wharf<br/>Prime Park Way<br/>Chester Green<br/>Derby<br/>DE1 3AB</p> <p>derby.licensing@derbyshire.pnn.police.uk</p> |
| <u>Fire And Rescue</u>   | <u>Health &amp; Safety Enforcement</u>   |
| <p>Derbyshire Fire &amp; Rescue Service<br/>South Area Office<br/>Ascot Drive Community Fire Station<br/>Ascot Drive<br/>Derby<br/>DE24 8GZ</p> <p>SouthAreaAdmin@derbys-fire.gov.uk</p>   | <p>South Derbyshire District Council<br/>Civic Offices<br/>Civic Way<br/>Swadlincote<br/>Derbyshire<br/>DE11 0AH</p> <p>commercial.team@south-derbys.gov.uk</p>  |
| <u>Planning</u>  | <u>Environmental Health</u>  |
| <p>Head of Planning Services<br/>South Derbyshire District Council<br/>Civic Offices<br/>Civic Way<br/>Swadlincote<br/>Derbyshire<br/>DE11 0AH</p> <p>planning@south-derbys.gov.uk</p>   | <p>Environmental Health Division<br/>South Derbyshire District Council<br/>Civic Offices<br/>Civic Way<br/>Swadlincote<br/>Derbyshire<br/>DE11 0AH</p> <p>environmental.health@south-derbys.gov.uk</p>       |
| <p><u>Derbyshire Safeguarding Children Board</u><br/><u>Derbyshire Trading Standards Service</u><br/><u>Derbyshire Public Health</u></p> <p>Chatsworth Hall<br/>Chesterfield Road<br/>Matlock<br/>Derbyshire<br/>DE4 3FW</p> <p><a href="mailto:trading.standards@derbyshire.gov.uk">trading.standards@derbyshire.gov.uk</a></p> |  |

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|                                    |   |   |
|------------------------------------|---|---|
| <b>REPORT TO:</b>                  | <b>COUNCIL</b>  | <b>AGENDA ITEM: 12</b>                          |
| <b>DATE OF MEETING:</b>            | <b>5<sup>TH</sup> NOVEMBER 2015</b>   | <b>CATEGORY:<br/>DELEGATED/<br/>RECOMMENDED</b> |
| <b>REPORT FROM:</b>                | <b>CHIEF EXECUTIVE</b>  | <b>OPEN/EXEMPT<br/>PARAGRAPH NO:</b>            |
| <b>MEMBERS'<br/>CONTACT POINT:</b> | <b>EMMA McHUGH (ext. 5716)<br/><a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a></b> | <b>DOC:</b>                                     |
| <b>SUBJECT:</b>                    | <b>GAMBLING ACT 2005 – STATEMENT<br/>OF LICENSING POLICY</b>  | <b>REF:</b>                                     |
| <b>WARD(S)<br/>AFFECTED:</b>       | <b>ALL</b>  | <b>TERMS OF<br/>REFERENCE:</b>                  |

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## **1. Recommendations**

1.1 That Members approve and adopt the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy").

## **2. Purpose of Report**

2.1 To provide Members with the outcome of a consultation with interested parties.

2.2 To advise Members that the draft Policy was approved by Environmental and Development Services Committee on 1<sup>st</sup> October 2015.

2.3 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

## **3. Detail**

3.1 Section 349 of the Gambling Act 2005 ("the Act") requires the Licensing Authority to prepare and publish a statement of the principles every 3 years. The Licensing Authority's current Policy was published in January 2013.

3.2 As part of the Social Responsibility Code, from April 2016, operators will be required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each premises. To assist in the production of the local risk assessments, the Policy details what is expected of operators in providing gambling facilities. In addition, the Licensing Authority will produce a local area profile to assist operators in producing their local risk assessments. This will be a stand-alone document and will be in place for April 2016 and reviewed as required.

## **Consultation**

- 3.3 The Act requires the Licensing Authority to consult with interested parties on any revision of the Policy. The consultation took place between 13<sup>th</sup> July 2015 and 4<sup>th</sup> September 2015. Copies of the Policy were sent to all Responsible Authorities, existing licensees and other major stakeholders. The Policy was also placed on the Council's website. A full list of the people consulted can be found at Appendix B of the draft Policy.
- 3.4 One response was received in relation to the Policy from Councillor Harrison. No other responses were received. The draft Policy is attached as **Appendix 1**.
- 3.5 On 1<sup>st</sup> October 2015, the draft Policy was approved by Members at the Environmental and Development Services Committee.

#### **4. Financial Implications**

- 4.1 There are no financial implications to the Council.
- 4.2 Recommendation 1.1 will have no financial implications on existing licence holders.

#### **5. Corporate Implications**

- 5.1 These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.
- 5.2 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults from the potential harms of gambling activities seriously, which contributes to the theme of safety and security.

**SOUTH DERBYSHIRE DISTRICT  
COUNCIL**

**Gambling Act 2005**

**STATEMENT OF LICENSING  
POLICY**

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## **PART A**

### **1. The Licensing Objectives**

In exercising their functions under the Gambling Act 2005 (“the Act”), Licensing Authorities must have regard to the licensing objectives as set out in the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

This Licensing Authority is aware that, as per Section 153, in making decisions it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Licensing Authority’s statement.

### **2. Introduction**

South Derbyshire is situated in the County of Derbyshire which includes 8 other local authorities. South Derbyshire is a mixed urban and rural district covering approximately 338 square kilometres with a population of 94,900 (2011 estimate). The town of Swadlincote is the main focus for employment, shopping and services in South Derbyshire. Hilton and Melbourne are the District’s next largest centres of population. The District includes a number of villages and settlements, such as the historically significant Repton and Shardlow and larger villages like Hatton and Willington. A large part of the District has been included within the designated area of the National Forest. This major environmental initiative is creating a new and attractive landscape for work, recreation and wildlife.

These areas are shown in the map at Appendix A.

Licensing authorities are required by the Act to publish a statement of principles which they propose to apply when exercising their functions. This Statement of Licensing Policy (“Statement”) must be published at least every three years. The Statement must also be reviewed from “time-to-time” and any amended parts re-consulted upon. The Statement must be then re-published.

This Licensing Authority consulted widely upon this Statement before finalising. The Act requires that the following parties be consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s

- area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Act.

A list of those persons consulted is provided at Appendix B.

It should be noted that this Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each case will be considered on its own merits and according to the statutory requirements of the Act.

This Statement details how this Licensing Authority will apply the principles detailed within the Act, how applications will be determined, the local area profile to assist applicants and existing licence holders in the completion of their own local risk assessments, and the documentation required for each different type of licence, permit or notification.

### **3. Declaration**

In producing the final Statement, this Licensing Authority declares that it has had regard to the licensing objectives in the Act, the guidance issued by the Gambling Commission and any responses from those consulted on the Statement.

### **4. Local Area Profile**

As part of the Social Responsibility Code, from April 2016, licensees will be required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks.

To assist in the production of the local risk assessments, this Licensing Authority has commenced an assessment of the local area in order to identify any risks that exist that would undermine the licensing objectives.

The local area profile will be available on the Council's website from March 2016 to assist applicants and licensees with their own local risk assessments.

### **5. Responsible Authorities**

Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to this Licensing Authority in relation to applications for, and in relation to, premises licences.

Responsible authorities under the Act are:

- Licensing Authority;
- Gambling Commission;
- Chief Officer of Police;
- Fire and Rescue Authority;

- Local Planning Authority;
- Environmental Pollution Department;
- Anybody designated in writing by this Licensing Authority as competent to advise about the protection of children from harm;
- HM Revenue and Customs.

In exercising its powers to designate a body which is competent to advise about the protection of children from harm, this Licensing Authority has applied the following principles:

- the need for the body to be responsible for the whole of this Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

This Licensing Authority designates the Derbyshire Safeguarding Children Board for this purpose.

## **6. Interested parties**

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as persons who, in the opinion of this Licensing Authority:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) have business interests that might be affected by the authorised activities, or
- c) represent persons who satisfy paragraph (a) or (b).

In determining whether a person is an interested party, the overriding principle is that each case will be decided upon its own merits and this Licensing Authority will not apply a rigid rule to its decision making. The factors that this Licensing Authority will take into account when determining what 'sufficiently close to the premises' means might include:

- The size of the premises;
- The nature of the premises;
- The nature of the activities at the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant.

The factors that this Licensing Authority will take into account in determining whether a person with business interests might be affected by the premises might include:

- The size of the premises;
- The 'catchment' area of the premises;
- Whether the person making the representation has business interests in that catchment area that might be affected.

This Licensing Authority considers that interested parties could include bodies such as trade associations, trade unions, residents' and tenants' associations. This Licensing Authority will interpret the types of organisations that may be considered to have business interests broadly to include for example partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these persons, however, this Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

Any representation made in relation to a licence application must be relevant. This Licensing Authority will determine whether a representation is relevant or not. Representations are likely to be deemed relevant if they relate to one or more of the licensing objectives, this Statement or the Gambling Commission's Guidance or Codes of Practice.

The following examples are unlikely to be deemed to be a relevant representation that:

- there are already too many gambling premises in the locality (although it may be relevant if it points, as a result, to rising problems in crime, disorder, underage gambling or problem gambling);
- the proposed premises are likely to be a fire risk;
- the location of the premises is likely to lead to traffic congestion;
- the premises will cause crowds of people to congregate in one location leading to noise thereby causing a nuisance.

This Licensing Authority will not deem representations to be relevant if they are frivolous or vexatious. In deciding whether a representation is frivolous or vexatious, this Licensing Authority will consider:

- who is making the representation and whether there is a history of making irrelevant representations;
- whether it raises issues specifically to do with the premises that are subject of the application.

The above lists are by no means exhaustive and each representation will be decided on the facts.

## **7. Exchange of Information**

This Licensing Authority will exchange information with the Gambling Commission under Section 29 and Section 30 of the Act providing that it:

- forms part of the register maintained under the Act;
- is in this Licensing Authority's possession in connection with a provision of the Act.

