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Our Ref  
Your Ref

Date: 3<sup>rd</sup> November 2021

Dear Councillor,

### **Environmental and Development Services Committee**

A Meeting of the **Environmental and Development Services Committee** will be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Thursday, 11 November 2021** at **18:00**. You are requested to attend.

Yours faithfully,

A handwritten signature in black ink that reads "Frank McArdle".

Chief Executive

To:- **Labour Group**  
Councillor Taylor (Chair), Councillor Heath (Vice-Chair) and  
Councillors Dunn, Singh and Southerd.

**Conservative Group**  
Councillors Brown, Corbin, Haines, Redfern and Smith.

**Independent Group**  
Councillors Fitzpatrick and MacPherson.

**Non-Grouped**  
Councillor Wheelton



## **AGENDA**

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

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To receive the Open Minutes of the following Meetings:  
  
27th May 2021 **4 - 8**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6** CCTV IN PRIVATE HIRE VEHICLES POLICY **9 - 43**
- 7** GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY **44 - 73**
- 8** LICENSING SERVICE UPDATE **74 - 77**
- 9** APPROVAL OF THE INFRASTRUCTURE FUNDING STATEMENT 2020-21 **78 - 101**
- 10** CORPORATE PLAN 2020-24 PERFORMANCE REPORT (2021-2022 QUARTER 2 – 1 APRIL TO 30 SEPTEMBER) **102 - 137**
- 11** EMERGING LOCAL PLAN STRATEGY AND APPROVAL OF UPDATED MEMBERSHIP OF THE LOCAL PLAN WORKING GROUP TO PROGRESS THE LOCAL PLAN REVIEW **138 - 141**
- 12** COMMITTEE WORK PROGRAMME **142 - 147**

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

**13** The Chairman may therefore move:-

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

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

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

27<sup>th</sup> May 2021

OPEN

PRESENT:-

Labour Group

Councillor Taylor (Chair), Councillor Heath (Vice-Chair)  
Councillors, Dunn, Shepherd (substituting for Councillor Tilley) and Singh.

Conservative Group

Councillors Brown, Corbin, Haines, Patten and Redfern.

Independent Group

Councillors Fitzpatrick and MacPherson

In Attendance

Councillors Bridgen, Gee and Richards.

EDS/01 APOLOGIES

The Committee was informed that apologies had been received from Councillor Wheelton.

EDS/02 DECLARATIONS OF INTEREST

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

EDS/03 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/04 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.

MATTERS DELEGATED TO COMMITTEE

EDS/05 CORPORATE PLAN 2020-24 PERFORMANCE REPORT (2020-2021 QUARTER 4 – 1 JANUARY TO 31 MARCH)

The Strategic Director (Service Delivery) presented the report to the Committee advising that despite the pandemic, the performance measures were on track and noted the success achieved by the team in maintaining services throughout lockdown. The Committee was informed that the Risk Register had been refreshed to reflect that kerbside services were now delivered in-house.

Members raised queries regarding fly-tipping including actions taken against serial offenders and litter along the A38/A50 corridor and at Dove Valley Park.

The Head of Environmental Services confirmed that there were few repeat fly-tipping offenders and that once a fixed penalty fine had been issued then the next step would be a summons issued to attend Court. The Committee was informed by the Head of Operational Services that litter clearance for the A38/A50 areas was a multiagency responsibility made difficult due to the risk of high-speed traffic.

The Strategic Director (Service Delivery) confirmed that the Chief Executive had written to all companies last year with reference to the Big Clean campaign organised by the Keep Britain Tidy project and advised that every secondary school in Derbyshire had received a Theatre in Education waste and recycling workshop, delivered by Derbyshire County Council.

**RESOLVED:**

- 1.1 The Committee considered progress against performance targets set out in the Corporate Plan 2020 - 2024.**
- 1.2 The Committee reviewed the Risk Register for the Committee's services.**

EDS/06 **SERVICE PLANS 2021-22**

The Strategic Director (Service Delivery) presented the Service Plan to the Committee which covered the breadth of work covered by the Service Delivery Department and highlighted the range of duties undertaken by officers.

**RESOLVED:**

***The Committee approved the service plan for the Service Delivery Directorate as the basis for overall service delivery over the period 1 April 2021 to 31 March 2022.***

EDS/07 **ANNUAL ENFORCEMENT AND COMPLIANCE REPORT 2020-21**

The Head of Environmental Services presented the Report to the Committee outlining the three main workstreams covered and highlighting the expanding brief for Covid Marshalls. [Page 5 of 147](#) The Committee was informed of increased incidents related to air quality, anti-social behaviour and the increase of fixed penalty notices issued to landlords regarding energy efficiency following a new laws which came into effect as of April 2020.

Members welcomed the report and recognised the stressful conditions that the officers had worked under during the pandemic.

**RESOLVED:**

***The Committee noted the contents of the report and approved that the Council was using its regulatory powers in a way proportionate to the demands for all regulatory services it provides.***

EDS/08 **CLIMATE EMERGENCY ACTION PLANNING**

The Strategic Director (Service Delivery) introduced the report to the Committee which had been refined following the climate emergency declared in 2019.

The Head of Environmental Services presented the headlines of the work involved to enable applications for external funding in the future.

The Climate and Environment Officer delivered an overview and of the Action Plan for 2021 to 2030 highlighting costs involved and the steps necessary to reach carbon neutrality by 2030.

Members raised queries and concerns; regarding how the plan would be measured and reported; the plan for phasing out gas fired boilers and protecting the environment from pollution; the relationship with the Local Plan and planting and tree protection in relation to new developments.

The Strategic Director (Service Delivery) informed the Committee that the Plan would be updated annually and monitored as part of the Corporate Plan performance reporting and that the Head of Housing would be discussing gas boilers with Nottingham City Council to achieve and Energy Performance Certificate rating of C and that the replacement of gas fired boilers would be included on the maintenance programme for the Housing 2050 target. The Committee was also informed that the Council had commissioned a Plan for Nature with the Head of Planning and Strategic Housing maximising the benefits through development management.

**RESOLVED:**

- 1.1. The Committee approved a revised Climate and Environment Action Plan 2021 – 2030, which built on the work of the previous Plan adopted in 2020.***
- 1.2. The Committee welcomed the actions completed to date and the ambition outlined in the Plan to achieve the Council's Carbon reduction targets for the Council by 2030 and for the District as a whole by 2050, whilst recognising the scale of the challenge to achieving these outcomes.***
- 1.3. The Committee acknowledged the predicted costs and timescales for the delivery of the Climate and Environment Action Plan and the potential implications of this on corporate decisions up to the end of the Medium-Term Financial Strategy and beyond.***

- 1.4. The Committee referred the high-level ambition, resource and financial implications of the Climate and Environment Action Plan to Finance and Management Committee.**

EDS/09 **STRATEGIC PLANNING FRAMEWORK FOR DERBY AND DERBYSHIRE**

The Head of Planning and Strategic Housing presented the Report to the Committee and summarised the difficulties within the proposed.

Members raised queries regarding the impact on current collaborative initiatives and if there would be any disadvantages by not being part of the framework.

The Head of Planning and Strategic Housing confirmed that numerous initiatives would continue through the Joint Advisory Board such as education, health, infrastructure and nature and advised that as other Councils had mechanisms to continue with co-operative arrangements there were no known disadvantages.

**RESOLVED:**

- 1.1 The Committee resolved that South Derbyshire District Council would not become part of the Strategic Planning Framework in its present form.**
- 1.2 The Committee requested that a letter be written to Derbyshire County Council setting out the points made in the Conclusion, appended to the report.**

EDS/10 **CHANGING THE FREQUENCY OF THE COUNCIL'S PLANNING COMMITTEE**

The Head of Planning and Strategic Housing presented the report to the Committee requesting approval for four weekly Planning Committee meetings following the success of a trial carried out in 2020/21.

The Chief Executive confirmed that a special committee meeting could be arranged with the approval of the Chair along with a clear five days' notice given.

**RESOLVED:**

**The Committee endorsed the proposed change to the frequency of Planning Committees to every four weeks and the necessary change to the Council's Constitution.**

EDS/11 **COMMITTEE WORK PROGRAMME**

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

**RESOLVED:**

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

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EDS/12 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

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

EDS/13 **EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

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

The meeting terminated at 19:35 hours.

COUNCILLOR TAYLOR

CHAIRMAN

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> NOVEMBER 2021</b>	<b>CATEGORY: DELEGATED/ RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>NIGEL J MARSTON 01283 221000 <a href="mailto:nigel.marston@southderbyshire.gov.uk">nigel.marston@southderbyshire.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>CCTV IN PRIVATE HIRE VEHICLES POLICY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1. Recommendations**

- 1.1 Members note the report
- 1.2 That Members approve the active monitoring of complaints and investigations by Licensing Officers with a view to assessing the need for mandatory CCTV in licensed vehicles on an ongoing basis.

## **2. Purpose of Report**

- 2.1 To provide Members with the outcome of a consultation with interested parties on the mandatory provision of CCTV in private hire vehicles.

## **3. Detail**

- 3.1 Members will recall that a report came before them in November 2020 following the publication of the Department of Transport Statutory Taxi and Private Hire Standards ("the Standards"). The Standards require all licensing authorities to publish their consideration of the recommendations detailed in the Standards. As a result, the Private Hire Policy was amended and implemented from January 2021.
- 3.2 The one outstanding area that was not addressed was the mandatory provision of CCTV in licensed vehicles. Whilst South Derbyshire District Council does not mandate the compulsory provision of CCTV in licensed vehicles any CCTV fitted in a licensed vehicle must comply with the requirements set out in the Council's CCTV in Private Hire Vehicle's Policy.
- 3.3 The Local Government Association (LGA) produced guidance on the introduction of mandatory CCTV for licensed vehicles in January 2019. The guidance reflects on approaches taken by local authorities which already mandate CCTV and on the importance of striking a balance between passenger safety and privacy, reflecting the position of the Information Commissioner and the Surveillance Camera

Commissioner as the regulators. It is intended to be used as a starting point for exploring some of the key issues and how these might apply at a local level.

- 3.4 Currently there are less than 10% of local authorities that have a mandatory requirement for CCTV.
- 3.5 Having considered the LGA guidance there are several matters that must be evidenced when considering implementing the mandatory use of CCTV:

The need to demonstrate regard to the Surveillance Camera Code of Practice which sets out guiding principles, the first of which is that the **use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.**

- There must be a strong evidence-based justification for policy which imposes the mandatory use of CCTV systems in licensed vehicles.
- Officers and Members must consider what is an appropriate and proportionate approach to CCTV, having regard to evidence of any need based on issues identified in their local area. The impacts on the driver privacy must be weighed in the balance when assessing proportionately.
- Officers need to be clear on the problems that need addressing and must be able to justify why these can only be effectively resolved by CCTV, as opposed to some less intrusive alternative solution. The assessment of proportionality and the justification for CCTV needs to be relevant to local circumstances and a local evidence base will be required to support any proposal.
- Is there a pressing and social need and do we have evidence that this need must be addressed?
- Audio recording is considered more intrusive on privacy than cameras and will require stronger justification.
- Have alternative options been reviewed and is there evidence to show the only way to address the issue is using audio recording.

#### 4.0 Consultation

- 4.1 A consultation took place between 1<sup>st</sup> July and 13<sup>th</sup> August 2021. Information on the consultation and how to respond was sent to all licensed private hire drivers, vehicle proprietors and operators. In addition, a questionnaire was placed on the website. A social media campaign and press release also gave further information to the wider public on the consultation. The Police were also contacted for information on assaults either on or by private hire drivers.
- 4.2 14 responses were received during the consultation. The responses are attached as **Appendix 1**.
- 4.3 The Police responded that “there is no flag within their crime recording system for taxi drivers and so gathering this information would need every crime report of an assault reviewing to see if there was any indication that a taxi driver was involved – this would not be proportionate due to the volume”.
- 4.4 Having considered the LGA Guidance Officers have concluded that there is not a strong evidence base to justify a mandatory requirement for CCTV in licensed vehicles at this time. Whilst Licensing Officers have received a small number of complaints over the years where CCTV would have been helpful in resolving the complaint, this is not in itself considered to be a strong enough justification.

- 4.5 The cost implications of introducing a mandatory requirement for CCTV must also be considered. The cost to the trade would be in the region of £1,000 per vehicle. Covid has hit the licensed vehicle trade particularly hard and adding to their costs at this time is not considered to be appropriate or necessary.
- 4.6 Moving forward it is proposed that Licensing Officers actively monitor and record all complaints and service requests where CCTV in a licensed vehicle would have been beneficial to the investigation of the complaint. This will be undertaken over a twelve-month period. The evidence will be reviewed annually by the Senior Licensing Officer and presented to Members accordingly.
- 4.7 Officers recognise the positive impact that CCTV would have as an additional safeguarding tool which would provide confidence, added protection and reassurance to both drivers and the public, however a strong evidence base is required before this can be progressed.