This Licensing Authority will exchange information with other persons or bodies under Section 350 of the Act for use in the exercise of functions under the Act.

This Licensing Authority will have regard to the Council's Data Protection Act Guidance in the exchange of information. Information can be assessed by data subjects by contacting the Council's FOI Officer.

This Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State.

With regards to representations received, the representation including the name and address will be forwarded to the applicant for consideration prior to a hearing to determine the application. The disclosure of the name and address is for the applicant to be satisfied that the person/body making the representation falls within the definition of an interested person. The report produced for the hearing will have the personal details of the person making a representation redacted as the report is a public document.

## **8. Compliance and Enforcement**

The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with licences and permits issued by this Licensing Authority and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and small lottery registrations.

In ensuring compliance with the Act and undertaking enforcement action, this Licensing Authority will be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed and costs identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

This Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

This Licensing Authority will have regard to the Regulators' Code and will adopt a risk-rated approach to regulatory inspection to ensure compliance with the Act. This Licensing Authority will risk a premises based on previous compliance records and intelligence received from other responsible authorities and members of the public.

This Licensing Authority will promote efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on the business.

This Licensing Authority requires that the operators' local risk assessment is available during any inspection of the premises. As part of an inspection, this Licensing Authority would expect the operator to provide details of the number of self-exclusions and underage attempts to gamble.

This Licensing Authority will take appropriate action against any unlicensed operator or illegal gambling taking place within any premises within the District. This Licensing Authority would expect any operator to share data in relation to the source of any illegal gaming machines found on premises' and any data regarding potential illegal betting on any unlicensed premises i.e. betting intermediaries within an alcohol licensed premises.

This Licensing Authority shall comply with the Codes of Practices developed by the Crown Prosecution Service in the management of criminal cases.

Bearing in mind the principle of transparency, this Licensing Authority's Enforcement Policy is available on the Council's website.

## **9. Licensing Authority's Functions**

This Licensing Authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate Members' Clubs and Miners' Welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission;
- Maintain registers of the permits, licences and registrations that are issued under these functions.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling which is regulated by the Gambling Commission via operating licences.

## **PART B PREMISES LICENCES**

### **1. General Principles**

In determining an application for a premises licence, this Licensing Authority will only take into consideration relevant matters and will not take into consideration any irrelevant matters. This Licensing Authority will not consider if a premises is likely to obtain planning permission or building regulations approval for their proposal.

This Licensing Authority accepts the principle that moral objections to gambling are not a valid reason to reject applications for premises licences and also that an unmet demand is not a criterion for a licensing authority.

This Licensing Authority will request as much information as it requires to satisfy itself that all requirements set out in the Act are met. If an applicant can demonstrate how the licensing objectives concerns can be overcome, this Licensing Authority will take that into account when reaching a decision. Where concerns remain, this Licensing Authority may choose to attach appropriate conditions to the premises licence.

Each application will be decided on its own merits.

This Licensing Authority will take particular care in considering applications:

- For multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes; and
- Where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

In considering the above types of applications, this Licensing Authority will be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, the premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context, it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

This Licensing Authority will ask the following questions in making their decision when considering whether two or more proposed premises are truly separate:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This Licensing Authority will also consider the relevant access provisions for each type of premises licence.

## **2. Conditions**

Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

In respect of premises which still have to be constructed or altered, an operator can apply for a premises licence rather than a provisional statement. In these circumstances, this Licensing Authority will first decide whether, as a matter of substance after applying the principles in Section 153 of the Act, the premises ought to be permitted to be used for gambling and secondly, in deciding whether or not to grant the application, this Licensing Authority will consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Any conditions attached to a premises licence will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified risks) and the type of licence applied for;
- Fairly and reasonably relate to the scale and type of premises;
- Reasonable in all other aspects.

Decision on conditions will be made on a case-by-case basis. However, there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc.

## **3. Operators' Local Risk Assessments**

Any applicant applying for the grant or variation of a premises licence must include a local risk assessment in addition to their application. The local risk assessment must assess the local risks to the licensing objectives posed by the provision of the applicant's proposed gambling facilities at the premises. The applicant must have policies, procedures and control measures to mitigate the risks identified in the assessment. These policies and procedures must be submitted with the application.

This Licensing Authority would expect the local risk assessment to cover the following areas:

- The premises' building;
- Location of the premises;
- Protecting children;
- Protecting vulnerable people;
- Crime and disorder prevention.

This list is not exhaustive.

This Licensing Authority will require the operator to provide their local risk assessment where there are concerns in relation to the premises in order for the Licensing Authority to assess the measures in place to address the specific concerns.

This Licensing Authority would expect the local risk assessment to be reviewed following any significant changes in local circumstances i.e. new schools or hostels and any substantiated complaint in relation to the premises.

This Licensing Authority would expect the operator to work with the Licensing Authority to improve any areas of the local risk assessment that do not adequately mitigate the risks identified, have inadequate measures to reduce risks or fail to identify all of the local risks.

#### **4. Licensing Objectives**

##### **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

Where an area is noted for particular problems with disorder or organised criminal activity, this Licensing Authority will consider carefully whether gambling premises should be located in this area and whether conditions may be appropriate to prevent those premises being associated with or used to support crime. Appropriate conditions may be a requirement for door supervisors.

This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors so as to make that distinction.

##### **Ensuring that gambling is conducted in a fair and open way**

This Licensing Authority does not expect to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences which are dealt with by the Gambling Commission.

If this Licensing Authority suspects that gambling is not being conducted in a fair and open way, the Licensing Authority will bring this to the attention of the Gambling Commission.

##### **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

This Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include:

- supervision of entrances / machines;
- segregation of areas;
- location of machines including cash terminals.

This Licensing Authority will consider if there are adequate staff levels in place to adequately supervise the premises in addition to the staffs' other duties.

This Licensing Authority will work with the operator to consider how any impediments to the supervision of premises might be most appropriately remedied. Remedies may include the positioning of staff or CCTV, the use of floor walkers and the relocation of the staff counter to enable a direct line of sight of the door. This Licensing Authority will consider the proportionality of changes to the physical layout in relation to other measures that could be put in place. However, if the operator fails to satisfy this Licensing Authority that the risks are sufficiently mitigated, it may be appropriate to place conditions on the premises licence or conduct a review of the premises licence.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it does, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This Licensing Authority will consider this licensing objective on a case-by-case basis.

This Licensing Authority will also ensure that where Category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. This Licensing Authority will consider the impact upon this licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

With regards to test purchasing, this Licensing Authority will require the larger operators, who are required to carry out independent test purchasing, to share their results with this Licensing Authority at inspection and on request. With regards to smaller operators,

who are not required to carry out their own test purchasing, this Licensing Authority may require the operator to carry out independent test purchasing if it is appropriate to do so i.e. if the operator fails a test purchase.

## **5. Adult Gaming Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy this Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices / signage;
- Specific opening hours;
- Self- exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. This Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

In addition to the above, the applicant must provide this Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by this Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. This Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

## **6. (Licensed) Family Entertainment Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy this Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrances;

- Notices / signage;
- Specific opening hours;
- Self- exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority would expect an operator's local risk assessment to cover the measures listed above.

This Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. This Licensing Authority will expect the supervising staff to be fully trained in order to ensure that none of the licensing objectives are undermined i.e. the staff member should be able to adequately deal with any young or vulnerable person within the premises.

In addition to the above, the applicant must provide this Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by this Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. This Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

## **7. Casinos**

This Licensing Authority has not passed a 'no casino' resolution under the Act but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision will be made by the Full Council.

## **8. Bingo premises**

When considering any application for a bingo premises, this Licensing Authority will satisfy themselves that bingo can be played in the premises to which the application relates. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises licence from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Gaming machines may be available for use in licensed bingo premises only on those days when sufficient facilities for playing bingo are also available for use.

Children and young people are allowed into bingo premises: however they are not permitted to participate in the bingo and if Category B or C machines are made available for use these must be separated from areas where children and young people are allowed. To ensure that children and young people do not have access to gaming machines, this Licensing Authority will ensure that:

- All such machines are located in an area of the premises separate from the

remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## **9. Betting premises**

It is not permissible to offer gaming machines on premises which are licensed for betting but not to offer sufficient facilities for betting.

In considering whether to restrict the number of betting machines, this Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people.

## **10. Tracks**

Tracks are defined in the Act as 'a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.' Examples of a track are football, cricket and rugby grounds, a motor racing event and venues hosting darts, bowls or snooker tournaments. This list is by no means exhaustive as betting could take place at any venue where a sporting or competitive event is occurring.

This Licensing Authority will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than Category D machines) are provided.

Factors which this Licensing Authority may consider include:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entrance;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. This Licensing Authority would expect an operator's local risk assessment to cover the

measures listed above.

Where the applicant holds a pool betting licence and is going to use the entitlement to four gaming machines, applicants should demonstrate that machines (other than category D machines) will be located in areas from which children are excluded.

In considering whether to restrict the number of betting machines, this Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people.

The Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. The proposed gambling facilities must be clearly indicated on the plan. A precise location will not be required; however the plan should indicate the main areas that betting might take place. The plans should also make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

## **11. Travelling Fairs**

Where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair must be met.

This Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair.

A site must not be used for fairs on more than 27 days per calendar year. The 27 day statutory maximum applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will monitor the use of land and maintain a record of the dates on which the land is used. In addition, this Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **12. Provisional Statements**

Applicants for premises licence must fulfil certain criteria. They must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement.

Developers may wish to apply to this Licensing Authority for a provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Act provides for a person to make an application to this Licensing Authority for a provisional statement in respect of premises that he or she expects to:

- Be constructed;
- Be altered; or
- Acquire a right to occupy.

The process for considering an application for a provisional statement is the same as for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and interested parties may make representations and there is a right of appeal.

Once the premises are constructed, altered or acquired, the holder of a provisional statement can return to this Licensing Authority and submit an application for the necessary premises licence.

### **13. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for this Licensing Authority to decide whether the review is to be allowed.

The request for the review will be subject to the consideration by this Licensing Authority as to whether the request:

- is relevant to the principles that must be applied by this Licensing Authority in accordance with the Act;
- is frivolous;
- is vexatious;
- 'will certainly not' cause this Licensing Authority to wish to alter, revoke, or suspend the licence
- is substantially the same as previous representations or requests for review.

This Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence.

In relation to a class of premises licence, this Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with the licence conditions.

In relation to a particular premises, this Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed or for any other reason (such as a complaint from a third party) which gives this Licensing Authority cause to believe that a review may be appropriate. A formal review would normally be at the end of the process of ensuring compliance by the licence holder. If the licence holder does not meet the requirements then, after a formal review, this Licensing Authority may impose additional conditions or revoke the licence.

## PART C

### Permits, Registrations, Temporary & Occasional Use Notice

#### 1. Unlicensed Family Entertainment Centre Gaming Machine Permits

The application will be in the form and manner as specified by this Licensing Authority. The application form must be accompanied by the relevant fee and a plan of the premises indicating the location of the gaming machines. The application must be served on the Licensing Authority only.

The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. Applications for a permit cannot be made if a premises licence is in effect for the same premises.

This Licensing Authority considers that the applicant should have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The policies and procedures may include:

- staff training to ensure that staff have a full understanding of the maximum stakes and prizes permitted under the permit;
- appropriate measures and training for staff as regards suspected truant school children on the premises;
- measures and training covering how staff would deal with unsupervised very young children being on the premises; or
- children causing perceived problems on or around the premises.

The above policies and procedures must be submitted with the application and be available on request at inspection.

This Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. This Licensing Authority will expect the supervising staff to be fully trained in order to ensure that none of the licensing objectives are undermined i.e. the staff members should be able to adequately deal with any young person or vulnerable person within the premises.

In addition to the above, the applicant must provide this Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by this Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. This Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

#### 2. (Alcohol) Licensed Premises Gaming Machine Permits

The application will be in the form and manner specified by this Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on this Licensing Authority only.

This Licensing Authority will consider each application on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling, and will expect the applicant to satisfy this Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. This Licensing Authority will ensure adherence to the Code of Practice through ad hoc risk rated inspections at the premises. This Licensing Authority may carry out test purchase exercises to ensure that the Code of Practice is being complied with.

### **3. Prize Gaming Permits**

The application will be in the form and manner as specified by this Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on this Licensing Authority only.

The permit can only be applied for by a person who occupies or plans to occupy the premises and any individual applicant must be over 18 years of age.

This Licensing Authority will require the applicant to set out the types of gaming that they intend to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations;
- that gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm.

The above policies and procedures must be submitted with the application and be available on request at inspection.

In making its decision on an application for this permit, this Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

### **4. Club Gaming and Club Machine Permits**

The application form must be accompanied by the relevant fee and the existing permit if the application is a renewal application. The application must be served on the Gambling Commission and the Police, in addition to the Licensing Authority, unless the applicant is applying under the fast track procedure. The application must be served on the Gambling Commission and Police within 7 days of submitting the application to the Licensing Authority.

If the applicant is not applying under the fast track procedure, the applicant must submit the following documents in addition to the application form to assist this Licensing Authority in determining whether the club meets the requirements of the Act:

- club rules and constitution;
- copy of the membership list;
- annual accounts for the past two years; and
- details of the committee members and proof of their election.

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D), equal chance gaming and games of chance.

Members Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine Permit will only enable the premise to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D). Commercial clubs are not allowed to provide category B3A gaming machines.

This Licensing Authority may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a Members' or Commercial Club or Miners' Welfare Institute and, therefore, is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the Police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure, there is no opportunity for objections to be made by the Gambling Commission or the Police, and the ground upon which this Licensing Authority can refuse a permit are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. This Licensing Authority will ensure adherence to the Code of Practice through ad hoc risk rated inspections at the premises. This Licensing Authority may carry out test purchase exercises to ensure that the Code of Practice is being complied with.

## **5. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no

premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

This Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner.

With regards to Temporary Use Notices, the Act refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises. In considering whether a place falls within the definition of "a set of premises", this Licensing Authority will consider the ownership and/or occupation and control of the premises.

The holder of a relevant operating licence must give notice to this Licensing Authority on the prescribed form with the relevant fee. The notice must be submitted to this Licensing Authority not less than 3 months and one day before the proposed event. The notice must be submitted with the relevant fee. The notice must also be served on:

- The Police;
- The Gambling Commission; and
- HMRC

The above responsible authorities must receive the notice within 7 days of the date of the notice.

On receipt of the notice, this Licensing Authority will acknowledge the notice as long as no objection notice is received within the 14 day representation period. If a relevant representation is received, this Licensing Authority will hold a hearing to consider the notice and representation(s). An applicant will be provided with more information of the hearing procedure at the time.

This Licensing Authority shall consider objecting to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

## **6. Occasional Use Notices**

Initially, the applicant is advised to contact this Licensing Authority who will advise whether they can authorise their planned provision of gambling facilities by way of an occasional use notice.

The notice must be served on this Licensing Authority and the Police by the person responsible for the administration of events on the track i.e. the event organiser or the occupier of the track. The notice must state the address and location details of the track, the proposed event, the date and time of the event and the details of the licensed operator.

Provided that the event will not exceed the statutory eight days in a calendar year and there are no issues with the proposed licensed operator, this Licensing Authority will acknowledge the notice on receipt.

This Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

## **7. Small Society Lotteries**

This Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:

- For charitable purposes;
- For the purpose of enabling participation in, or supporting, sport, athletics, or a cultural activity; or
- For any other non-commercial purposes other than that of private gain.

To apply for registration, the application form and relevant fee must be served on this Licensing Authority only. The promoter must apply to the licensing authority in whose area their principal office is located. In addition to the application form and fee, this Licensing Authority will require the applicant to submit their terms and conditions and their constitution to assist the Licensing Authority in establishing that they are a non-commercial society.

As the purpose of the small society lottery is to raise money for the small society, it is a requirement that a minimum proportion of the money raised by the lottery is used by the small society to achieve their goals. If a small society lottery does not comply with the following limits it will be in breach of the Act's provisions:

- At least 20% of the lottery proceeds must be applied to the purposes of the small society;
- No single prize may be worth more than £25,000;
- Rollovers are only permitted where the lottery is promoted by the same small society and the maximum single prize is £25,000;
- Every ticket must cost the same and payment must be taken before entry in the draw is permitted.

To check the limits, the promoter must submit a return after each lottery held; no more than 3 months after the date of the lottery draw. The return must be signed by two members of the society who are over 18 years of age, are appointed for that purpose by the society and be accompanied by a copy of their letter of appointment.

This Licensing Authority requires that tickets must not be sold in a street where a street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls). Tickets may be sold in a street from a kiosk, in a shop or door-to-door.

The small society must keep written records of all unsold and returned tickets for a period of one year from the date of the lottery draw.

This Licensing Authority will adopt a risk based approach towards its processing and enforcement responsibilities for small society lotteries in accordance with the principles contained in the Gambling Commission's Guidance. This Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- a) submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- b) submission of incomplete or incorrect returns;
- c) breaches of the limits for small society lotteries.

### **FURTHER INFORMATION**

Anybody wishing to contact the Licensing Authority with regard to this Statement, the Act or the application process can do so as follows:

In writing                      South Derbyshire District Council  
   Licensing Department  
   Civic Way  
   Swadlincote  
   Derbyshire  
   DE11 0AH

By email                        [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)

By telephone                01283 595 716/890

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# Appendix A - Map of Area South Derbyshire District Council



## **Appendix B - Persons / Bodies Consulted on Statement**

Elected Members, South Derbyshire District Council  
Town and Parish Councils in South Derbyshire

### Responsible Authorities

Derbyshire Constabulary  
Derbyshire Fire and Rescue Service  
Derbyshire Area Children Protection Committee (ACPC) / Safeguarding Board (SB)  
South Derbyshire District Council Pollution Control Team  
Gambling Commission  
HM Revenue and Customs  
South Derbyshire District Council Planning  
South Derbyshire District Council Licensing Authority

### Others

Development and Building Control Manager, South Derbyshire District Council  
Legal and Democratic Services of South Derbyshire District Council  
Environmental Health Manager  
Gam Care  
British Amusement Catering Trade Association (BACTA)  
Gambling Anonymous  
Responsible Gambling Trust  
Salvation Army  
Racecourse Association  
British Holiday and Home Parks Association  
Bingo Association  
British Beer and Pub Association  
Working Men's Club & Institute Union  
Greyhound Board of Great Britain  
Association of British Bookmakers  
Lotteries Council  
Hospice Lotteries Association  
National Casino Forum  
Representatives of the holders of the various licences for premises in the District who will be affected by this policy

## Appendix C - Responsible Authorities Contact List

|  |   |
|--|---|
| <p style="text-align: center;"><u>Licensing Authority</u></p> <p>South Derbyshire District Council<br/>Civic Offices<br/>Civic Way<br/>Swadlincote<br/>Derbyshire<br/>DE11 0AH</p> <p>licensing@south-derbys.gov.uk</p>  | <p style="text-align: center;"><u>Police</u></p> <p>Derbyshire Constabulary<br/>Licensing Section<br/>Derby Divisional HQ<br/>St. Mary's Wharf<br/>Prime Park Way<br/>Chester Green<br/>Derby<br/>DE1 3AB</p> <p>derby.licensing@derbyshire.pnn.police.uk</p>                     |
| <p style="text-align: center;"><u>Fire And Rescue</u></p> <p>Derbyshire Fire &amp; Rescue Service<br/>South Area Office<br/>Ascot Drive Community Fire Station<br/>Ascot Drive<br/>Derby<br/>DE24 8GZ</p> <p>SouthAreaAdmin@derbys-fire.gov.uk</p>   | <p style="text-align: center;"><u>Gambling Commission</u></p> <p>Victoria Square House<br/>Victoria Square<br/>Birmingham<br/>B2 4BP</p> <p>info@gamblingcommission.gov.uk</p>  |
| <p style="text-align: center;"><u>Planning</u></p> <p>Head of Planning Services<br/>Planning Service<br/>South Derbyshire District Council<br/>Civic Offices<br/>Civic Way<br/>Swadlincote<br/>Derbyshire<br/>DE11 0AH</p> <p><a href="mailto:planning@south-derbys.gov.uk">planning@south-derbys.gov.uk</a></p> | <p style="text-align: center;"><u>Environmental Health - Pollution</u></p> <p>Environmental Health Division<br/>South Derbyshire District Council<br/>Civic Offices<br/>Civic Way<br/>Swadlincote<br/>Derbyshire<br/>DE11 0AH</p> <p>environmental.health@south-derbys.gov.uk</p> |
| <p style="text-align: center;"><u>Customs &amp; Excise</u></p> <p>HM Revenue &amp; Customs<br/>National Registration Unit<br/>Port Cullis House<br/>21 India Street<br/>Glasgow<br/>G2 4PZ</p> <p>nrubetting&amp;gaming@hmrc.gsi.gov.uk</p>  | <p style="text-align: center;"><u>Derbyshire Safeguarding Children Board</u></p> <p>Chatsworth Hall<br/>Chesterfield Road<br/>Matlock<br/>Derbyshire<br/>DE4 3FW</p> <p><a href="mailto:trading.standards@derbyshire.gov.uk">trading.standards@derbyshire.gov.uk</a></p>          |