The principal consideration must be one of public safety. Collating evidence in the required format will ensure that we have the strongest possible case for and mandatory CCTV implementation in the future.

- 4.8 Public protection is paramount, yet it should be recognised and celebrated that we do not have an identified and pressing need for mandatory CCTV in South Derbyshire and the introduction of a mandatory requirement could be seen as excessively disproportionate at the present time.

## **5.0 Financial Implications**

- 5.1 There are no financial implications to the Council.

## **5. Corporate Implications**

- 5.1 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults seriously, which contributes to the theme of safety and security.

## CCTV in licensed vehicles

### 2. Questionnaire

1. Which of the following best describes you?				
Answer Choices			Response Percent	Response Total
1	A private hire driver licensed by South Derbyshire District Council		14.29%	2
2	A private hire vehicle proprietor licensed by South Derbyshire District Council		7.14%	1
3	A private hire operator licensed by South Derbyshire District Council		7.14%	1
4	A private hire or hackney carriage driver, vehicle or operator licence holder with another council		7.14%	1
5	An employee of another council		0.00%	0
6	An employee of another regulator (please specify in box below)		0.00%	0
7	A vehicle leasing company or an accident management company		0.00%	0
8	Someone who occasionally uses private hire vehicles		42.86%	6
9	Someone who regularly uses private hire vehicles		7.14%	1
10	Someone with a disability		0.00%	0
11	South Derbyshire District Council employee		7.14%	1
12	Town or parish council		0.00%	0
13	Other (please specify):		7.14%	1
			answered	14
			skipped	0
Other (please specify): (1)				
1	<a href="#">29/07/2021 14:38 PM</a> ID: <a href="#">171814420</a>	Driver / Operator		

**2. Do you think that the installation of CCTV in licensed vehicles would have a positive effect on the safety of private hire vehicle users, including children and vulnerable adults, in the South Derbyshire District?**

Answer Choices		Response Percent	Response Total
1	Yes		57.14% 8
2	No		28.57% 4
3	Don't know		14.29% 2
		answered	14
		skipped	0

**3. Are you concerned about possible privacy issues if CCTV is installed in licensed vehicles?**

Answer Choices		Response Percent	Response Total
1	Yes		42.86% 6
2	No		50.00% 7
3	Don't know		7.14% 1
		answered	14
		skipped	0

**4. Do you think that all private hire vehicles licensed by South Derbyshire District Council should be required to install a CCTV system?**

Answer Choices		Response Percent	Response Total
1	Yes		42.86% 6
2	No		57.14% 8
		answered	14
		skipped	0

**5. South Derbyshire District Council currently allows the optional fitting of CCTV in vehicles – subject to Council imposed conditions. Which of the following options do you think the Council should now adopt:**

Answer Choices		Response Percent	Response Total
1	Compulsory fitting of CCTV in vehicles – with compulsory Council imposed controls		42.86% 6

## Appendix One

### 5. South Derbyshire District Council currently allows the optional fitting of CCTV in vehicles – subject to Council imposed conditions. Which of the following options do you think the Council should now adopt:

2	Optional fitting of CCTV in vehicles – with Council imposed controls		28.57%	4
3	Optional fitting of CCTV in vehicles - without Council imposed controls		14.29%	2
4	No CCTV systems to be allowed in licensed vehicles		14.29%	2
			answered	14
			skipped	0

### 6. If a decision is made to require licensed vehicles to install CCTV, then the Council may also consider requiring the licensed vehicle@SQ@s surveillance camera system to have video-only cameras at the front and rear of the vehicle facing out the windscreens which will record video footage at all times the vehicle is in use. These video only cameras would operate in the same way as a 'dash-cam' and would help drivers and proprietors with insurance claims. Would you support this proposal?

Answer Choices		Response Percent	Response Total
1	Yes		64.29% 9
2	No		35.71% 5
			answered
			skipped

### 7. Please provide any additional comments in the box below:

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	6
1	<a href="#">05/07/2021 15:41 PM</a> ID: <a href="#">170219510</a>	If the council introduce mandatory CCTV in vehicles it would be financially worrying, Covid has had a devastating impact on our trade & the future is looking bleak, we need time to recover & rebuild our business, extra high costs for CCTV equipment is the last thing we need. We are just hanging on & hope to remain in business. Please do not impose this added cost. I personally have been a PH Driver for 26 years & can not recall a single crime being committed in a vehicle licenced by SDDC.	
2	<a href="#">06/07/2021 09:37 AM</a> ID: <a href="#">170295501</a>	Fitting CCTV inside vehicles is a great idea but the cost of £500 - £1000 is ludicrous especially at this present time when our businesses have been hit crippled by the pandemic, nobody can afford these costs. I am all for CCTV but drivers should be given the choice and not enforced to pay this amount.	
3	<a href="#">23/07/2021 12:20 PM</a> ID: <a href="#">171493786</a>	I believe the decision to install cameras should be entirely upto the driver. As mentioned in the letter the robust camera systems can cost upto £500-£1000. Not everybody will be able to afford the system and if enforced will be unfair.  As you are aware the trade took a massive hit during the pandemic hence why I believe it should be optional to all drivers who can afford and wish to have cameras installed in vehicles	

## Appendix One

### 7. Please provide any additional comments in the box below:

		<p>approved by the council as it currently is.</p> <p>Thanks.</p>				
4	<a href="#">25/07/2021 15:32 PM</a> <a href="#">ID: 171564355</a>	<p>There is already surveillance systems on public transport such as trains and buses so why should private hire vehicles not be treated the same</p>				
5	<a href="#">29/07/2021 14:38 PM</a> <a href="#">ID: 171814420</a>	<p>Not all private hire firms do what might be deemed standard private hire work. For example my one car firm only accepts bookings to and from airports and similar luggage carrying journey's. All our customers book months in advance and I cannot see how cctv would be beneficial to myself or my customers</p>				
6	<a href="#">02/08/2021 20:57 PM</a> <a href="#">ID: 172003570</a>	<p>The standard of taxi drivers within South Derbyshire, truly is disgraceful.</p> <p>Nobody has any regard for the laws of the road.</p> <p>There is a licensed minibus regularly parked on Castle Road, double whitelines in the middle of the road.</p> <p>Council say it's the polices responsibility, police say its the the council.</p> <p>Absolutely pathetic.</p>				
		<table border="1"> <tbody> <tr> <td>answered</td> <td>6</td> </tr> <tr> <td>skipped</td> <td>8</td> </tr> </tbody> </table>	answered	6	skipped	8
answered	6					
skipped	8					

# Developing an approach to mandatory CCTV in taxis and PHVs

# Foreword

Councils work hard to ensure that only those fit to drive taxis and private hire vehicles (PHVs) are licensed to do so, and the vast majority of drivers across the country work hard to provide a good service to their passengers, many of whom rely on this vital service.

However, we cannot avoid the fact that over recent years there have been a number of high profile cases of licensed drivers abusing their passengers' trust, including serious cases of child sexual exploitation (CSE).

**It is vital that licensing teams understand how they can contribute to the safeguarding agenda.** We have various tools at our disposal to enhance safeguarding in our licensing work, including introducing a requirement for CCTV systems in licensed vehicles.

A number of councils have taken the decision to mandate CCTV systems, whether cameras or cameras and audio recording, as a way to further safeguard passengers and drivers. First and foremost, the presence of CCTV acts as a deterrent to criminal or other poor behaviour, but it also provides vital evidence in situations where an incident has been reported, which otherwise may have been one person's word against another.

**It is incumbent on all of us to review our policies and procedures to make certain we are taking all possible steps and using the tools available to us to protect the vulnerable.** We have developed this guidance to bring together some of the questions that authorities may want to consider if they are thinking about introducing a mandatory CCTV policy for licenced vehicles in their area.

The guidance reflects on approaches taken by authorities which already mandate CCTV and on the importance of striking a balance between passenger safety and privacy, reflecting the position of the Information Commissioner and Surveillance Camera Commissioner as the regulators. It is intended to be used as a starting point for exploring some of the key issues and how these might apply at a local level.

We hope you find it useful.



**Councillor Simon Blackburn**  
Chair, LGA Safer and Stronger Communities Board

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# Introduction

Taxis and private hire vehicles (PHVs) are a vital part of local transport networks. Alongside their importance to the local night-time and visitor economies in particular, they are a key way of supporting more vulnerable local residents; for example by transporting children to and from school or providing a door-to-door service for elderly and disabled users, many of whom would otherwise struggle to access local amenities. The number of journeys made using taxis/PHVs continue to rise and in 2018 the number of licenced vehicles reached a record high of 285,400.

The key role of licensing authorities is to ensure a safe and effective local taxi and PHV service and, following recent cases where taxis and PHVs were used to facilitate appalling instances of child sexual exploitation (CSE) this area of councils' work has been under intense scrutiny. Both Professor Alexis Jay and Dame Louise Casey CB's reports into CSE in Rotherham highlighted the vital role that effective regulatory and enforcement functions play in preventing and disrupting CSE. In response, councils have been reviewing existing taxi and PHV licensing policies to ensure the right measures are in place to protect members of the public when using taxis/PHVs.

As part of broader work to strengthen safeguarding measures within the taxi/PHV service, some licensing authorities have begun to look at the use of in-vehicle cameras and audio recording (CCTV systems) and a small number of authorities already mandate the use of CCTV systems in licenced vehicles.<sup>1</sup>

<sup>1</sup> Licensing authorities who have mandated cameras in vehicles are: Brighton and Hove, East Riding, Exeter, Gravesham, Portsmouth, Warrington and Worthing. Those mandating both cameras and audio are: Cambridge, Herefordshire, Rossendale, Rotherham, and Southampton.

Many more councils allow the use of CCTV systems in taxis/PHVs or have a voluntary scheme in place – latest figures<sup>2</sup> from the Department for Transport (DfT) show around 95 per cent of councils allow the use of CCTV in taxis/PHVs.

Whilst there has been relatively little guidance published which relates specifically to the use of CCTV in taxis/PHVs, there is a range of more general advice which it is important for authorities to be aware of. The Protection of Freedoms Act 2012 (PoFA) implemented the Home Secretary's Surveillance Camera Code of Practice (SC Code)<sup>3</sup> which provides guidance on the appropriate and effective use of surveillance camera systems by 'relevant authorities' and is particularly significant. As relevant authorities (under s.33 of the Protection of Freedoms Act 2012) licensing authorities have a statutory duty to demonstrate regard to the SC Code where cameras are deployed in public places<sup>4</sup>, which includes taxis/PHVs.

The SC Code is designed to provide a framework for those operating and using surveillance camera systems to ensure use of surveillance is proportionate and transparent, and the systems used are capable of providing good quality images (or other information) which are fit for purpose.

<sup>2</sup> [www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2018](http://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2018)

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/282774/SurveillanceCameraCodePractice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/282774/SurveillanceCameraCodePractice.pdf)

<sup>4</sup> 'Public place' has the meaning given by S.16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

The code sets out 12 guiding principles and where a licensing authority is considering mandating CCTV systems in taxis/PHVs they must have particular regard to guiding principle one, which is: 'Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need'. The code is clear that a mandatory policy around CCTV systems in taxis will require strong justification and should be kept under regular review.

Reference to the use of CCTV systems in taxis/PHVs is made in existing best practice guidance published by the Department for Transport (DfT) in 2010, which suggests that local authorities encourage its use. It is likely that the DfT's new statutory/best practice guidance, due for consultation in early 2019 will say more about the use of CCTV in taxis and PHVs in relation to the role it can play in safeguarding both passengers and drivers.

### Terminology

Some local authorities use the term taxi camera, instead of CCTV as they feel this may be misleading to the public, invoking the idea of surveillance and suggesting that footage is being monitored live. However, for clarity we use the term CCTV throughout this document.

## Purpose of LGA guidance

Amongst those councils that already mandate CCTV systems, there is a range of different requirements around how and when the systems are used, and the types of systems that can be fitted. It is important that individual licensing authorities make their own decisions about what the best approach to CCTV is, based on the local context. The intention of the Local Government Association's (LGA) guidance is to outline some of the key issues to consider for authorities who are exploring mandating the use of CCTV systems in taxis/PHVs.

The guidance aims to help local authorities to comply with their legal responsibilities when considering mandating CCTV and is based on guidance from key organisations such as the Information Commissioner's Office (ICO), the Surveillance Camera Commissioner (SCC) and the experience of councils who already require CCTV in taxis/PHVs. The document also touches on some of the ongoing debates about the proportionality of requiring CCTV. The guidance reflects changes to legislation brought in by the General Data Protection Regulation (GDPR), implemented in the UK via the Data Protection Act (DPA) 2018.

The document is more heavily weighted towards the practical issues that councils will need to consider in implementing a mandatory approach to CCTV, rather than the safeguarding justification for doing so. This is because councils will need to make their own assessment of whether CCTV is the right solution based on the local context.

This guidance makes reference to a number of licensing authorities which have already mandated the use of CCTV. We thank all the councils involved in the development of this document for their help.

Alongside reading this guidance, authorities may also wish to consult experts within your councils about the deployment of CCTV in taxis/PHVs; this could be the person who manages your town centre CCTV scheme and/or your data protection officer.

# Overview – benefits and challenges of CCTV in taxis/PHVs

There is an inherent, structural vulnerability relating to taxis and PHVs: getting into a taxi/PHV, an individual puts themselves under the control of a stranger in a confined space with no physical control over where they are taken. The primary role of the licensing regime is to manage this risk, in particular by satisfying themselves that only those who are fit and proper to do so hold a licence.

CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a taxi or PHV as well as to drivers, who can also be victims of violence and abuse. Mandating CCTV has been seen by some authorities as a proactive preventative measure that can be taken to protect passengers and drivers. It can act as a deterrent to committing an offence as people are more likely to police their own behaviour. Where an offence has taken place the images/audio recording that CCTV systems capture can provide important evidence in a criminal investigation.

Some licensing authorities have introduced voluntary, rather than mandatory, CCTV schemes. However there is evidence that there has been limited take up of these, even where authorities have offered to pay for a percentage of installing the system. Mandating CCTV will by definition ensure greater take up, and can also lead to greater consistency, with authorities able to set out and oversee clear specifications, guidelines and procedures on a range of issues including the type of systems used and information governance.

## Sheffield pilot scheme

Following a string of attacks against drivers in the city, in December 2006 Sheffield piloted a CCTV scheme. The pilot involved 33 vehicles (eight taxis and 25 PHVs) and ran for six weeks, three weeks without cameras and three weeks with a camera fitted, with drivers reporting back at the end of the six week trial.

A subsequent report based on drivers' feedback suggested that there had been a large reduction in incidents from an average of one in seven fares to less than one in 100 fares, with a very significant reduction in incidents of threats and violence. In addition to the benefit to drivers there was some positive anecdotal feedback from passengers, particularly lone females, who said that they felt safer when there was a camera installed.

Report of the Sheffield taxi safety camera pilot study (February 2007)  
[www.calderdale.gov.uk/nweb/COUNCIL.minutes\\_pkg.view\\_doc?p\\_Type=AR&p\\_ID=3412](http://www.calderdale.gov.uk/nweb/COUNCIL.minutes_pkg.view_doc?p_Type=AR&p_ID=3412)

## Key considerations

It is useful be aware of some of the key considerations as well as challenges that councils may face with plans to introduce mandatory CCTV systems both from members of the public, regulators and the trade.

## Views of the trade

Many areas across the country will have active taxi/PHV trade groups or associations who may oppose plans to mandate the use of CCTV systems. Reasons could include the financial burden of installing CCTV systems that meet the agreed specification or invasion of drivers' privacy. It is therefore important to work with the trade as early as possible when considering a policy on CCTV systems, and ensure that key messages around why this approach is being considered, and the potential benefits to drivers, are clearly communicated. Issues raised by the trade can then be considered and where possible addressed as plans develop.

Sections of the taxi/PHV trade have already challenged some licensing authorities around mandatory CCTV. In some cases legal challenges have been brought. However, at the time of writing, magistrates have so far rejected challenges where councils were able to demonstrate that they had taken issues raised by the trade into consideration when developing policies.

The intrusive capabilities of CCTV means that there will need to be careful consideration of the impact it will have on privacy and how it can be used in a way that is sensitive and transparent so as to maintain both drivers and the public's confidence in its use. Proposals will need to clearly set out how privacy issues have been considered and how any issues raised have been mitigated. Consideration of these issues will need to be demonstrated through a data protection impact assessment (DPIA), which is required to be carried out before the roll-out of any intrusive surveillance system, including CCTV. The Surveillance Camera Commissioner has worked with the Information Commissioner's Office to develop a surveillance camera specific impact assessment template (updated in October 2018) available on the Surveillance Camera Commissioner's website.<sup>5</sup> Both privacy issues and legal requirements around data protection are discussed in full later in this guidance.

<sup>5</sup> [www.gov.uk/government/publications/privacy-impact-assessments-for-surveillance-cameras](http://www.gov.uk/government/publications/privacy-impact-assessments-for-surveillance-cameras)

Whilst the focus is often on how CCTV systems positively impact on passenger safety, there is also a strong argument for the benefits it has for drivers' safety. As well as acting as a deterrent, CCTV systems will also help to provide evidence in case of an incident being reported. Authorities will be familiar with cases where an incident has been reported by a passenger relating to a drivers conduct or vice versa which are extremely difficult to prove. Footage from CCTV systems can provide vital evidence, and even prevent drivers from losing their licence if an accusation is proven to be false. However, compliance with the PoFA and the SC Code is vital if CCTV evidence is to be used in court.

In some places the trade have actively called for the council to introduce CCTV in taxis/PHVs to protect drivers' safety. Whilst based on only a small sample, analysis of a pilot scheme in Sheffield (see case study, page 6) suggested that, where taxis/PHVs were fitted with CCTV systems, there was a significant reduction in incidents. More recently in 2012, Brighton and Hove Council surveyed drivers asking whether they agreed with the current policy of all vehicles having CCTV, six months after the policy was introduced. Seventy-two per cent of hackney carriage drivers and fifty four per cent of private hire respondents were supportive of the policy.<sup>6</sup>

Early engagement with the trade can be useful in understanding their experiences and what particular issues they face in the local area, information gathered can form part of an evidence base for a policy and DPIA. This will also ensure compliance with guiding principle three<sup>7</sup> of the SC Code which requires meaningful consultation with groups impacted upon by CCTV. Collating statistics and any incident data relating to taxis/PHVs from your local police force will also help to build a picture of the local context to inform an impact assessment.

<sup>6</sup> See page 119 <https://present.brighton-hove.gov.uk/Published/C00000116/M00004177/AI00030770/Enc1forHackneyCarriageUnmetDemandSurveyv2.pdf>

<sup>7</sup> There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.

Other benefits to drivers of installing CCTV include the potential to realise savings on insurance premiums, which may help to offset the upfront cost of purchasing and installing the systems. For example, some insurance providers have offered drivers who have forward facing cameras fitted in addition to the interior ones, a reduction to their insurance premiums of around 10 –to 15 per cent (a saving of around £200-£250 per year). Rotherham estimated that the average saving on insurance would pay for the cost of the CCTV system within two years. The initial cost of CCTV systems can also be offset against tax (for those drivers who reach the income tax threshold).

In practical terms considering the cost of CCTV systems and how this can be managed is something that can be done as part of an implementation schedule discussed on page 24. Giving drivers enough of a lead-in time before CCTV systems have to be fitted will enable them to save up or stagger the cost.

## Privacy and proportionality

The use of CCTV is intrusive and its use is subject to data protection and human rights laws. Members of the public, drivers, the Surveillance Camera Commissioner (SCC) and the Information Commissioners Office (ICO) may all raise concerns about the impact of mandatory CCTV systems on privacy, and this has been a key issue for licensing authorities that have already mandated CCTV in taxis/PHVs.

The Surveillance Camera Commissioner's blog on CCTV in taxis<sup>8</sup> provides a useful summary of the broad legislative framework that local authorities need to consider, including the Data Protection Act 2018 (DPA) and the PoFA 2012. The Commissioner's speech to the National Association of Taxi Drivers in 2015 also provides helpful context.<sup>9</sup>

Councils will need to think through the privacy implications of mandating CCTV and satisfy themselves that where they choose to mandate CCTV, they have adequate justification for choosing this approach and that they meet the requirements of legislation and associated codes of practice on privacy, proportionality and data protection. However, while there are steps that can be taken to try to ensure compliance with the overarching framework and codes, licensing authorities will ultimately be making an assessment about what they consider to be proportionate in balancing the right to privacy with duties to safeguard the public. There are various tools provided by the SCC which will help when considering the implementation of CCTV in taxis including the Buyers' Toolkit<sup>10</sup>

which is an easy-to-follow guide for non-experts who are considering the use of a CCTV system, and the Passport to Compliance<sup>11</sup> which is a set of documents that will guide authorities through the relevant principles within the SC Code and will help to ensure a system complies with the code.

Different authorities may take different views on CCTV and what is considered to be a proportionate approach may differ from one area to another, depending on the local context: each policy and DPIA should be explicitly linked to local circumstances.

Some authorities have implemented policies that require mandatory CCTV only when a vehicle is in use as a taxi or PHV, ie there is a 'switch off' facility for when a vehicle is being used for private purposes. Others have sought a 24/7 approach in which CCTV automatically operates when an engine is running, regardless of whether there is a passenger in the vehicle. It is worth noting that the Information Commissioner has addressed this specific point in a recent blog post<sup>12</sup> suggesting that a requirement for continuous recording when a vehicle is being used in a private capacity is likely to

8 <https://videosurveillance.blog.gov.uk/2018/08/28/cctv-in-taxis-are-you-talking-to-me>

9 [www.gov.uk/government/speeches/surveillance-camera-commissioners-speech-to-the-national-taxi-association-agm](http://www.gov.uk/government/speeches/surveillance-camera-commissioners-speech-to-the-national-taxi-association-agm)

10 [www.gov.uk/government/publications/surveillance-camera-commissioners-buyers-toolkit](http://www.gov.uk/government/publications/surveillance-camera-commissioners-buyers-toolkit)

11 [www.gov.uk/government/publications/passport-to-compliance](http://www.gov.uk/government/publications/passport-to-compliance)

12 <https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand>

be unlawful and unfair. Where the ICO has been made aware of councils implementing this approach, they have advised that the requirement for continuous recording is likely to be disproportionate to the problem it is trying to address.

Authorities may also take different approaches to the use of audio recording, which is generally considered by the ICO to be more invasive of privacy than cameras and will therefore require much greater justification.

These are issues about which there are different and, to some extent, philosophical views about what constitutes the appropriate balance between privacy and safeguarding. The ICO has looked closely at, and previously challenged, some licensing authorities on the CCTV policies they have implemented where it believes these go too far in terms of invasion of privacy or have not been adequately justified. This is discussed later on.

Therefore, although determining what is proportionate will need to be assessed by individual councils, looking at areas that have already mandated CCTV is helpful in indicating the balance that has been taken elsewhere. Councils will need to ensure when considering what is an appropriate and proportionate approach to CCTV that this is based on evidence of issues identified in the local area.

The next chapter provides more detail about data protection, privacy and information governance but the key point is that during the process of developing a proposal for mandatory CCTV systems, authorities will need to demonstrate that thought has been given to what the impacts on privacy might be and, where necessary, how these can be mitigated.

Likewise once a decision has been made to introduce mandatory CCTV, careful consideration needs to be given to the processes and procedures that are put in place to safeguard the data captured to ensure compliance with data protection legislation as well as the Protection of Freedoms Act 2012 and other relevant legislation.

## The role of councillors

The close involvement of councillors and ensuring there is political buy-in throughout the policy development process is vital and councillors will need to be equipped with the evidence they need to determine whether or not mandatory CCTV is appropriate. Councillors' key role in providing political accountability for decisions is particularly important where proposals may attract some opposition. Several areas have had significant pushback from the taxi and PHV trade which includes members coming under pressure from these groups. In areas that have mandated CCTV, political support has been extremely important in delivering new policies.

Whilst the trade are a vital part of the local economy, it is important to remember that passengers should be at the centre of a licensing authority's taxi licensing policies and processes, something which was highlighted in Dame Louise Casey's review into Rotherham, which noted; 'The safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced.'<sup>13</sup>

Ultimately it will be councillors who should make a decision around mandating CCTV in taxis/PHVs so officers will need to ensure they have the necessary information to make an informed decision. The SCC has produced a guide to the SC Code which is available on his website.<sup>14</sup>

<sup>13</sup> See page 103

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/401125/46966\\_Report\\_of\\_Inspection\\_of\\_Rotherham\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf)

<sup>14</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/498895/SCC\\_Councillors\\_Guide\\_-\\_February\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/498895/SCC_Councillors_Guide_-_February_2016.pdf)

# Developing an approach to CCTV

## The data protection impact assessment (DPIA)

The General Data Protection Regulation (GDPR) states that a data protection impact assessment (DPIA) must be carried out prior to the roll-out of any intrusive surveillance system. CCTV in taxis and licensed vehicles is likely to be one such system and authorities will need to be able to demonstrate that they have conducted a DPIA to the ICO.<sup>15</sup>

The critical starting point is for licensing authorities to be very clear about the problem that needs to be addressed and be able to justify why they consider mandating CCTV in taxis/ PHVs to be an effective solution. Authorities may want to show why CCTV, rather than a potentially less intrusive solution, is required. This is a key component of principle one of the SC Code and the SCC's Buyer's Toolkit<sup>16</sup> can help determine the justification for CCTV in taxis or whether there may be another solution to issues that have been identified.