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|                                |   |                              |
|--------------------------------|---|------------------------------|
| <b>REPORT TO:</b>              | <b>COUNCIL</b>  | <b>AGENDA ITEM: 13</b>       |
| <b>DATE OF MEETING:</b>        | <b>5 NOVEMBER 2015</b>  | <b>CATEGORY: RECOMMENDED</b> |
| <b>REPORT FROM:</b>            | <b>CHIEF EXECUTIVE</b>  | <b>OPEN</b>                  |
| <b>MEMBERS' CONTACT POINT:</b> | <b>FRANK McARDLE 01283 595702<br/>frank.mcardle@south-derbys.gov.uk</b> | <b>DOC:</b>                  |
| <b>SUBJECT:</b>                | <b>DEVOLUTION DEAL</b>  | <b>REF:</b>                  |
| <b>WARD(S) AFFECTED:</b>       | <b>ALL</b>  | <b>TERMS OF REFERENCE:</b>   |

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## **1.0 Recommendations**

- 1.1 That Members are asked to authorise the Chief Executive in consultation with the Leader to continue to engage in discussions with the Government and to bring back to the Council any proposals put forward by the Government for a Combined Authority and Devolution Deal.

## **2.0 Purpose of Report**

- 2.1 Members have previously given in principle support to the establishment of a Derby & Derbyshire (D2) Combined Authority. However, there have been some significant changes to the Government's approach to this and the potential offer of a Devolution Deal. Discussions are ongoing but in the light of these changes to the proposals, this report will update Members on the current position and seek authority to continue discussions given the revised expectations with respect to the likely outcome.

## **3.0 Detail**

- 3.1 At the Environmental & Development Services Committee on 30 January 2014, Members supported the establishment of a Derby & Derbyshire (D2) Joint Committee for Economic Prosperity. The purpose of the Joint Committee is to bring together the City Council, County Council and all District and Borough Councils in Derbyshire into a robust, formally constituted arrangement to deliver regeneration and economic prosperity across the whole geographical county of Derbyshire.
- 3.2 The Joint Committee has undertaken a review to evaluate the effectiveness and efficiency of existing governance arrangements for economic development, regeneration and transport across the D2 area and test the scope for improving the economic conditions of the area. The Governance Review concluded that a Combined Authority presented the best option for "positively impacting on the economic conditions of the D2 area, and also in providing the best opportunities

for improved efficiency and effectiveness of delivery in transport and economic development”.

- 3.3 At Council on 9 February 2015, Members agreed in principle to support the establishment of a Derby & Derbyshire (D2) Combined Authority. This did not commit the Council until proposals are formally submitted for approval in detail. The proposed D2 Combined Authority was to be constituted of a Board, made up of the ten Leaders from the D2 local authorities. The Combined Authority was to be a decision making and accountable body responsible for developing, agreeing, implementing and monitoring: D2-wide strategies; clear programmes of activity and funding; and, specific delivery projects. The Combined Authority could attract further devolved funding from Government with more local determination of priorities and alignment of resources.
- 3.4 A devolution prospectus was submitted to Government in March 2015 on behalf of all nineteen local authorities and the Local Enterprise Partnership in the D2N2 area (Derby, Derbyshire, Nottingham and Nottinghamshire). This outlined the type of powers and funding streams that D2N2 partners would wish to be devolved in a ‘Deal’ in order to significantly improve economic growth. Negotiations with Government on a Devolution Deal for D2N2 have now reached an advanced state with more specific discussions on the detail of the powers that would be devolved.
- 3.5 Discussions are ongoing but a number of significant changes to the previously envisaged proposals have emerged including:
  - The Combined Authority is likely to extend beyond Derby & Derbyshire, with the name changed to reflect this.
  - Significant powers will only be devolved by Government if a directly elected mayor is created.
  - The scope of the Devolution Deal discussions with Government have become broader and now include, for example, public sector reform.
- 3.6 A full implementation plan covering each proposal agreed in a Devolution Deal would need to be developed which would include the timing and proposed approach for monitoring and evaluation of each policy.
- 3.7 There is no intention to transfer existing powers from local authorities to the new Combined Authority. Combined Authority legislation allows for powers to be held concurrently by local councils and the Combined Authority and this is likely to be the preferred model.
- 3.8 All Devolution Deals and the powers and funding attached to them will be subject to the Comprehensive Spending Review, consultation with residents in the area on the Deal proposal, and approval by each local authority’s Full Council. Deals will also be subject to enactment of the necessary legislation, including the Cities & Local Government Devolution Bill.

#### **4.0 Financial Implications**

- 4.1 There are no financial implications for the District Council beyond the transfer of the Council’s current contribution to the Derbyshire Economic Partnership to

the proposed Combined Authority. It is anticipated that in 2015/16 this contribution will be £15,000.

## **5.0 Corporate Implications**

5.1 The activities of the proposed Combined Authority would contribute to the Corporate Plan's vision to 'make South Derbyshire a better place to work, live and visit'.

## **6.0 Community Implications**

6.1 The activities of the proposed Combined Authority would contribute to the South Derbyshire Partnership's Sustainable Community Strategy vision of 'a dynamic South Derbyshire, able to seize opportunities to develop successful communities, whilst respecting and enhancing the varied character of our fast growing district'.

## **7.0 Conclusions**

7.1 Progress continues to be made towards the devolution of Government powers to a Combined Authority encompassing South Derbyshire, in line with the principle of devolution of appropriate Government powers to the lowest level at which they can effectively and cost-effectively be exercised.

7.2 Negotiations are ongoing but in the light of the changing scope and nature of the likely outcome, a resolution is sought from Members for the Chief Executive in consultation with the Leader to continue to engage in discussions. The District Council will be asked to formally decide on its position on the Combined Authority and Devolution Deal when final details are available.

## **8.0 Background Papers**

8.1 South Derbyshire District Council report:  
Environmental & Development Services (30 January 2014)  
Derby & Derbyshire Joint Committee for Economic Prosperity

**ANNEX A:** South Derbyshire District Council report:  
Council (9 February 2015)  
Derby & Derbyshire (D2) Combined Authority

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|--------------------------------|--|------------------------------|
| <b>REPORT TO:</b>              | <b>COUNCIL</b>   | <b>AGENDA ITEM: 8</b>        |
| <b>DATE OF MEETING:</b>        | <b>9 FEBRUARY 2015</b>   | <b>CATEGORY: RECOMMENDED</b> |
| <b>REPORT FROM:</b>            | <b>CHIEF EXECUTIVE</b>   | <b>OPEN</b>                  |
| <b>MEMBERS' CONTACT POINT:</b> | <b>Frank McArdle, 01283 595702<br/>frank.mcardle@south-derbys.gov.uk</b> | <b>DOC:</b>                  |
| <b>SUBJECT:</b>                | <b>DERBY &amp; DERBYSHIRE (D2)<br/>COMBINED AUTHORITY</b>                | <b>REF:</b>                  |
| <b>WARD(S) AFFECTED:</b>       | <b>ALL</b>   | <b>TERMS OF REFERENCE:</b>   |

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## **1.0 Recommendations**

1.1 Members are asked to agree in principle to support the establishment of a Derby & Derbyshire (D2) Combined Authority.

## **2.0 Purpose of Report**

2.1 Attached at Annex A is a report prepared by Derbyshire County Council which is being considered by local authorities in Derbyshire. Members are asked to consider this and to decide if they wish to resolve in principle to support the establishment of a Derby and Derbyshire (D2) Combined Authority.

## **4.0 Financial Implications**

4.1 There are no financial implications for the District Council beyond the transfer of the Council's current contribution to the Derbyshire Economic Partnership to the proposed Derby & Derbyshire (D2) Combined Authority. In 2014/15 this contribution is £15,000.

## **5.0 Corporate Implications**

5.1 The activities of the proposed Derby & Derbyshire (D2) Combined Authority will contribute to the Corporate Plan's vision to 'make South Derbyshire a better place to work, live and visit'.

## **6.0 Community Implications**

6.1 The activities of the proposed Derby & Derbyshire (D2) Combined Authority will contribute to the South Derbyshire Partnership's Sustainable Community Strategy vision of 'a dynamic South Derbyshire, able to seize opportunities to

develop successful communities, whilst respecting and enhancing the varied character of our fast growing district’.

## **7.0 Conclusions**

7.1 If Members are minded to proceed, then a decision may be made to support the proposal in principle only. This will not commit the Council until proposals are formally submitted for approval in detail.