Where councils have identified that CCTV may be a suitable option, they will need to consider what the appropriate approach to this is. This will necessarily start with developing a rationale for mandating CCTV, relevant to the local context and lead on to considerations about whether there is a need for both camera and audio recording, and when these may be required to operate.

Councils may feel that the inherent vulnerability relating to taxis/PHVs where sometimes vulnerable people are unaccompanied in a car with a stranger means that mandatory CCTV can be justified as a proactive and preventative measure. However, the ICO and SCC are unlikely to consider that the simple basis of high profile CSE cases in Rotherham and elsewhere as being a proportionate justification for implementing CCTV in other parts of the country.

The assessment of proportionality and the justification for this needs to be relevant to the local circumstances in which the policy will apply, so a local evidence base will need to be developed to support any proposal. This could include data from the licensing team around any specific cases where the presence of CCTV could have been beneficial, or any intelligence or incident data from police relating to taxis/PHVs.

Thought should therefore be given to what the particular vulnerabilities are in the local context, as authorities are used to doing in other areas of licensing, such as alcohol. For example, consideration could be given to the following:

- Is there significant use of taxis in the evening or late at night as part of the night-time economy? Both passengers and drivers could be increasingly vulnerable if passengers are under the influence of alcohol.
- Is there significant use of taxis by children and young people to/from school or activities? Again, concerns about vulnerability could be more prominent where lots of children/young people are relying on them for transportation.

<sup>15</sup> More information about DPIAs can be found on ICOs website <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments>

<sup>16</sup> [www.gov.uk/government/publications/surveillance-camera-commissioners-buyerstookit](http://www.gov.uk/government/publications/surveillance-camera-commissioners-buyerstookit)

- Is there evidence of, statistics around crime involving PHVs/taxis, for example attacks on drivers?
- Is there evidence of complaints where the use of CCTV would have helped?

The DPIA also sets out measures that can be taken to mitigate any risks identified. It is important to note that where a DPIA identifies 'high risk' and there are not measures that can be taken to reduce this, authorities will need to consult the ICO before proceeding further. Ultimately this will help to inform the approach councils decide to take.

This is even more important if audio recording is being considered. As noted above, audio recording is regarded as more intrusive than video and therefore will need further justification. For example, an assessment might reveal that there are certain times when vulnerability is increased, such as in the early hours of the morning, and therefore there could be a strong argument for audio recording at these times, but not necessarily at others.

As the regulator, the ICO has successfully challenged councils on policies which they feel have not been justified, as in the Southampton case discussed in the next section. A robust assessment of necessity and risk through a DPIA and seeking legal advice could help avoid enforcement action by the ICO. In addition the SC Code is clear that mandating CCTV as a licensing condition will need a strong justification.

# Consultation and engagement

Consultation and engagement are critical steps when considering deploying CCTV and even more critical when mandating its use and can help to shape the scope of the policy. The SCC's Passport to Compliance document includes sections on effective consultation in this area.

Consultation and engagement provides an opportunity to identify any concerns the public, the trade or other key stakeholders might have about proposals, these can then be addressed as proposals develop. Evidence of this process will be important to show how the licensing authority has had regard to balancing public protection and individual privacy, a necessary part of complying with the legislation.

Consultation and engagement with key stakeholders should be undertaken in line with your own council's consultation guidelines and it is an important step in the DPIA. A robust consultation process may help to avoid challenge further down the line. In Rotherham, the extensive consultation and engagement the council undertook was used as evidence when the council was legally challenged on their policy.

Key stakeholders are those who are most likely to be directly affected by the proposals, or groups representing their interests. These might include:

- Surveillance Camera Commissioner (Home Office) and Information Commissioner's Office
- councillors
- taxi/PHV trade bodies, operators and drivers
- residents
- specific taxi/PHV user groups
- suppliers of audio visual equipment
- local authority CCTV manager
- local police force.

Analysis of consultation responses will help to build an evidence base and identify the potential impact of mandating CCTV. Early engagement with the trade in particular is likely to be key to identifying what they see as the key issues and will give authorities the opportunity to shape a proposal which addresses any concerns. It is also important to have early discussions with the SCC and ICO.

# Data protection, privacy and information governance

As discussed earlier it is important for councils to consider the potential impact of mandating CCTV on privacy and demonstrate through a DPIA that the approach to how/when CCTV systems are required to be used strikes a proportionate balance between privacy and safeguarding.

There are also steps that need to be taken to make sure that personal data which is being processed – which includes any visual or audio recording collected – is kept safe and secure. The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) regulates the use of ‘personal data’ and licensing authorities will need to take steps to ensure a policy is developed that complies with GDPR and DPA to avoid any potential challenge or enforcement action. In practice this means that authorities need to think about data privacy from the outset, it should not be an afterthought.

## The regulatory framework

There is a range of legislation and codes of practice around surveillance and data protection that are relevant for the use of CCTV systems in taxis/PHVs, these are set out in Appendix three. The Surveillance Camera Commissioner (SCC) and the Information Commissioner (ICO) both are the key regulators on the use of CCTV in taxis/PHVs.

## Guidance from the Surveillance Camera Commissioner (SCC)

A good starting point when considering introducing a mandatory policy is the Surveillance Camera Code of Practice<sup>17</sup> (SC Code), which includes 12 guiding principles which should apply to all surveillance camera systems, including CCTV in taxis/PHVs. Local authorities have a statutory duty to ‘pay due regard’ to the SC Code under the Protection of Freedoms Act 2012.

In deciding to mandate CCTV systems and defining how they should be used, licensing authorities act as a ‘system operator’, and as such will need both to be aware of and adopt these principles.<sup>18</sup> In particular, principle one states that CCTV surveillance must be for a specific purpose, in pursuit of a legitimate aim and necessary to meet an identified pressing need. Policies should also be kept under review to ensure that the use of CCTV remains justified and proportionate and continues to meet its stated purpose (principles two and 10 of the SC Code refer to this).

There are several tools issued by the SCC which support authorities both to comply and demonstrate compliance with the SC Code. This includes the Passport to Compliance, which acts as a guide through the various questions that can be asked to help evidence that due regard has been paid to the impacts a policy will have and that risks identified have been mitigated.

<sup>17</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/204775/Surveillance\\_Camera\\_Code\\_of\\_Practice\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf)

<sup>18</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/204775/Surveillance\\_Camera\\_Code\\_of\\_Practice\\_WEB.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf)

The SCC's self-assessment tools<sup>19</sup> will also assist authorities to demonstrate publicly their compliance with the Code once CCTV is installed and operating. Councils can also apply for the Commissioner's third party certification mark, which demonstrates compliance with the SC Code.<sup>20</sup>

Failure to pay due regard to PoFA and the SC Code risks undermining the evidential integrity of any recordings derived from CCTV systems, should these need to be used as evidence in criminal or civil proceedings.<sup>21</sup>

## Guidance from the Information Commissioner

Whilst the SCC regulates surveillance cameras, the Information Commissioner's Office (ICO) regulates personal data and is responsible for enforcing compliance with privacy and data protection legislation. The ICO has separate guidance and codes, such as the CCTV Code of Practice<sup>22</sup>, to help organisations to comply with data protection legislation. The ICO's code does make reference to the SC Code and in complying with the SC Code authorities will have gone a long way to complying with the ICO's code already.

Given the ICO has challenged some of the authorities that have introduced mandatory policies it is recommended that authorities ensure they are fully compliant with both the DPA and PoFA. A summary of the key requirements is outlined in the following sections.

19 They can be accessed by the following link:  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524525/Self\\_assessment\\_tool\\_v3\\_WEB\\_2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524525/Self_assessment_tool_v3_WEB_2016.pdf)

20 [www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme](http://www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme)

21 Local authorities should note section 33(3) and 33(4) of PoFA – that the SC Code is admissible in evidence in criminal and civil proceedings and where the SC Code hasn't been given due regard a court or tribunal should take this into account. The CPS are updating their disclosure manual (September 2018) – the Surveillance Camera Commissioner has blogged about this:  
<https://videosurveillance.blog.gov.uk/2018/07/17/disclosure-the-importance-of-complying-with-the-surveillance-camera-code-of-practice/>

22 <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

The ICO has been clear that if CCTV systems are to be mandated as part of the conditions of a licence, there will need to be a strong justification, and the policy must be reviewed regularly, especially where audio recording is being used in addition to cameras.

The law is clear that the use of CCTV and audio in taxis must be proportionate to the risk presented, and councils will need to set out a clear justification of why they believe there is a need for visual and audio recording if applicable. The main rationale for using audio recording in taxis/PHVs is that this would pick up any inappropriate conversations between passengers and drivers, for example when they are carrying children. Authorities will need to assess whether audio recording is necessary based on local circumstances, and be able to justify this.

As discussed earlier, authorities will be required to undertake a DPIA to demonstrate that the impact of CCTV systems in taxis/PHVs on privacy has been carefully thought through and the statutory obligations placed upon the council to comply with GDPR have been appropriately addressed. The ICO provide detailed guidance on DPIAs on their website<sup>23</sup> and the SCC has also issued a number of helpful tools.<sup>24</sup> The process of completing these assessments will also support councils in evaluating what a proportionate use of CCTV systems in taxis/PHVs might look like in the local context.

The ICO also encourages cameras be capable of providing a privacy friendly solution, for example where audio is used, both drivers and passengers should have independent controls for activating it. Once activated, authorities will need to consider how long audio recording should continue, and measures will need to be put in place to make sure recording is discontinued before other passengers enter the vehicle.

On the basis that there is adequate evidence and justification for a given approach, the ICO has in some cases taken the view that it is

23 <https://ico.org.uk/media/for-organisations/documents/1595/pia-code-of-practice.pdf>

24 [www.gov.uk/government/organisations/surveillance-camera-commissioner](http://www.gov.uk/government/organisations/surveillance-camera-commissioner)

acceptable for cameras to be on permanently whilst the vehicle is being used for business purposes, but must be capable of being switched off when the vehicle is used in a private capacity. The Commissioner's blog details their position that where a taxi is being used by a driver for their own private or domestic purpose, continuous recording is likely to be unlawful, unfair and excessive under data protection legislation and in breach of Article 8 of the Human Rights Act 1998.<sup>25</sup>

The ICO's work on this is currently ongoing, particularly around the issue of continuous recording when the taxi is being used privately by the driver. To assist with this work, the ICO is engaging with a number of licensing authorities and further advice will be published by the ICO once this work has concluded.

When looking at what practical measures can be put in place to mitigate concerns around privacy, a robust download policy which clearly sets out the tightly-defined conditions/circumstances under which footage can be downloaded from the CCTV system will be key. The policy should also demonstrate that any data held is kept securely and for a defined period of time in line with duties under GDPR.

Following guidance from the SCC and ICO and engaging with both organisations will help licensing authorities to balance privacy and safeguarding in a justifiable and proportionate way.

### **Rotherham Council's taxi camera policy**

Suitable equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The system must meet or exceed the council's specification for taxi camera systems and must be operational at all times that the vehicle is being used as a licensed vehicle (ie for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

<sup>25</sup> <https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand>

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- An unaccompanied child (ie under 18) or vulnerable adult is being carried in the vehicle.
- Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. Activation of audio recording must be triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the driver's audio activation button/switch.

Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated. There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place.

At the end of the journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

Rotherham's policy was developed in view of the SC Code and ICOs code of practice and in consultation with both regulators.

### **Source: Hackney Carriage & Private Hire Licensing Policy (p.25)**

[www.rotherham.gov.uk/downloads/file/2473/rotherham\\_mbc\\_taxi\\_and\\_hackney\\_carriage\\_policy](http://www.rotherham.gov.uk/downloads/file/2473/rotherham_mbc_taxi_and_hackney_carriage_policy)

## Audio recording

The use of audio recording is considered more intrusive of privacy than cameras and requires strong justification. Where authorities opt to mandate audio recording, the justification for this will need to be clearly set out in the DPIA and the hours of operation of audio recording in particular should be considered carefully. The ICO's code includes a useful set of questions that must be thought through before audio recording is considered:

- Is there a pressing social need and do you have evidence that this need must be addressed?
- Have you considered other less privacy intrusive methods of addressing the need?
- Have the alternative options been reviewed and is there evidence to show that the only way to address the issue is through the use of audio recording?
- Have you got a clear specification for the audio system to ensure appropriate privacy and the necessary quality of recording?
- Is the public aware when audio recording is taking place, and how they can activate it?

In practical terms, the ICO has suggested that an audio recording system that allows recording to be switched on and off easily is a 'privacy friendly solution', as it does not require continuous recording and therefore mitigates the potential risk of recording excessive amounts of information. Again the local context will be important in determining what is appropriate.

Southampton Council's policy on the use of audio recording was challenged by the ICO for breaches of the Data Protection Act. The tribunal's view was that the requirement for continual 'blanket' audio recording in licensed vehicles was disproportionate, with the impact on the right of privacy outweighing any positive impact it may have on public safety or reducing crime. The tribunal's report can be read here:

[www.southampton.gov.uk/moderngov/documents/s18170/Appendix%204.pdf](http://www.southampton.gov.uk/moderngov/documents/s18170/Appendix%204.pdf)

As a result of this Southampton amended their requirements around audio recording and adopted a more targeted scheme. Southampton's policy sets out circumstances when audio recording should be activated based on times of day, types of customer (for example, children or vulnerable adults) and the use of panic buttons.

Similarly, Rossendale council's policy determines specific times when audio recording is required to be activated. This includes whenever an unaccompanied child (ie under 18) or vulnerable adult is being carried in the vehicle, or if there is a dispute with a passenger, or a driver feels threatened by a passenger's behaviour.

## Information governance

Alongside considerations about when and what information should be captured, a key part of managing obligations under GDPR is what happens to the information captured. Information governance is the term used to describe the policies, procedures and processes implemented to manage information that is collected, in this case those visual and audio recordings captured by CCTV systems.

Councils policies therefore will need to cover how data is kept secure when it is held within a system in the vehicle, at the point of download, and once information is downloaded.

## Who has responsibility for the control of data captured on CCTV systems?

In terms of who has responsibility for information captured by CCTV systems in taxis/PHVs, GDPR defines a data controller as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.

The ICOs position is that in most circumstances it is the council which is the data controller, not an individual taxi driver and this position is set out in the Commissioner's blog post.<sup>26</sup> This is due to the fact that in mandating CCTV the council will usually be responsible for the purpose of the processing and defining how and when systems should be used, and how data is processed.

Data controllers are required to register with the ICO. In most cases councils will already be registered with the ICO as data controllers, but registration will need to be updated to reflect new use of personal data where a taxi/PHV CCTV policy is adopted. Authorities should engage with data protection officers within your own organisations to discuss this.

Where a council chooses to use a third party service provider as remote storage for taxi/PHV CCTV data, or to process or manage the CCTV data, the third party will act as a 'data processor'. A formal written contract is required between the data controller and data processor covering security arrangements, retention/deletion instructions, access requests and termination arrangements. For more information, the ICO has a detailed guide around the roles of data processors and data controllers:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/contracts>

As data controller the licensing authority is ultimately responsible for how images/recordings are stored and used, determining in what circumstances the images should be disclosed and for complying with all relevant data protection legislation. This can all be set out in a download policy, as set out in the next section.

## Developing a data download policy

Licensing authorities will need to put in place clear policies around how information captured will be protected throughout its lifetime, ie from when it is recorded to when it is either downloaded or destroyed, this should be in the form of a download policy.

### How CCTV systems capture and store information

When activated, cameras and audio equipment will record data which is automatically saved onto a memory recording system, like a memory card. The recording system and memory card (or other image memory recording system) are hardwired into the vehicle, and need to be securely stored within the vehicle, away from public access, and should be tamper proof.

Recordings should be stored on the internal memory for a defined period of time set out by the licensing authority, for example 31 days. After this period of time, unless there has been a request for download, the recordings should be over-written or destroyed.

The images contained in the recording device can only be downloaded by an authorised officer of the council or police officer. Where data is downloaded, there should be clear guidelines for how long this data is then be kept and how it is stored.

The ICO's code of practice sets out detailed information about how information should be stored, viewed and disclosed. This guidance is outlined briefly below, but councils are advised to read the code of practice in full.<sup>27</sup> Principles six, seven and nine of the SC Code also cover the storage and use of images captured from CCTV in taxis.

<sup>26</sup> <https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand>

<sup>27</sup> <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

For example, a download policy should set out clearly:

- that the licensing authority is responsible for the control of data captured by CCTV systems in taxis/PHVs
- how the information should be used and the circumstances in which it may be downloaded
- to whom it may be disclosed
- how long it should be kept for.

Recorded material should be stored in a way that maintains the integrity of the information so councils will need to ensure that the information is secure and where necessary, encrypted. Encryption can provide an effective means to prevent unauthorised access to images processed in a surveillance system. The encryption of data needs to be considered both when it is 'at rest' and 'in transit', ie when the data is being moved from the recording device in the vehicle to another server.

CCTV systems should be installed in a way that allows data to be secured in a locked 'data box' inside a vehicle as well as being encrypted. Council's may want to consider compiling a list of permitted installers in the area so they can be confident that installation requirements have been met and data is secure.

Attention must also be given to the data that is downloaded and extracted. Councils will need to make provision for this data which is likely to involve separate storage arrangements, different retention periods and potentially different access controls. For example, when footage is captured on a device, it will usually be over-written after a given time period. However where footage is downloaded, for example to investigate an incident, this will be stored separately on a server for as long as is needed for investigation and possible prosecution purposes. This will generally need to be kept for longer than footage which is not accessed.

## Integrity of images

Principle 11 of the SC Code relates to the importance of processing data in a way that retains its integrity (ie its accuracy and consistency) and this will need to be addressed in relation to the images/audio recordings captured by CCTV in taxis. This is of particular importance should any of this data be used as evidence for a prosecution in the criminal justice system.

It is important that there are effective safeguards in place to ensure the integrity of recorded images and information that is stored, so that it can be used for its intended purpose. For example ensuring that time, date and location of recordings (known as meta data) is recorded reliably, and that compression of data does not reduce its quality.

It is also important to ensure that data is recorded and stored in a format that allows it to be shared with ease with appropriate law enforcement agencies when relevant. If this cannot be readily achieved it may undermine the purpose of having CCTV in the first place. Data therefore needs to be in a format that is easily shared, that can be readily exported and then stored and analysed without any loss of its integrity. In particular:

- a system user should be able to export images and information from a surveillance camera system when requested by a law enforcement agency
- the export of images and information should be possible without interrupting the operation of the system
- the exported images and information should be in a format which is interoperable and can be readily accessed and replayed by a law enforcement agency
- the exported images and information must preserve the quality.

## Data retention

A download policy should set out how long data will be retained by the licensing team. This should cover the time that data needs to be kept for on the recording device within the vehicle, as well as how long the licensing authority will retain data in the event that it is downloaded. It is worth thinking through what the appropriate retention period might be for different scenarios. For example, downloading data as part of routine enforcement activity for the purpose of checking that the system is operating correctly will necessitate a shorter retention period than downloads relating to a serious incident.

Authorities will need to ensure that their information governance policies are updated to make reference to the CCTV data retention period and the rationale for it. Principle six of the SC Code covers the retention of images captured from CCTV in taxis setting out that images should not be retained for any longer than is absolutely necessary.

## Dealing with requests for downloads

The majority of the time, data will be deleted or over written without the need to download it. However, there will be certain circumstances when data will need to be downloaded from the system, for example if an incident occurs or during enforcement inspections of vehicles.

As set out on page 17, a download policy should be developed to set out the prescribed circumstances in which data will be downloaded. The policy will also need to set out where, and by whom downloads can be undertaken. Most policies will specify that data downloads should be conducted in the presence of at least two relevant people, one of those being a member of council staff who has been trained in the download of data from the system, and in the requirements of the policy.

Downloads might ordinarily take place at a council facility, but may on occasion be at another location. This should be described in the download policy.

Procedures should be put in place to check that any request for data is in an appropriate format detailing the powers that allow the release of the data and providing all the information required to ensure the correct footage can be identified. The request for download must state the approximate time of the event/occurrence and only the timescale relevant to the specific incident will be downloaded, decrypted and thereafter stored.

It is also recommended that a dedicated computer should be used to facilitate downloads from data boxes, and where downloaded footage can be securely kept until it can be transferred onto a dedicated secure storage system held by the licensing team. A working copy can be produced and given to the requesting authority/subject or retained by the investigating officer. The ICO has published an information sharing code of practice and recommends that the data flows for this process be documented in the DPIA: [https://ico.org.uk/media/for-organisations/documents/1068/data\\_sharing\\_code\\_of\\_practice.pdf](https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf)

Whilst the amount of download requests will vary from authority to authority, the expectation is that the presence of CCTV should reduce the number of incidents in taxis/PHVs and that therefore requests for downloads should be a relatively infrequent occurrence.

Council enforcement officers will need to be able to use the system to access and extract information where disclosure is appropriate so consideration will need to be given to what additional training might be necessary.

## Extract from Southampton Council's download policy

The policy outlines that data will only ever be downloaded on four occasions:

- where a crime report has been made involving the specific vehicle and the police have formally requested that data
- when a substantive complaint has been made to the licensing authority regarding a specific vehicle/driver and that complaint is evidenced in writing (and cannot be resolved in any other way)
- where a data request is received from an applicant, eg police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver
- to fulfil a Subject Access Request that is compliant with the Data Protection Act.

## Subject access requests

GDPR gives individuals certain rights over their personal data, including the right to access personal data, to know how their data is being used and to object to the way their data is used. Requests from passengers for a copy of footage/audio recordings is referred to as a Subject Access Request (SAR). The SC Code (principle four) sets out that there must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

Information for individuals about how they can request access to any recordings (personal data) captured by CCTV systems in taxis/PHVs will need to be provided, and a process for responding to requests set out.

Councils will need to put in place provisions for dealing with SARs and the circumstances in which these requests will be accepted or refused. Whether accepted or refused, SARs require a response within one month of receipt.

## Third party requests

A third party request essentially captures any other requests, which can include members of the public making a complaint, and the police. There is a slightly different process for dealing with requests for downloads from third parties. Where information is requested by the police, for example if a passenger has made an accusation about a taxi/PHV driver, or a driver is making allegations of threatening behaviour against passengers this will need to be dealt with as a 'third party' request.

Once council officers are satisfied that the request is legitimate arrangements should be made with the owner of the licensed vehicle for the vehicle to attend the designated premises where a download can take place, for example a council facility. If it is not practical then a member of the licensing team should attend the location of the vehicle or data box to facilitate the download. It is good practice for any download to be carried out in the presence of at least two relevant people, which could be two members of the licensing team.

The council would need to consider the reasons a third party is requesting the information and then identify if they have a lawful basis to disclose it. However, the DPA 2018, similarly to the DPA 1998, provides an exemption that allows the disclosure of information for the prevention or detection of crime or the apprehension or prosecution of offenders (Schedule 2 Part 1 Section 2).

## Privacy notices

Under GDPR, individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under GDPR.

Privacy notices are used to inform the public about the collection and use of their personal data. In terms of CCTV recording in taxis/PHVs, privacy notices will need to set out why camera/audio recording is being used, how long data will be kept for, who will be able to access it and how to make a complaint.

Privacy notices will need to be prescribed by the council. Under GDPR (article 13 and 14) certain information is required to be included in a privacy notice. These are the:

- name and contact details of the licensing authority
- contact details of the authority's data protection officer
- purpose of the processing
- lawful basis for the processing
- recipients or categories of recipients of the personal data
- retention periods for the personal data
- rights available to individuals in respect of the processing
- right to lodge a complaint with a supervisory authority.

More information is available on the ICO's website<sup>28</sup> and principle three of the SC Code also refers to the need for transparency in the use of surveillance cameras.

All of the above considerations are also addressed within principle nine of the SC Code which sets out the SCC's expectation that surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

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<sup>28</sup> <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed>

# Implementation and enforcement

Having considered safeguarding and privacy issues, and consulted on proposals to implement a mandatory CCTV policy, licensing authorities will need to develop clear policies outlining the agreed approach to CCTV systems. These should set out expectations for how these will be used, and how non-compliance will be tackled.

## What should be included in a licensing policy?

Councils will need to update their existing taxi/PHV licensing policy to include new provisions for CCTV systems. The LGA encourages all licensing authorities to have an overarching taxi/PHV policy, but where they do not, a standalone policy in relation to CCTV should be developed.

The key things to cover in a policy are:

- that a CCTV system must be installed in all licensed vehicles
- that CCTV systems must meet the council's prescribed specification
- when and how CCTV systems are to be used
- reference to how the system can be activated by drivers/passengers and that there must be an indication that audio recording is in use
- information about fair processing which should be included on notices in vehicles with further information available on the council's website
- implementation timescales for new provisions
- that the system complies with relevant legislation.

Details of the system specification and implementation schedule can be provided as supplementary documents. Licensing authorities will need to ensure corporate information governance policies are also updated to include the use of CCTV data in taxis/PHVs.

Conditions of authority's taxi/PHV driver and vehicle licences will also need to be updated to reflect new requirements for CCTV.

## Camera specification and installation

Principle eight of the SC Code of practice is clear that councils, as surveillance camera operators, should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards – there are a list of recommended standards on the SCC website.<sup>29</sup> It is up to individual councils to decide the extent to which they prescribe exactly what a CCTV system will need to do, but it is helpful to have a minimum standard which cameras/audio need to meet so drivers are clear about the requirements that systems need to meet. This will act as a guide for drivers when they are purchasing cameras.