## **8.0 Background Papers**

Annex A: Derbyshire County Council - Council Meeting 4 February 2015 –  
Proposal for Derbyshire County Council to be a Constituent Member of  
the Proposed Derby and Derbyshire (D2) Combined Authority

Appendix 1: Report of the Derby and Derbyshire Authorities’  
Statutory Governance Review Report:

Appendix 1: Outline of Option Appraisal Exercise

Appendix 2: Analysis of Public Consultation

Appendix 2: Draft Scheme for the Establishment of a Combined  
Authority for Derby and Derbyshire

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|                                |  |   |
|--------------------------------|--|---|
| <b>REPORT TO:</b>              | <b>COUNCIL</b>   | <b>AGENDA ITEM: 14</b>  |
| <b>DATE OF MEETING:</b>        | <b>5<sup>TH</sup> NOVEMBER 2015</b>  | <b>CATEGORY: DELEGATED</b>  |
| <b>REPORT FROM:</b>            | <b>CHIEF EXECUTIVE</b>   | <b>OPEN</b>   |
| <b>MEMBERS' CONTACT POINT:</b> | <b>FRANK McARDLE<br/>CHIEF EXECUTIVE (EXT. 5702)</b>   | <b>DOC:U:\JAYNE\Commtee\COMMRE<br/>PLGO Annual Review 2015.docx</b> |
| <b>SUBJECT:</b>                | <b>LOCAL GOVERNMENT<br/>OMBUDSMAN – ANNUAL REVIEW<br/>LETTER 2015 AND UPDATE ON<br/>RECENT DEVELOPMENTS TO THE<br/>OMBUDSMAN SERVICE</b> | <b>REF: J Beech</b>   |
| <b>WARD(S) AFFECTED:</b>       | <b>ALL</b>   |   |

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## **1.0 Recommendations**

- 1.1 To accept the Local Government Ombudsman's Annual Review Letter 2015.

## **2.0 Purpose of Report**

- 2.1 This report will provide Members with a summary of complaints made to the Local Government Ombudsman ("LGO") against this Authority during the year 2014/15.
- 2.2 It will also bring Members up to date on developments in the LGO service.

## **3.0 Detail**

- 3.1 On 18<sup>th</sup> June 2015, the Council received the Annual Review Letter for the period 2014/15 and a summary of statistics on complaints.
- 3.2 The Ombudsman's Office made decisions on 7 complaints about the Council in 2014/15. Of these complaints, 3 were closed after initial enquiries, 2 were referred back for local resolution, 1 complaint was incomplete/invalid, and 1 complaint was upheld and resolved.
- 3.3 The LGO does not provide detailed information about the statistics and, therefore, in order to provide some background information for Members, the Council's LGO Link Officer has produced a table of complaint decisions, which is attached at **Annexe 'A'**. This provides a breakdown of the type of complaints received and a summary of the decisions.

### **LGO Developments**

#### **Supporting local scrutiny**

- 3.4 One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of LGO's key business plan objectives this year and they will continue to work with elected members to help them understand how they can contribute to the complaints process.

- 3.5 The LGO has worked in partnership with the Local Government Association to produce a workbook (see link below) for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. The Ombudsman encourages elected members to make use of this workbook.

[http://www.local.gov.uk/web/guest/publications/-/journal\\_content/56/10180/7159167/PUBLICATION](http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10180/7159167/PUBLICATION)

#### Single Ombudsman Scheme

- 3.6 In March 2015, the government published a review of Public Sector Ombudsmen. That review, along with a related consultation document, has proposed that a single Ombudsman scheme should be created for all public services in England. The LGO is supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape.
- 3.7 The LGO will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. The LGO will continue to work with government as it brings forward further proposals and encourages local government to take a keen and active interest in this important area of reform in support of strong local accountability.

#### Extending the jurisdiction of the LGO

- 3.8 The Government has consulted on a proposal to extend the jurisdiction of the LGO to some Town and Parish Councils. The outcome of the consultation is awaited, but the LGO is pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. The LGO hopes that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

### **4.0 Financial Implications**

- 4.1 None directly arising from this report.

### **5.0 Corporate Implications**

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

### **6.0 Community Implications**

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

## **7.0 Conclusion**

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

## **8.0 Background Papers**

- Annual Review Letter 2015 from the Local Government Ombudsman

**LOCAL GOVERNMENT OMBUDSMAN**  
**COMPLAINT DECISIONS 2014/15**

| Category                       | Summary of Decision  | Decision |                        |                                      |  |
|--------------------------------|--|----------|------------------------|--------------------------------------|--|
|                                |  | Upheld   | Incomplete/<br>invalid | Closed after<br>initial<br>enquiries | Referred<br>back for local<br>resolution |
| Benefits & Tax                 | Complaint about how the Council had dealt with a Council Tax debt. The Ombudsman did not investigate as she was satisfied that the Council had considered whether the complainant's payments were reasonable and concluded that there was no evidence of maladministration.  |          |                        | ✓                                    |  |
| Planning & Development         | LGO decided not to investigate a complaint about approval of a scheme under Building Regulations (relating to a flue for a condensing boiler on the wall of the complainant's neighbour's property). The LGO considered there was no evidence of fault in the Council's actions.   |          |                        | ✓                                    |  |
| Corporate & Other Services     | Complaint about various issues with the management of a local leisure centre. The Ombudsman stated she would not use public funds to investigate this complaint as she could not achieve any worthwhile outcome for the complainant. She also found no evidence of fault in the way the Council had considered the complainant's concerns. |          |                        | ✓                                    |  |
| Housing                        | LGO upheld a complaint about a delay in determining a homelessness application and a housing benefit application. She decided that a written apology would provide a suitable remedy and the Council agreed to this.   | ✓        |                        |                                      |  |
| Education & Childrens Services | No details provided by LGO as the complaint would have been referred to the County Council.  |          |                        |                                      | ✓  |
| Planning & Development         | No details provided as the LGO treated the complaint as incomplete/invalid so did not make any initial enquiries of the Council.   |          | ✓                      |                                      |  |
| Corporate & Other Services     | No details provided by the LGO and no trace of the complaint being referred back to the Council for resolution, so this is either an error in the LGO's records, or the complaint has been referred to another authority (e.g. County Council).  |          |                        |                                      | ✓  |

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

13<sup>th</sup> July 2015

**PRESENT:-**

**Representatives of South Derbyshire District Council**

Conservative Group

Councillor Billings and Councillor Mrs Plenderleith

Labour Group

Councillor D Shepherd

Officers

S Batchelor (Director of Community & Planning Services), M Roseburgh (Cultural Services Manager) K Stackhouse (Director of Finance and Corporate Services) and T Lindgren (Democratic Services Officer)

**Representatives of Etwall John Port School**

Governors

B Whyman MBE (Chair) and P Downs

Officers

G Golding

**Representatives of Active Nation**

J. Dobson, D Johns and S Ricketts

EL/26 **APOLOGIES**

Apologies were received on behalf of Councillor Mrs Lauro and C Harrison.

EL/27 **MINUTES**

The Open Minutes of the Meeting held on 20<sup>th</sup> April 2015 were noted, approved as a true record and signed by the Chairman.

EL/28 **DECLARATIONS OF INTEREST**

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

EL/29 **STATEMENT OF ACCOUNTS 2014/15**

The Director of Finance and Corporate Services introduced the report, which he explained fell into two parts. The first part gave details of income and expenditure performance against budget during the course of the year, the second part dealt with the statutory report together with governance issues and in particular, included the Annual Governance Statement for 2014/15. The net

expenditure had increased in 2014/15 compared to 2013/14, by approximately £25,000 and by £45,000 compared to the actual Budget. The main cost for the Leisure Centre is the annual contract payment to Active Nation, to manage and maintain the facility.

Members of the Committee considered the detailed financial information contained in the report, and in particular asked questions on maintenance costs and utility charges in 2014/15. The Director of Finance and Corporate Services responded that utility costs had risen since the start of the contract compared to the base cost and that the sum was inclusive of 2013/14 and 2014/15.

The Director of Finance and Corporate Services reported that the overall settlement figures for the AGP are still to be agreed, including the requirement to set-up a Sinking Fund for replacements. As the accounts for 2014/15 are effectively closed, any transactions in the JMC's account will be reflected in 2015/16.

**RESOLVED:-**

- (1) That the Statement of Accounts for 2014/2015 be considered and approved for signing by the Treasurer to the Joint Management Committee.***
- (2) That the Committee authorised the Chairman and the Secretary to the Committee to sign the Annual Governance Statement for 2014/15.***

EL/30 **ACTIVE NATION PERFORMANCE REPORT – VERBAL REPORT**

Mr. Johns wanted to record his thanks to the school and Mr. Golding, for their assistance in the huge achievement of keeping every area opened throughout the completion of the refurbishment.

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

- **Good News Stories**
  - Refurbishment project at Etwall nearly completed
  - Gym more than doubled in size
  - 21 new Keiser bikes installed
  - New gym now opened
  - New reception area complete
  - New studio due to re-open end of July 2015
  - Tennis courts cleaned and repaired
  - Swim Scheme now 95% capacity (100% expected in the near future)
  - Holiday Scheme April to May 109 participants
  - Online Active Nation launched

- **Memberships**
  - 989 Direct Debit Memberships
  - 561 Annual Memberships
  - Average length of membership 9.5 months
  - Ongoing success with Etwall primary School catering for Pre-School
  
- **Supporter Comments**
  - 15 comments received between April - June 2015, compared to 68 comments received at the same time last year. The main reason for the decline in comments is that Mr. Dobson and team is on-site and the refurbishment of the facilities.
  
- **Centre Usage Figures**
  - Currently 8.000 visitors per week (including schools)
  - 2011/12 - 319,939
  - 2012/13 - 348,737
  - 2013/14 - 323,513
  - 2014/15 - 362,523

**RESOLVED:-**

***The Committee considered and accepted the points made in the presentation.***

The meeting terminated at 6:00pm

MR. B WHYMAN MBE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

3rd September 2015

**PRESENT:-**

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

Councillor Watson (Chairman) and Councillors Mrs. Coyle (Conservative Group) and Mrs. Stuart (Labour Group)

**District Council Representatives**

J. Green (Senior Legal Officer), L. Kinsey (Licensing Officer) and T. C Lindgren (Democratic Services Officer)

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/ 12 **APOLOGIES**

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

LAS/13 **DECLARATIONS OF INTEREST**

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

LAS/14 **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.*

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

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

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

*With the agreement of the Sub-Committee, this matter was adjourned to 24<sup>th</sup> September 2015.*

COUNCILLOR P. WATSON

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

3<sup>rd</sup> September 2015

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Rhind, Richards, Southerd and Wilkins

**In Attendance**

Councillor Mrs Farrington.

FM/32 **APOLOGIES**

The Committee was informed that no apologies had been received.

FM/33 **MINUTES**

The Open minutes of the Meeting held on 18th June 2015 were taken as read, approved as a true record and signed by the Chairman.

FM/34 **DECLARATIONS OF INTEREST**

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

FM/35 **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/36 **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/37 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

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

**MATTERS DELEGATED TO COMMITTEE****FM/38 CORPORATE SERVICES PERFORMANCE MONITORING 2015/16: QUARTER 1 TO JUNE 2015**

The Director of Finance and Corporate Services presented the report to Committee highlighting the following points; the Council's collections targets are all above average, apart from arrears on Council Tax collections. The improvements and investment of resources put into new Housing Benefit processes has resulted in targets for the first quarter of 2015/16 being met. Following deteriorating performance on sickness absence in 2013/14, the Council's absence rate during 2014/15 had steadily improved and this was continuing in 2015/16. The Director also highlighted the impact of long-term absences on the headline rate.

**RESOLVED:**

***That the Committee considered and noted the progress against performance targets.***

**FM/39 BUDGET AND FINANCIAL MONITORING 2015/16**

The Director of Finance and Corporate Services presented to Committee the first substantive monitoring report for the financial year 2015/16. He reported that the main reason for variance was the continuing increase in planning fee income compared to the Budget. The National Budget proposal of 1% decrease in social rents was a concern as the Council's HRA budget is based on an increase in rents of 1% per year, in accordance with the Government's rent policy that existed before the Summer Budget.

**RESOLVED:**

***That the Committee considered and approved the latest budget and financial monitoring figures for 2015/16.***

**FM/40 CORPORATE PLAN UPDATE**

The Chief Executive Officer presented a report to Committee of the on the framework for updating the Corporate Plan., highlighting its importance in guiding the direction of the Council and the steps taken to set a vision and strategy for the next five years. The four themes, which guided the Council through 2009/15, are still relevant and offer a starting point upon which to build. Background evidence will be collated before four workshops, one for each theme, will be held to allow Elected Members and Officers to consider updated priorities and performance targets in order to meet the opportunities/challenges ahead.

**RESOLVED:**

***That the Committee considered and approved the process to review and update the Council's Corporate Plan.***

**FM/41 MELBOURNE ASSEMBLY ROOMS**

The Director of Finance and Corporate Services delivered the report to Committee on behalf of the Director of Community and Planning Services.

**RESOLVED:**

*That the Committee approved the utilisation of the remaining monies (£76,600) allocated to Melbourne Assembly Rooms from the sale of Bretby Crematorium in line with the Melbourne Assembly Rooms Board's latest strategic plan.*

**FM/42 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 18<sup>th</sup> June 2015 were taken as read, approved as a true record and signed by the Chairman.*

**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.*

**FINANCIAL SERVICES: REVISED SERVICE DELIVERY STRUCTURE (Paragraph 2)**

*The Committee approved the revised structure for the Financial Services Unit.*

**LAND AND PREMISES IN SWADLINCOTE (Paragraph 3)**

*The Committee approved a disposal subject to prior advertising of the proposed disposal under Section 123, 2(A) Local Government Act 1972.*

**PREMISES IN MELBOURNE (Paragraph 3)**

*The Committee approved the surrender of the existing lease and the grant of a new 7-year lease.*

The meeting terminated at 18.40pm.

COUNCILLOR J HARRISON

CHAIRMAN

PLANNING COMMITTEE

15<sup>th</sup> September 2015

**PRESENT:-**

**Conservative Group**

Councillor Roberts (Chairman), Councillor Hewlett (Acting Vice-Chairman, substituting for Cllr Mrs Brown) and Councillors Atkin, Mrs Coe (substituting for Cllr Stanton), Mrs Farrington, Ford, Grant, Mrs Hall and Watson.

**Labour Group**

Councillors Pearson, Rhind (substituting for Cllr Southerd), Richards (substituting for Cllr Dunn) and Shepherd.

PL/66 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Mrs Brown, Stanton (Conservative Group), Dunn and Southerd (Labour Group).

PL/67 **DECLARATIONS OF INTEREST**

Councillor Atkin declared a prejudicial interest in application number **9/2015/0641** by reason of the applicant being his landlord.

Councillor Atkin also declared a prejudicial interest in application number **9/2015/0692** by reason of the application being made by his family business.

Councillor Hewlett declared a personal interest in application number **9/2015/0613** by reason of knowing the applicant's neighbours, declaring his wish not to vote on this matter.

PL/68 **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/69 **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/70 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 5 DWELLINGS AT 124 REPTON ROAD HARTSHORNE SWADLINCOTE**

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

Ms Janet Hodson (agent in support) attended the Meeting and addressed Members on this application.

The Planning Services Manager confirmed that the Clinical Commissioning Group would not be entering a Section 106 claim in relation to this application, but that a response was still awaited from the Local Education Authority.

Queries and comments made by Councillors relating to the improved proposals, the proposed buildings height, the gardens boundary line, the potential for back-filling of the pond area, the temporary nature of the structures approved in 2009, the site's 'green field' status, the village boundary, the capacity of the local primary school, road safety, recent appeal outcomes and a proposed 'soft edge' at the western end of the site were noted and responded to.

**RESOLVED:-**

***1.1 That delegated authority be granted to the Planning Services Manager to complete a Section 106 Agreement to secure financial contributions towards open space, sport and built facilities.***

***1.2 That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services. Extra conditions to control the height of dwellings and for additional landscaping on the western boundary were also agreed.***

PL/71 **DEMOLITION OF EXISTING BARN AND CONSTRUCTION OF REPLACEMENT ANNEXE AT 80 MAIN STREET WESTON ON TRENT DERBY**

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

Mr Bryan Wolsey (objector) and Mrs Joanne Nicol (applicant) attended the Meeting and addressed Members on this application.

Queries and comments made by Councillors relating to the height of the proposed building, materials and the merits of retaining the existing building were noted and responded to.

**RESOLVED:-**

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

PL/72 **THE ERECTION OF A CAR SALES SHOWROOM / VEHICLE SERVICING/REPAIR FACILITY AND CREATION OF HARD SURFACES FOR THE DISPLAY OF VEHICLES FOR SALE AND FOR PARKING AND THE ERECTION OF BOUNDARY FENCING AT LAND AT SK2828 0565 CARRIERS ROAD EGGINTON COMMON DERBY**

Sir Henry Every Bt (objector) attended the Meeting and addressed Members on this application.

Queries and comments made by Councillors relating to road safety issues, adequate drainage provision, including for cleaning materials / acids, parking provision and on-site advertising were noted and responded to.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services. An additional condition to secure a more extensive SuDS scheme was also agreed.***

PL/73 **THE ERECTION OF 57 TWO, THREE & FOUR BEDROOM DWELLINGS AND ASSOCIATED HIGHWAYS AND PARKING AT THE FORMER H K WENTWORTH FACTORY & ARRIVA BUS DEPOT MIDLAND ROAD SWADLINCOTE**

Queries and comments made by Councillors relating to the welcome development of a local eyesore, the increased pressure on the health, dental and education infrastructure, the allocation of the Section 106 monies, the lack of any site traffic management scheme, vehicle / pedestrian access on the site and from/to the nearby Eureka Park were noted and responded to.

**RESOLVED:-**

***1.1 That authority be granted to the Planning Services Manager to complete a Section 106 Agreement to secure adjusted financial contributions towards education and healthcare provision, the remainder to open space and sports facilities.***

***1.2 That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services. An extra condition to secure a traffic management plan for the construction period was also agreed.***

PL/74 **THE ERECTION OF A 3 BED DWELLING AND 2 CAR CAR-PORT (RESUBMISSION OF 9/2014/0544) WITH USE OF EXISTING ACCESS FROM ROAD ON LAND TO THE REAR OF 78 ASHBY ROAD MELBOURNE DERBY**

Councillor Hewlett reported that the local school was already at capacity, a point noted by the Committee.

**RESOLVED:-**

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

PL/75 **PROPOSED REPLACEMENT DWELLING AND DETACHED GARAGE AT 54 THE CASTLE WAY WILLINGTON DERBY**

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services. An extra condition to remove permitted development rights was also agreed.***

Councillor Atkin left the Chamber left the Chamber at 7.30pm

PL/76 **THE ERECTION OF AN EXTENSION AND ALTERATIONS AT THE HILL SINFIN LANE BARROW ON TRENT DERBY**

**RESOLVED:-**

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

PL/77 **THE ERECTION OF A STEEL PORTAL FRAME WITH OPEN SIDES AND CLADDING TO ROOF AT 70 GRANGE FARM TWYFORD ROAD BARROW ON TRENT DERBY**

**RESOLVED:-**

***That no objection be made to the application.***

PL/78 **THE ERECTION OF NEW ENTRANCE GATES AND BOUNDARY WALLS AT THE HILL LODGE DEEP DALE LANE BARROW ON TRENT DERBY**

**RESOLVED:-**

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

PL/79 **PLANNING AND OTHER APPEALS**

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

- 9/2014/0249 Land at New House Farm, Etwall Road, Mickleover, Derby.
- 9/2014/0948 Land east of Rosliston Road South, Drakelow, Derbyshire.
- 9/2015/0004 14 Lupin Close, Stenson Fields, Derby.

Councillors queried the cost to the Council as a result of these appeals and the timescales for agreeing those costs. The Planning Services Manager explained the process and agreed to distribute the figures when available.