Again, the SCC's Buyers' Toolkit and the Passport to Compliance documents will also provide a good guide when considering specifications.

<sup>29</sup> [www.gov.uk/guidance/recommended-standards-for-the-cctv-industry](http://www.gov.uk/guidance/recommended-standards-for-the-cctv-industry)

Systems should also comply with relevant legislation and standards. Councils should satisfy themselves that the supplier is able to provide the relevant technical files for the entire system, including any ancillary equipment, and that the product is either CE or E marked if type approved. Test certificates provided by the manufacturer, particularly if outside of the EU, may not be sufficient for this purpose.

Clearly the cost of CCTV systems will depend on the specification a council has agreed and consideration should be given to how requirements can be balanced against the cost to drivers. In Rotherham, the taxi trade argued that the cost of systems that met the specification were too high and that this should be picked up by the council. However, the council considered that the systems represented a reasonable and legitimate business cost and noted the ability for the driver to offset costs. Elsewhere, some local authorities have identified funds to support drivers with the cost of installing systems.

The specification for CCTV systems will need to be set out either within a policy or as a separate annex. It is also helpful to set out a list of systems which meet the requirements of the policy and where these can be purchased. This may require some initial scoping work to ensure cameras that meet requirements are readily available and suppliers are able to meet the demand of the fleet size.

Installation of systems should be done by an installer approved by the local authority so that cameras/audio equipment are safe and secure. Including a list of approved local installers is one way to ensure this happens.

## Communicating changes to drivers and members of the public

Using an effective communication strategy to raise awareness of the introduction of mandatory CCTV is important and there should be a proactive effort to make sure both drivers and operators, as well as the public are clear on exactly what the changes are, and the implications of these. Whilst drivers should already be aware of plans following earlier consultation, it is important that rules, policies and procedures are put in place ahead of implementation, and that all licensed drivers are informed, for example by letter, to ensure they fully understand the requirements that they will need to comply with. This should also give them an opportunity to prepare and budget for new requirements. Training could be offered to drivers around their responsibilities and how to deal with questions from passengers.

The public should also be informed about new proposals for example via press releases and other routine communications. To comply with data protection legislation and PoFA, all vehicles with CCTV systems fitted will need clear signage to let the public know that they are being recorded, and how they can find out more information, or make a request for a data download. The forms of this signage should be prescribed in your download policy. Detailed information should also be published on the council's website, and reviewed at least annually.

## Implementation schedule

Developing and publishing an implementation plan is important and shows that new requirements are being introduced fairly and in a way that minimises the impact of potentially costly changes on the licensed trade.

Once a policy has been approved, it may be fair to say that requirements will have immediate effect in relation to new applications. Thought should be given to what a reasonable amount of time to install cameras in existing licenced vehicles would be and whether any exemptions might be appropriate, for example if vehicles are in their last year of operation due to age limit requirements.

One possible approach could be that vehicles with existing licenses are required to be fitted with CCTV within a defined amount of time, eg 18 months from the policy go live date or alternatively, there could be a requirement for vehicles to have CCTV installed at point of renewal following the go live date. Enforcement officers can then check that systems are installed correctly and working properly as part of the renewal process.

Adopting this type of staged approach will help to reduce the impact on CCTV system suppliers and installers, and also ensure that licence holders have sufficient time to source, purchase and install a system prior to the requirement taking effect.

## Enforcement

The effectiveness of CCTV as a measure to improve safeguarding is reliant on enforcement activity to identify those who are not complying with the agreed policy, for example by not switching the systems on when they should be. If there is evidence that cameras are not being used in the agreed manner, steps will need to be taken to address this, in line with those set out in the council's policy.

The functionality of CCTV systems should be checked as part of routine enforcement activity although no one but the relevant council officer or where applicable authorised staff from the data processor should be able to access this data. In a similar way to how footage from CCTV systems in licensed premises is checked, a designated officer will need to check that the camera and audio functions are being used in line with local requirements. Officers will therefore need to be trained in functionality of the systems which meet the specification. It is worth considering what training needs will be required at the outset so that resources can be allocated to make sure officers have relevant training. Principle 11 of the SC Code covers this point.

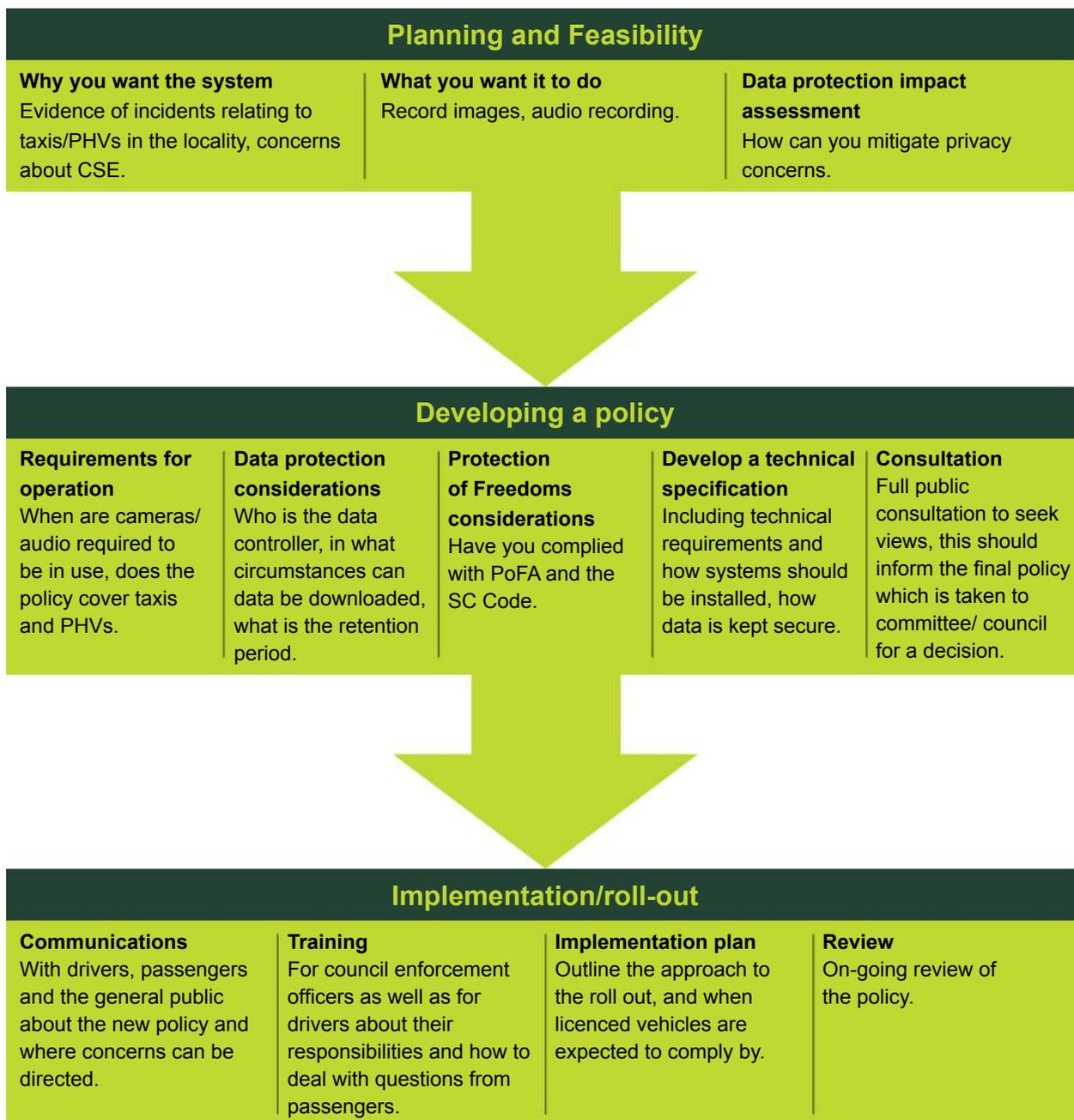
## Reviewing CCTV policies

Principles two and 10 of the SC Code set out that there should be regular reviews of CCTV systems to ensure that their use remains justified and proportionate in meeting its stated purpose.

By regularly checking CCTV systems you can make sure the cameras are working correctly, that footage can be downloaded correctly and so on. It is best practice to carry out reviews at least annually and this can be done for every camera or the entire system. The Surveillance Camera Commissioner's self-assessment tool is useful when carrying out a review and it is best practice for the outcome of the review to be published.

# Appendices

## Appendix 1: Flow chart



# Appendix 2: Glossary

## **Surveillance camera systems**

The statutory definition for a surveillance camera systems is set out in Section 29(6) of the 2012 Act<sup>30</sup> and is taken to include: (a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems; (b) any other systems for recording or viewing visual images for surveillance purposes; (c) any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b); (d) any other systems associated with, or otherwise connected with (a), (b) or (c).

A system operator is the person or persons that take a decision to deploy a surveillance camera system, and/or are responsible for defining its purpose, and/or are responsible for the control of the use or processing of images or other information obtained by virtue of such system.

A system user is a person or persons who may be employed or contracted by the system operator who have access to live or recorded images or other information obtained by virtue of such system.

## **Date protection impact assessments (DPIA)**

A data protection impact assessment (DPIA) is a process which helps to identify and minimise the data protection risks of a project. Under GDPR, a DPIA is required to be undertaken for 'high risk' processing which includes mandatory CCTV in taxis.

The DPIA will need to outline the purpose of the processing, assess the necessity and proportionality of a specified approach, as well as assess the potential risks to individuals and how these could be mitigated.

## **Data controller**

A data controller determines the purposes and means of processing personal data.

## **Data processor**

A processor is responsible for processing personal data on behalf of a controller

## **Data protection officer (DPOs)**

DPOs assist you to monitor internal compliance, inform and advise on your data protection obligations, provide advice regarding data protection impact assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority. All public authorities are required to have one.

<sup>30</sup> The Protection of Freedoms Act 2012 (PoFA)  
[www.legislation.gov.uk/ukpga/2012/9/part/2](http://www.legislation.gov.uk/ukpga/2012/9/part/2)

# Appendix 3: Links to useful resources and guidance

## Information Commissioner's Office

### **Guidance on Data Protection Impact Assessments**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

### **Blog: 'Continuous CCTV in taxis – where do councils stand?'**

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand>

### **Data protection code of practice for surveillance cameras and personal information**

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

### **Guidance on the role of data controllers and processors**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/contracts/>

### **Individual rights**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

## Surveillance Camera Commissioner

### **Surveillance Camera Code of Practice**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/204775/Surveillance\\_Camera\\_Code\\_of\\_Practice\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf)

Passport to compliance: these documents will guide authorities through the relevant principles within the Surveillance Camera Code of Practice. It sets out the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code.

[www.gov.uk/government/publications/passport-to-compliance](http://www.gov.uk/government/publications/passport-to-compliance)

### **Self-assessment tool**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524525/Self\\_assessment\\_tool\\_v3\\_WEB\\_2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524525/Self_assessment_tool_v3_WEB_2016.pdf)

### **Third party certification**

[www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme](http://www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme)

### **Buyers' Toolkit**

An easy-to-follow guide for non-experts who are thinking about buying a surveillance camera system and want to ensure they buy an effective system that does what they want it to do.

[www.gov.uk/government/publications/surveillance-camera-commissioners-buyers-toolkit](http://www.gov.uk/government/publications/surveillance-camera-commissioners-buyers-toolkit)

### **Blog 'CCTV in Taxis – are you talking to me?'**

<https://videosurveillance.blog.gov.uk/2018/08/28/cctv-in-taxis-are-you-talking-to-me/>

### **Speech to the National Association of Taxi Drivers**

[www.gov.uk/government/speeches/surveillance-camera-commissioners-speech-to-the-national-taxi-association-agm](http://www.gov.uk/government/speeches/surveillance-camera-commissioners-speech-to-the-national-taxi-association-agm)

### **Useful case studies from the Commissioner**

[www.gov.uk/government/collections/surveillance-camera-code-of-practice-case-studies](http://www.gov.uk/government/collections/surveillance-camera-code-of-practice-case-studies)



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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>11<sup>TH</sup> NOVEMBER 2021</b>	<b>CATEGORY: DELEGATED/ RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN/EXEMPT PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>EMMA McHUGH</b> 01283 595 716 <a href="mailto:emma.mchugh@southderbyshire.gov.uk">emma.mchugh@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1. Recommendations**

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

## **2. Purpose of Report**

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

2.2 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 2019.

3.2 As part of the Social Responsibility Code, from April 2016, operators were 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 Licensing Authority produced a local area profile plan to assist operators in producing their local risk assessments.

### **Consultation**

3.3 The Act requires the Licensing Authority to consult with interested parties on any revision of the Policy and local area profile plan. The consultation took place between 9<sup>th</sup> August 2021 and 1<sup>st</sup> October 2021. Copies of the Policy and local area profile

plan 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 Three responses were received in relation to the Policy Gamble Aware and HMRC. The response received from Gamble Aware was a generic response requesting that reference is made to their interactive maps showing the prevalence of gambling in a certain area. As the maps are already referred to in the local area profile plan, no changes were made. The response from the HMRC was to update their address so the Policy has been updated to reflect this change. The draft Policy and Local Area Profile Plan are attached as **Appendix 2 and 3**.