PL/80 **TREE PRESERVATION ORDER 392 AT NEWTON ROAD, NEWTON SOLNEY**

***RESOLVED:-***

***That this Tree Preservation Order (TPO) be revoked concurrent with the creation of a replacement Order.***

PL/81 **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 7.45pm.

COUNCILLOR A ROBERTS

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

24 September 2015

**PRESENT:-**

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

Councillor Watson (Chairman) and Councillors Mrs. Coyle (Conservative Group) and Mrs. Stuart (Labour Group)

**District Council Representatives**

A. Edwards (Senior Legal Officer), E. McHugh (Senior Licensing Officer) and T. C Lindgren (Democratic Services Officer)

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/ 17 **APOLOGIES**

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

LAS/18 **DECLARATIONS OF INTEREST**

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

LAS/19 **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 2)**

*The Sub-Committee reviewed a Private Hire Driver's Licence, based on the evidence before them, the Panel deemed the driver to be a 'fit and proper person' for the purposes of holding a Private Hire Driver's Licence. However, since the driver had failed to notify the Licensing Department of his Fixed Penalty Notices within the prescribed time a written warning will be issued.*

The Meeting terminated at 4.00pm..

COUNCILLOR P. WATSON

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

24<sup>th</sup> September 2015

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Rhind, Tilley (substituting for Councillor Richards) and Wilkins

**In Attendance**

Councillor Mrs Farrington.

FM/48 **ADJOURNMENT**

The Chairman announced that before the Finance and Management Committee could consider and approve the Council's Accounts and Financial Statements, the Audit Sub-Committee were required to receive and consider the External Auditor's Report on those Accounts. As the previous day's Audit Sub-Committee had been unable to meet due to it being inquorate, the meeting would be adjourned until 5.00pm on Wednesday 30<sup>th</sup> September 2015. The Audit Sub-Committee would meet to conduct its business ahead of the re-arranged meeting of this Committee.

The meeting terminated at 5.05pm.

COUNCILLOR J HARRISON

CHAIRMAN

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

28<sup>th</sup> September 2015

**PRESENT:-**

**Representatives of South Derbyshire District Council**

Conservative Group

Councillor Mrs Plenderleith (Chair) and Councillor Muller (substituting for Councillor Billings)

Labour Group

Councillor D Shepherd

Officers

S Batchelor (Director of Community & Planning Services) and T. C Lindgren (Democratic Services Officer)

**Representatives of Etwall John Port School**

Governors

B Whyman MBE (Vice - Chair), C Harrison and P Downs

Officers

G Golding

**Representatives of Active Nation**

J. Dobson and S Ricketts

EL/31 **APPOINTMENT OF CHAIR**

Councillor Mrs. Plenderleith was appointed as Chair of the Committee for the ensuing year.

EL/32 **APPOINTMENT OF VICE- CHAIR**

Mr. Whyman was appointed as Vice-Chair of the Committee for the ensuing year.

EL/33 **APOLOGIES**

Apologies were received on behalf of Councillor Billings.

EL/34 **MINUTES**

The Open Minutes of the Meeting held on 13th July 2015 were noted, approved as a true record and signed by the Chairman.

EL/35    **DECLARATIONS OF INTEREST**

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

EL/36    **ACTIVE NATION PERFORMANCE REPORT – VERBAL REPORT**

Mr Dobson presented the quarterly review (April to August 2015) of Etwall Leisure Centre, making particular reference to the following items;

- **Good News Stories**
  - Refurbishment near its completion and a date for the official opening will soon be advertised.
  - Currently receiving 150 new subscriptions per month
  - Now have 70 station gym with state of the art functional 'Queenax' rig.
  - All staff have now been trained in 'Kettlebelts' and 'TRX' enabling them to deliver sessions to smaller groups.
  - Both the new studio and Spin Studio are now open, with classes already at capacity the demand for spaces continue to grow
  - A new Duty Management team and cleaning team are now in place to assist in running the centre as efficiently as possible.
  - Etwall's first 'Sportive' event took place in September, with Bryan Steel, former GB Cyclist, leading the team of 30 cyclists.
  - The Etwall triathlon was a great success with over 500 participants.
  - The Summer holiday scheme engaged 40 children per day.
  - Summer Soccer Stars delivered sessions to 50 children per day.
  - The Badminton tournament was a great success with over 200 people turning up for the event.
  - The re-launch of the Saturday Night Project has so far engaged over 50 children per week
  
- **Gym & Exercise Memberships**
  - 721 new subscription between April and August 2015.
  - 1,564 in total Memberships
  - Average length of membership 9.5 months
  - 311 new swimming lessons subscriptions
  - 95% occupancy on the scheme (250 spaces remain available)
  
- **Supporter Comments**
  - 23 comments received between April – August 2015, Mr Ricketts added that the main reason for the decline in comments is due to the current refurbishment of the facilities.
  
- **Centre Usage Figures**
  - There are currently 8.500 visitors per week (including schools)
  - Usage increased with over 42,500 visits since the 2011/12.
  - The centre saw 24,068 'All Weather Pitch Users' between April and August 2015 (46,968 in total last financial year)

The committee extended their thanks to Mr. Dobson and Mr. Ricketts for the fantastic work they have achieved at Etwall Leisure Centre.

**RESOLVED:-**

***That the Committee considered and noted the points made in the presentation.***

The meeting terminated at 5:30pm

COUNCILLOR. MRS. A. PLENDERLEITH

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

30<sup>th</sup> September 2015

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Rhind and Southerd.

**In Attendance**

Councillors Atkin, Dunn, Mrs Farrington and Shepherd.

FM/49 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Billings, Smith (Conservative Group) Richards and Wilkins (Labour Group).

FM/50 **DECLARATIONS OF INTEREST**

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

FM/51 **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/52 **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/53 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

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

**MATTERS DELEGATED TO COMMITTEE**FM/54 **AUDIT SUB-COMMITTEE**

The Minutes of the Audit Sub-Committee Meeting held on 17<sup>th</sup> June 2015 were submitted.

**RESOLVED:-**

***That the Minutes of the Audit Sub-Committee Meeting held on 17th June be received and any recommendations contained therein approved.***

FM/55 **ACCOUNTS AND FINANCIAL STATEMENTS 2014/15**

The Director of Finance and Corporate Services presented the report to Committee, highlighting the auditor's four main recommendations, relating to job evaluation, the capacity of the Finance Team, the Medium Term Financial Position and the Efficiency Dividend.

**RESOLVED:**

***That the Committee approve the Council's Audited Accounts and Financial Statements for 2014/15, for signing by the Chairman of the Committee prior to publication.  
(Abstentions: Councillors Rhind and Southerd).***

FM/56 **BUDGET OUT-TURN 2014/15: FINAL FIGURES**

The Director of Finance and Corporate Services presented the report to the Members, making reference to the various adjustments made to arrive at the Final Figures. The Chief Executive Officer further confirmed that the lock-out agreement relating to the development of the new depot site had been signed earlier in the day.

**RESOLVED:**

***That the Committee noted the final out-turn position for the balance of Council Reserves as at 31<sup>st</sup> March 2015 as detailed in the report.***

FM/57 **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***

**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 5.15pm.

COUNCILLOR J HARRISON

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

1<sup>st</sup> October 2015 at 10.15am

**PRESENT:-**

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

Councillor Stanton (Chairman), Councillor Muller (Conservative Group) and Councillor Dunn (Labour Group)

**District Council Representatives**

A Kaur (Legal and Democratic Services Manager), E McHugh (Senior Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/21 **APOLOGIES**

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

LAS/22 **DECLARATIONS OF INTEREST**

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

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/23 **DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE – NEEDWOOD VALE LTD, UNIT 6, MERCIA MARINA, FINDERN LANE, WILLINGTON, DERBYSHIRE, DE65 6DW**

The Sub-Committee considered an application for the grant of a Premises Licence for Needwood Vale Ltd, Unit 6, Mercia Marina, Findern Lane, Willington, Derbyshire, DE65 6DW.

**RESOLVED:-**

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

The Meeting terminated at 10.30am

COUNCILLOR STANTON

CHAIRMAN

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

1<sup>st</sup> October 2015

### **PRESENT:-**

#### **Conservative Group**

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman), Mrs. Brown, Coe, Mrs Hall, MacPherson, Mrs Patten, Roberts and Stanton

#### **Labour Group**

Councillors Southerd and Tilley.

#### **In Attendance**

The following Members also attended the Meeting: Councillor Atkin and Councillor Shepherd.

#### EDS/39 **APOLOGIES**

Apologies for absence from the meeting were received from Councillor Chahal and Taylor.

#### EDS/40 **DECLARATIONS OF INTEREST**

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

#### EDS/41 **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/42 **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/43 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

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

### **MATTERS DELEGATED TO COMMITTEE**

**EDS/44 GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY**

The Senior Licensing Officer presented the report to Committee to update Members on the outcome of the consultation, which had taken place between 13th July and 4th September 2015.

**RESOLVED:**

***That the Committee approved the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy").***

**EDS/45 KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT**

The Senior Licensing Officer presented the report to Committee to update Members on the results of the Department's performance against set service standards as prescribed by the internal audit in 2014. Highlighting that the KPI 'Personal Licence' was an anomaly at 71%, this was due to the changes to the legislation in April 2015, where a personal licence now lasts indefinitely, consequently the Licensing Department received a large volume of applications in a short period of time.

**RESOLVED:**

***That the Committee noted the performance of the Licensing Department in relation to the Key Performance Indicators.***

**EDS/46 LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY**

The Senior Licensing Officer presented the report to Committee to update Members on the outcome of the consultation, which had taken place between 13<sup>th</sup> July and 4<sup>th</sup> September 2015.

**RESOLVED:**

***That the Committee approved the Council's Licensing Act 2003 Statement of Licensing Policy ("the Policy").***

**EDS/47 COMMITTEE WORK PROGRAMME 2015/16**

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

**RESOLVED:-**

***That the Committee considered and approved the work programme.***

**EDS/48 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 6:10 pm

COUNCILLOR P. WATSON

CHAIRMAN

PLANNING COMMITTEE

6<sup>th</sup> October 2015

**PRESENT:-**

**Conservative Group**

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice-Chairman), and Councillors Atkin, Mrs Coe (substituting for Councillor Grant), Mrs Farrington, Mrs Hall, Stanton and Watson.

**Labour Group**

Councillors Dunn, Pearson, Shepherd and Southerd.

**In attendance**

Councillors Harrison, Hewlett and Smith.

PL/82 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Ford and Grant (Conservative Group).

PL/83 **MINUTES**

The Open Minutes of the Meetings held on the 23<sup>rd</sup> June 2015 (PL/21-PL/30), 14<sup>th</sup> July 2015 (PL/31-PL/41), 4<sup>th</sup> August 2015 (PL/44-PL/53) and 25<sup>th</sup> August 2015 (PL/54-PL/64) were taken as read, approved as a true record and signed by the Chairman.

PL/84 **DECLARATIONS OF INTEREST**

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

PL/85 **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/86 **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/87 **OUTLINE APPLICATION (ALL MATTERS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 60 DWELLINGS AT LAND AT SK3825 9795 AT JAWBONE LANE KINGS NEWTON DERBY**

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

The Area Planning Officer reported that there had been a late amendment to the Section 106 proposals from Derbyshire County Council, now including Chellaston Academy Project A. The Area Planning Officer went on to state that the application had been reduced from 120 to up to 60 dwellings, that a visualisation exercise had led to a limit on dwelling height to one to one and a half storey and that Planning Services has sought to find a planning balance in accordance with the NPPF, between a less than substantial harm position compared to the financial and economic benefits.

Mr Ian Turner (objector) and Mr Peter Wilkinson (agent in support) attended the Meeting and addressed Members on this application.

Councillors Harrison and Hewlett addressed the Committee as local Ward Members for Melbourne, expressing the concerns of local residents, presenting petitions from both the Melbourne and Kings Newton Resident Associations against the application.

Queries and comments made by Councillors relating to the maintenance of the character of the villages and their separation; the impact on the setting of Kings Newton conservation area; the historic open space between the villages and of the countryside views; the location being outside the village confines as set out in the the Local Plan; the provisions of the NPPF and the Local Plan; the impact on the intrinsic value and character of the heritage sites; the lack of control on any future resident landscaping; traffic management; the distinction between the northern and southern elements of the application; the Historic England response; the likelihood of costs against the Council if the application were refused; the balance of the scheme – the harm outweighing the benefits and the potential for contracting a conservation consultant for expert opinion were noted and responded to.

A reason for refusal was discussed and agreed prior to voting.

**RESOLVED:-**

***That planning permission be refused contrary to officer recommendation on the grounds of the development being detrimental to the setting of the Kings Newton conservation area and as set out in the Reason for Refusal notice.***

PL/88 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 44 DWELLINGS AND DETAILED MEANS OF ACCESS ON LAND AT SK3825 9087 JAWBONE LANE KINGS NEWTON DERBY**

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

Mr Ian Turner (objector) and Miss Liberty Stones (agent in support) attended the Meeting and addressed Members on this application.

Councillors Hewlett and Harrison addressed the Committee as local Ward Members for Melbourne, expressing the concerns of local residents.

Comments made by Councillors relating to the impact on the area, the cemetery capacity and sustainability were noted.

**RESOLVED:-**

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

Councillors Harrison, Hewlett and Smith left the Meeting at 7.25pm.

PL/89 **THE DEMOLITION OF THE EXISTING BUNGALOW AND THE ERECTION OF A REPLACEMENT DWELLING AT HILL VIEW CHAPEL LANE BARROW ON TRENT DERBY**

The Planning Services Manager presented the application to Committee, stating that Conditions 11 and 12 should be disregarded in relation to this application, likewise the reference to special personal circumstances in the Reason section.

Mr Stephen Hemmings (objector) and Mr Chris Lindley (agent in support) attended the Meeting and addressed Members on this application.

Queries and comments made by Councillors relating to drainage, propensity to flooding, boundary soft edges, size and character of proposed property, potential permitted development on existing dwelling and driveway materials were noted and responded to.

Councillor Mrs Brown suggested that Mr Hemmings be written to regarding sources of flood protection advice and information.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services. Condition 7 to be amended with regard to the use of permeable hard surfacing.***

PL/90 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION AT 24 ELMSDALE ROAD HARTSHORNE SWADLINCOTE**

**RESOLVED:-**

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

PL/91 **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 meetings held on the 14<sup>th</sup> July 2015 (PL/42-PL/43) and 25<sup>th</sup> August 2015 (PL/65-PL/66) 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 7.45pm.

COUNCILLOR A ROBERTS

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

8<sup>th</sup> October 2015

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Dunn, Rhind, Richards and Taylor.

**In attendance**

Councillor Atkin.

HCS/31 **APOLOGIES**

Apologies for absence were received from Councillor Harrison (Conservative Group).

HCS/32 **MINUTES**

The Open Minutes of the Meetings held on 11<sup>th</sup> June 2015 and 27<sup>th</sup> August 2015 were noted and approved as a true record and signed by the Chairman.

Councillor Billings referred to Minute No.HCS/16 of the 27<sup>th</sup> August 2015 Meeting, stating that he is a Parish Councillor for Hatton, not Hilton. Amendment duly noted as part of these Minutes.

HCS/33 **DECLARATION OF INTEREST**

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

HCS/34 **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/35 **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/36 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

**MATTERS DELEGATED TO COMMITTEE****HCS/37 EXPERIAN RENTAL EXCHANGE SCHEME PHASE 2**

The Experian representative, Mr Lee Amos, delivered a presentation of the Rental Exchange Scheme to the Committee.

Comments and queried raised by Members relating to the use of, and access to, Experian reports, the authentication of those records, the Fair Processing Notice, safeguards against incorrect data, Experian's involvement in this market, the cost of record checks, the implementation timescales, publicity, debtor support and advice, provision for vulnerable tenants and the cascade of information to other Members were noted and responded to by the Experian representative and/or the Director of Housing and Environmental Services.

**RESOLVED:-**

- 1.1 That the findings of Phase 1 of the pilot and the feedback from the Tenants Panel regarding these findings be noted.**
- 1.2 That the move forward into Phase 2 of the Rental Exchange scheme and the undertaking of the necessary consultation with all tenants be approved.**
- 1.3 That the Director of Finance and Corporate Service be authorised to sign the Formal Agreement with Experian.**

**HCS/38 COMMITTEE WORK PROGRAMME 2015-16**

The Director of Housing and Environmental Services presented this report and, at Member request, agreed to re-prioritise the subject matter over subsequent Meetings.

**RESOLVED:-**

***That the updated work programme be considered and approved, subject to re-prioritisation by the Director of Housing and Environmental Services.***

**HCS/39 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 11<sup>th</sup> June 2015 and 27<sup>th</sup> August 2015 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.***

**LAND AT REPTON (Paragraph 3)**

***The Committee approved the recommendation set out in the Report, subject to Finance and Management Committee approval to the heads of terms.***

The Meeting terminated at 6.50pm.

COUNCILLOR J HEWLETT

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

15<sup>th</sup> October 2015

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Rhind, Richards, Southerd and Wilkins.

**In Attendance**

Councillors Mrs Farrington and Taylor.

FM/58 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillor Smith (Conservative Group).

FM/59 **MINUTES**

The Open Minutes of the Meeting held on 25th June 2015 were taken as read, approved as a true record and signed by the Chairman.

FM/60 **DECLARATIONS OF INTEREST**

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

FM/61 **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/62 **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/63 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

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

**MATTERS DELEGATED TO COMMITTEE**FM/64 **AUDIT SUB-COMMITTEE**

The Minutes of the Audit Sub-Committee Meetings held on 23<sup>rd</sup> September 2015 and 30<sup>th</sup> September 2015 were submitted.

**RESOLVED:-**

***That the Minutes of the above Audit Sub-Committee Meetings be received and any recommendations contained therein approved.***

FM/65 **UPDATE ON THE COUNCIL'S MEDIUM TERM FINANCIAL POSITION**

The Director of Finance and Corporate Services presented the report to Committee, highlighting various elements that may impact on the financial position, in relation to the General Fund and the Housing Revenue Account.

In relation to the General Fund, the Leader commended Officers for their efforts and the resultant positive figures during the last five years. Councillor Richards queried the rent levels for those tenants earning in excess of £30k. The Director of Housing and Environmental Services confirmed that further details were due to be issued by the Government.

**RESOLVED:**

***1.1 That the updated financial projections on the General Fund to 2021 and the Housing Revenue Account to 2025, as detailed in the Report, be approved.***

***1.2 That the financial projection provided form the basis for planning purposes and for setting the General Fund and Housing Revenue Account's Base Budget for 2016/17.***

***1.3 That the Housing Revenue Account Business Plan be reviewed, in particular the capital investment programme following the proposed reduction in social housing rents.***

FM/66 **A REVIEW OF THE LOCAL COUNCIL TAX SUPPORT SCHEME**

The Director of Finance and Corporate Services delivered the report to the Committee, outlining the options available.

The Leader expressed a reluctance to add any further burden to those Council Tax payers most in need of assistance and recommended the retention of the default scheme into 2016/17, a view supported by Councillor Richards. Other comments made by Members relating to Parish Council grants and a consultation process were noted and responded to.

**RESOLVED:**

***1.1 That the Committee considered changing the parameters of the current Local Council Tax Support Scheme for 2016/17 and determined that a recommendation be made to Full Council that the current parameters of the Local Scheme be retained for 2016/17.***

***1.2 That the current Compensation Grant for the Tax Base paid to Parish Councils be approved for 2016/17.***

FM/67 **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 25<sup>th</sup> June 2015 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.***

**CORPORATE SERVICES CONTRACT AND STRATEGIC PARTNERSHIP (Paragraph 3)**

***The Committee considered the recommendations made in the Report.***

**LAND AT REPTON (Paragraph 3)**

***The Committee approved the recommendation contained in the Report.***

The meeting terminated at 7.15pm.

COUNCILLOR J HARRISON