#### **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**

##### **Employment Implications**

- 5.1 None

##### **Legal Implications**

- 5.2 None

##### **Corporate Plan Implications**

- 5.3 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 seriously, which contributes to the value of taking pride in our place and striving for excellence in all we do.

##### **Risk Impact**

- 5.4 None

#### **6. Community Impact**

##### **Consultation**

- 6.1 Consultation has taken place with all relevant bodies.

##### **Equality and Diversity Impact**

- 6.2 None

##### **Social Value Impact**

- 6.3 The proposals will protect all residents in South Derbyshire from the potential harms of inadequate licensing controls with regards to gambling premises.

6.4 None

7. **Background Papers**

Gambling Act 2005



**SOUTH DERBYSHIRE DISTRICT COUNCIL**

## **Gambling Act 2005**

# **STATEMENT OF LICENSING POLICY**

**Version 6:  
2022-2025**

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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.

The 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 the 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 107,261 (2019 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.

The 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 the 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, the 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 are 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 in place to mitigate those risks.

The Licensing Authority produces a local area profile plan to assist applicants and licensees with their own local risk assessments. The plan has been updated in 2018 following a review of the local risks that exist that could undermine the licensing objectives. This plan is available as a separate document on the Council's website.

### **5. Responsible Authorities**

Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the 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 the 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, the Licensing Authority has applied the following principles:

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

The Licensing Authority designates the Derby and Derbyshire Safeguarding Children Partnership 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 the 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 the Licensing Authority will not apply a rigid rule to its decision making. The factors that the 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 the 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.

The Licensing Authority considers that interested parties could include bodies such as trade associations, trade unions, residents' and tenants' associations. The 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, the 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. The 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:

- 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.

The Licensing Authority will not deem representations to be relevant if they are frivolous or vexatious. In deciding whether a representation is frivolous or vexatious, the 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 its own merits.

The 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.

The 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. The 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 then be redacted in the report that is prepared for the Licensing and Appeals Sub-Committee held to determine the application.

## **7. Exchange of Information**

The 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 the Licensing Authority's possession in connection with a provision of the Act.

The 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.

The Licensing Authority will have regard to the Council's Data Protection Act 2018 Guidance in the exchange of information. Information can be assessed by data subjects by contacting the Council's Data Protection Officer.

The 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 the Licensing Authority in terms of the Act will be to ensure compliance with licences and permits issued by the 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, the 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.

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

The Licensing Authority will carry out regular inspections of premises to enable the Authority to have the knowledge and reassurance that all gambling premises in the locality are fulfilling their duty and protecting the public, in particular those that are young and/or vulnerable. Regular inspections will also assist in the identification of unlicensed operators and illegal gambling activity.

The Licensing Authority will have regard to the Regulators' Code when carrying out regulatory inspection. The Licensing Authority will promote efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on the business.

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

The Licensing Authority will take appropriate action against any unlicensed operator or illegal gambling taking place within any premises within the District. The 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.

The 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, the Licensing Authority's Corporate Enforcement Policy is available on the Council's website.

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

The 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 the 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, the Licensing Authority will only take into consideration relevant matters and will not take into consideration any irrelevant matters. The Licensing Authority will not consider if a premises is likely to obtain planning permission or building regulations approval for their proposal.

The 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.

The 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 any licensing objectives concerns can be overcome, the Licensing Authority will take that into account when reaching a decision. Where concerns remain, the Licensing Authority may choose to attach appropriate conditions to the premises licence.

Each application will be decided on its own merits.

The 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, the 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.

The 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?

The 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, the 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, the 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 the 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. In undertaking the local risk assessment, the applicant must take into account relevant matters identified in this Statement. 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.

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

- The premises' building;
- Location of the premises;
- Protecting children;
- Demographics of the area in relation to vulnerable groups;
- Protecting vulnerable people;
- Whether the premises is in an area subject to high levels of crime and disorder;
- Vicinity of schools, playgrounds, leisure and community centres and other areas where children will gather;
- Vicinity of gambling or addiction support or treatment centres, residential care homes, medical facilities or Council housing offices where vulnerable groups will gather;
- Gaming trends that may reflect benefit payments or pay days;
- Information held by the licensee regarding self-exclusion and incidences of underage gambling.

This list is not exhaustive.

The Licensing Authority expects that the local risk assessment is kept on the individual premises and is available for inspection. The Authority expects that all members of staff are aware of the local risk assessment and are encouraged to assist in the production and review of the local risk assessment. Staff should also be aware of and implement any control measures identified in the local risk assessment.

The 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.

The Licensing Authority would expect the local risk assessment to be reviewed following any significant changes in local circumstances, significant changes at the premises and any substantiated complaint in relation to the premises. The local risk assessment must be submitted to the Licensing Authority following any such review.

Examples of significant changes in local circumstances include:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area;
- An increase in educational facilities in the area;

- Any vulnerable groups identified by the Licensing Authority or venues relating to those vulnerable groups opened in proximity to the premises.

The 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, the 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.

The 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**

The 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 the 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**

The 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;
- age verification policies including 'Think 21' and 'Think 25'.

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

The 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. The 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 the 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 gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.” The Licensing Authority will consider this licensing objective on a case-by-case basis.

The 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.

The 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. The 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, the Licensing Authority will require the larger operators, who are required to carry out independent test purchasing, to share their results with the Licensing Authority at inspection and on request. With regards to smaller operators, who are not required to carry out their own test purchasing, the 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**

The 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 the Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

The 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. The 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 the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

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

The 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 the 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.

The 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.

The Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. The 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 the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The Licensing Authority will inform the Gambling Commission if there are any concerns over potential unlicensed suppliers.

## **7. Casinos**

The Licensing Authority has not passed a 'no casino' resolution under the Act but is aware that it has the power to do so. Should the 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, the 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, the 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, the 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 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.

The 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 the 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. The 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, the 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.

The 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. The Licensing Authority will monitor the use of land and maintain a record of the dates on which the land is used. In addition, the 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 the 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 the 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 the 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 the Licensing Authority to decide whether the review is to be allowed.

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

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

The 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 licences, the 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, the 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 the 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, the 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 the 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 this 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.

The 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;
- children causing perceived problems on or around the premises; or
- social responsibility policies.

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

The Licensing Authority will expect any applicant to provide details of how they will supervise the family entertainment centre. The 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. Staff should be easily identifiable.

In addition to the above, the applicant must provide the Licensing Authority with details of their proposed gaming machine supplier. Checks will be carried out by the Licensing Authority to ensure that the proposed supplier is licensed with the Gambling Commission to supply gaming machines. The 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 the Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on the Licensing Authority only.

The 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 the 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 the Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. The Licensing Authority will ensure adherence to the Code of Practice through inspections at the premises. The 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 the Licensing Authority. The application form must be accompanied by the relevant fee. The application must be served on the 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. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

The 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, the 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 the 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 premises 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.

The 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 grounds upon which the Licensing Authority can refuse a permit are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under section 266 of the Act;
- (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 the Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice. The Licensing Authority will ensure adherence to the Code of Practice through inspections at the premises. The 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.

The 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", the 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 the Licensing Authority on the prescribed form with the relevant fee. The notice must be submitted to the 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, the 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, the 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.

The 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 the 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 the 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, the Licensing Authority will acknowledge the notice on receipt.

The 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**

The 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 the 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, the Licensing Authority may 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.

The 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.

The 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. The 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@southderbyshire.gov.uk

By telephone                01283 595 716/890

**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 Safeguarding Children Board 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

Southern Staffordshire Building Control Partnership  
South Derbyshire District Council Legal and Democratic Services  
South Derbyshire District Council Environmental Health  
Gam Care  
British Amusement Catering Trade Association (BACTA)  
Gamblers Anonymous  
Gamble Aware  
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 style="text-align: center;">South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>licensing@southderbyshire.gov.uk</p>	<p style="text-align: center;"><u>Police</u></p> <p style="text-align: center;">Derbyshire Constabulary Licensing Section Derby Divisional HQ St. Mary's Wharf Prime Park Way Chester Green Derby DE1 3AB</p> <p>derby.licensing@derbyshire.pnn.police.uk</p>
<p style="text-align: center;"><u>Fire And Rescue</u></p> <p style="text-align: center;">Derbyshire Fire &amp; Rescue Service South Area Office Ascot Drive Community Fire Station Ascot Drive Derby DE24 8GZ</p> <p>SouthAreaAdmin@derbys-fire.gov.uk</p>	<p style="text-align: center;"><u>Gambling Commission</u></p> <p style="text-align: center;">Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>info@gamblingcommission.gov.uk</p>
<p style="text-align: center;"><u>Planning</u></p> <p style="text-align: center;">Head of Planning Services Planning Service South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>planning@southderbyshire.gov.uk</p>	<p style="text-align: center;"><u>Environmental Health - Pollution</u></p> <p style="text-align: center;">Environmental Health Division South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>environmental.health@southderbyshire.gov.uk</p>
<p style="text-align: center;"><u>Customs &amp; Excise</u></p> <p style="text-align: center;">HM Revenue &amp; Customs National Registration Unit Port Cullis House 21 India Street Glasgow G2 4PZ</p> <p>nrubetting&amp;gaming@hmrc.gsi.gov.uk</p>	<p style="text-align: center;"><u>Derby and Derbyshire Safeguarding Children Partnership</u></p> <p style="text-align: center;">Chatsworth Hall Chesterfield Road Matlock Derbyshire 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>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> NOVEMBER 2021</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN/</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>EMMA McHUGH 01283 595 716 <a href="mailto:emma.mchugh@southderbyshire.gov.uk">emma.mchugh@southderbyshire.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>LICENSING – SERVICE UPDATE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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**1. Recommendations**

- 1.1 That Members note the content of the report.

**2. Purpose of Report**

- 2.1 To provide Members with an update on the Council's Licensing Service in the absence of a quarterly report monitoring the services KPI's.

**3. Detail**

- 3.1 Service standards of the Licensing Department are usually reported to this Committee on a quarterly basis. Inevitably, small deadlines have been missed due to revised working practices however, the team have worked effectively to ensure service requirements have been met. Prior to March 2020, the Licensing Department accepted applications via an online system or in a paper format with Officers needing to view the original documents to verify their authenticity. Officers carried out DBS criminal record check appointments face to face to verify documents and to test spoken English. Knowledge tests were carried out monthly with up to 8 applicants carrying out the test at the same time. Officers carry out inspections on receipt of applications, following complaints and unannounced inspections as required. The Depot carried out checks of private hire vehicles on receipt of an application, every 6 months, after an accident and on renewal of the licence.
- 3.2 In March 2020, due to the national lockdown with all staff working from home, changes had to be made to how the Licensing Department worked. The changes had to be made quickly to support the Officers and to ensure that applicants were still being processed in a timely manner.

### 3.3 The initial changes made were:

- All applications accepted via email with copies of documents. Measures were put in place to ensure the documents provided were still authentic.
- The Depot was closed therefore no vehicle inspections could be carried out; all depot tests were delayed for an initial period of 6 weeks. Applicants required their vehicles for work as key workers, therefore the decision was made to renew the licence on the proviso the vehicle would be tested once the Depot was back open. All 6 months checks were delayed by 6 weeks and licence holders were still permitted to use their vehicles during this period for private hire purposes. All licence holders were advised of their duty to ensure the vehicle was roadworthy and fit for purpose as private hire vehicle.
- No new applications for private hire vehicles were accepted as a Depot test could not be carried out so Officers were unable to determine if the vehicle was fit for purpose. No new applications were received for new vehicles during the initial lockdown period.
- MOT certificates due during the initial lockdown were postponed whilst garages were closed.
- Eye tests and medical certificates were postponed by an initial 6 weeks and the licence holder was still permitted to work during this period. They were reminded of their duty to report any medical conditions to the Licensing Authority in line with their conditions.
- No applications for new private hire drivers were accepted as Officers were not able to safely carry out a knowledge test. The demand for new applications was low at the time so this decision did not adversely impact on any potential new driver.
- The Licensing Department sourced a new provider for the DBS checks so licence holders could use the new online system or the existing paper format to be completed at home. The new online system provided by a third party returned the DBS certificates quicker than the old system and most licence holders used the online facility to obtain their DBS certificates.
- All inspections were put on hold as it was not safe for Officers to be attending any premises.
- Debt recovery for outstanding annual fees for Licensing Act 2003 and Gambling Act 2005 premises was put on hold until restrictions were lifted.
- No applications for street collections were accepted as it was decided it was not appropriate to permit collectors to be collecting money in the streets.
- Officers still investigated and inspected complaints of non-compliance with Covid Regulations.

3.4 Officers were working from home; a rota system was introduced so licences could be printed and the post dealt with. Licences were sent out in the post rather than collected by the private hire trade.

3.5 Once the national restrictions started to lift, the Licensing Department again had to adapt how they worked. The following changes were made:

- In July 2020, as applications for new private hire vehicles were being received and the backlog of due inspections were rising, the Depot reopened with additional measures in place to protect the depot staff and the drivers during the test. The additional measures included the driver not being allowed on the premises, the hiring of a cleaner to clean the vehicle before and after the test and the test sheet sent electronically rather than a paper

copy given to the driver. To clear the back log of tests, an extra test was added in each day however the tests reverted to the normal 3 tests a day in September when the back log was cleared.

- With a large number of inspections and complaints pending for Officers, the decision was taken in September 2020 to permit Officers to resume inspections and complaint visits.
- The knowledge tests commenced in September 2020 on a one-to-one basis using the secure Covid kiosk in reception.
- Once garages were back open, Officers required all licence holders to submit a valid MOT certificate when it was required. Even though the Government had provided MOT extensions of 6 months during the lockdown, the Licensing Authority still required a MOT to be carried out in line with the original expiry date as the vehicles are carrying members of the public and the MOT is an additional check to ensure that the vehicles are safe to do so.
- Once the doctors and opticians reopened, licence holders were required to obtain their eye test and medical certificates as required. Officers still provided some flexibility with regards to obtaining their certificates if their doctor or optician was unable to assist.
- In October 2021, a system of collecting plates and badges for private hire licence holders was introduced rather than posting the plates which was causing delays to licence holders receiving their licences and being able to work.

3.8 Officers supported the hospitality trade during the pandemic. Advice and guidance were provided on a daily basis to licensed premises in conjunction with the Environmental Health Team. In addition to advice and guidance, compliance work was carried out to ensure that the temporary structures were Covid compliant as well as the rest of the premises. Most premises complied with the guidance and advice given however, Officers did issue fines to two premises for non-compliance with the Covid Regulations. Despite not being able to carry out inspections for a large majority of the year, the Licensing Department carried out 156 inspections in 2020-2021 which was an increase on the year before.

3.7 In November 2020, again inspections and knowledge tests were suspended until April 2021 however the Depot remained operational during this period.

3.8 Now full restrictions have been lifted nationally, the Licensing Department has reviewed its working practices and continues to streamline and make improvements for the benefit of the customer. In addition, Covid funding has allowed the Licensing Department to obtain further resource and cover to assist businesses in Covid re-opening and to ensure any inspection backlog is cleared.

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

4.1 There are no financial implications.

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

##### **Employment Implications**

5.1 None

##### **Legal Implications**

5.2 None

## **Corporate Plan Implications**

5.3 None

## **Risk Impact**

5.4 None

## **6. Community Impact**

### **Consultation**

6.1 None

### **Equality and Diversity Impact**

6.2 None

### **Social Value Impact**

6.3 None

### **Environmental Sustainability**

6.4 None

## **7. Background Papers**

None

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> NOVEMBER 2021</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KAREN BEAVIN - PLANNING POLICY TEAM LEADER, TEL: 07501 698400</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>APPROVAL OF THE INFRASTRUCTURE FUNDING STATEMENT 2020-21</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS03</b>

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## **1. Recommendations**

1.1 To approve the Infrastructure Funding Statement (IFS) for the 2020-21 financial year.

## **2. Purpose of the Report**

2.1 To report to the Committee the contents of the IFS which is included in Appendix 1 to this report.

2.2 This statement must provide a summary of the contributions the Council has secured through Section 106 (S106) legal agreements from new developments for off-site infrastructure provision and affordable housing.

2.3 In brief, the IFS provides:

- An overview of S106 obligations
- S106 contributions committed for future years
- S106 contributions paid to the Council in the 2020/21 monitoring period
- Any S106 contributions which have not been allocated by the Authority
- Projects successfully delivered throughout the District using S106 contributions within the monitoring period.

## **3. Detail**

3.1 The IFS is required to report contributions in relation to Community Infrastructure Levy (CIL) and S106. As South Derbyshire District Council does not have a CIL, the obligations reported are all under S106 requirements.

- £1,400,220.38 is the estimated financial value of S106 agreements that have been entered into during the reporting period; the exact figure will only be confirmed once reserved matters applications are approved. This is an increase of £450,882.10 on the previous monitoring period.
- £4,257,836.30 of S106 contributions were collected of which just under 50% went to the District Council with the remainder due to be transferred to other public authorities. This is a decrease of £755,271.38 on the previous year. The infrastructure types that these contributions are to be spent on are set out in Tables 3 and 4 of the IFS.
- The total monies spent during the financial year was £4,158,033.05, of which £3,213,220.70 was transferred to external bodies.

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

- 4.1 None resulting from publishing the IFS. The Council needs to use S106 monies within the specified timescales (usually five years) of the money being received, otherwise it must be paid back to the developer with interest. It is possible to specify time periods of longer than five years with agreement between the parties.

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

##### **Employment Implications**

- 5.1 Not identified

##### **Legal Implications**

- 5.2 None.

##### **Corporate Plan Implications**

- 5.3 The S106 agreements reported within the IFS are consistent with a number of Corporate Plan themes. These include:
- to enhance biodiversity across the District (Our Environment).
  - to improve public spaces to create an environment for people to enjoy (Our Environment).
  - to promote health and wellbeing across the District (Our People).
  - to influence the improvement of infrastructure to meet the demands of growth (Our Future).
  - to enable the delivery of housing across all tenures to meet Local Plan targets (Our Future).

##### **Risk Impact**

- 5.4 There are no significant risks in publishing the IFS which the Council is required to do by 31 December 2021.

## **6. Community Impact**

### **Consultation**

- 6.1 None. Extensive consultation has been undertaken on the planning applications to which the S106 agreements are attached.

### **Equality and Diversity Impact**

- 6.2 None.

### **Social Value Impact**

- 6.3 Beneficial: the S106 agreements reported in the IFS will lead to the provision of environmental enhancements, infrastructure and affordable housing across the District.

### **Environmental Sustainability**

- 6.4 Beneficial: open space provision and nature conservation enhancements.

## **7. Appendices**

- 7.1 Appendix 1: Infrastructure Funding Statement 2020-21



# Infrastructure Funding Statement

**2020-2021**

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## 1.0 Introduction

[The Community Infrastructure Regulations 2010 \(Amendment\) \(England\) \(No.2\) Regulations 2019](#), came into force on 1 September 2019. This required that all contribution receiving authorities must produce an annual Infrastructure Funding Statement (IFS).

This statement must provide a summary of the contributions the Council has secured through Section 106 (S106) legal agreements from new developments for off-site infrastructure provision and affordable housing.

In brief, the IFS provides detail of the following:

- Overview of S106 obligations;
- S106 contributions committed for future years;
- S106 contributions paid to the Council in the 2020/21 monitoring period;
- Any S106 contributions which have not been allocated by the authority;
- Projects successfully delivered throughout the District with Section 106 contributions within the monitoring period.

The information that is included within this report will be published on the Council's [website](#).

This report does not include information on infrastructure that has been delivered on site.

Throughout the IFS there will be references provided to the following definitions:

- **Allocated** – Contributions that have been received, and allocated to specific projects for future spending
- **Received** – Contributions that have been received by South Derbyshire District Council; these can be either monetary, or non-monetary. Where another Local Planning Authority (LPA) is a signatory to the S106 (for example Derby City Council), that LPA might have received the contribution. If this is the case it will be highlighted on its IFS.
- **Spent / Transferred** – Monetary contributions that have been spent
- **Financial year** - Unless stated, this refers to the period of 01/04/2020 – 31/03/2021.

## 2.0 Section 106 Agreements

Planning Obligations are a legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). They are used as a mechanism to make a development proposal acceptable in planning terms.

Planning obligations may only constitute a reason for granting planning permission if they meet the three statutory tests as set out in the [Community Infrastructure Levy \(CIL\) Regulations 2010 \(as amended\)](#) and in paragraph 56 of the National Planning Policy Framework ([NPPF](#)); these are that the obligation is:

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

Obligations are site specific and focus on the mitigation of the impact of the proposed development.



S106 obligations can either be provided on-site, for example, through the provision of a Locally Equipped Area for Play (LEAP) or affordable housing, or they can be provided off-site in the form of financial payments.

South Derbyshire District Council's Guide for Developers with regard to S106 obligations is available [here](#) on the Council's website.

### 3.0 Community Infrastructure Levy (CIL)

Community Infrastructure Levy (CIL) was introduced through the CIL Regulations 2010 as an alternative mechanism for the funding of infrastructure necessitated by new development. CIL is a tariff-based system with the associated adopted charging schedule setting out the CIL charge per square metre, depending on the type of development.

South Derbyshire District Council is not currently a CIL charging authority.

### 4.0 Infrastructure Funding Statement Requirements

Under Regulation 121A of the CIL Regulations, it is required that no later than 31 December each year a contribution receiving authority must publish an annual infrastructure funding statement which comprises the following three elements:

- a) A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) ("the infrastructure list")
- b) A report about CIL, in relation to the previous financial year ("the reported year"), which includes the matters specified in paragraph 1 of Schedule 2 ("CIL report");
- c) A report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ("Section 106 Report").



## 5.0 Infrastructure Funding Statement

### 5.1 Infrastructure projects, or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL

Nil: South Derbyshire District Council does not have a CIL in place.

### 5.2 The CIL Report

Nil: South Derbyshire District Council does not have a CIL in place.

### 5.3 The Section 106 Report

The heading a) to i) below directly relate to the relevant [Community Infrastructure Levy Regulations 2019](#), which set out what is required in the S106 report.

#### a) The total amount of money to be provided under any planning obligations which were entered into during the reported year.

Table 1 outlines the monies to be provided through S106s signed in the financial year. This does not include contributions where another Authority is due to collect this funding (for example Education funding where Derbyshire County Council is also a signatory to the S106).

The largest infrastructure type to be provided through the agreements is the off-site housing commuted sum which is in lieu of any that is to be provided within a development.



*Table 1: Monies to be provided under any planning obligations which were entered into during the financial year*

<b>Infrastructure Type</b>	<b>Monies Agreed</b>
Community Facilities	£37,085.60
Education	£265,381.62
Flood and Water Management	£1,343.00
Health	£357,696.00
Highways	£8,000.00
Monitoring Fee	£10,100.00
Open Space and Leisure	£720,614.16
<b>Total</b>	<b>£1,400,220.38</b>

\*As S106s are signed at the point of the planning permission being granted, the exact figure of the funding to be received is unknown until a reserved matters application is approved. Therefore, the figure provided under the monies agreed column is an estimate.

It must also be noted that the figures provided above are a snapshot in time and that planning obligations can be renegotiated at any point where the LPA (at Planning Committee) and the developer agree to do so.

#### **b) The total amount under any planning obligations which was received during the financial year (2020-2021)**

Table 2 shows the total amount of S106 money received by South Derbyshire District Council. This is split into monies that the Council is to be the direct recipient of and monies to be transferred to external organisations; these are broken down further in Tables 3 and 4 respectively. In the majority of instances, the funding was received from S106s signed prior to this financial year.

*Table 2: Total monies received 2020/21 directly through South Derbyshire District Council S106s*

<b>Recipient</b>	<b>Monies Received</b>
South Derbyshire District Council	£2,115,038.78
South Derbyshire District Council to be transferred to external organisations	£2,142,797.52
<b>Total</b>	<b>£4,257,836.30</b>



Table 3: Money received this financial year to be spent by South Derbyshire District Council

Infrastructure Type	Monies Received
Affordable Housing	£1,258,342.10
Community Facilities	£89,932.71
Green Infrastructure	£2,838.51
Monitoring Fees	£5,000
Open Space and Leisure	£758,925.46
<b>Total</b>	<b>£2,115,038.78</b>

Table 4: Money received this financial year that is to be transferred to external organisations

Infrastructure Type	Monies Received
Education	£822,630.74
Health	£519,907.67
Highways	£429,576.88
Transport and Travel	£370,682.23
<b>Total</b>	<b>£2,142,797.52</b>

**c) The total amount under any planning obligations which was received before the reported year which has not been allocated by the authority**

Table 5: Unallocated monies held by the Council at 31st March 2020

Infrastructure Type	Amount Held
Community Facilities	£29,510.08
Education	£50,613.60
Green infrastructure	£1,131.63
Health	£571,479.80
Open Space and Leisure	£100,461.67
<b>Total</b>	<b>£753,196.78</b>

**d) Non-monetary contributions to be provided under planning obligations which were entered into during 2020/21.**

- i. In relation to affordable housing, the total number of units to be provided: 134

A total of five S106s were entered into during the financial year with affordable housing provision resulting from all but one of the agreements, as set out in Table 6 below.



Table 6: Detail regarding affordable housing regarding S106s signed 2020/21.

App No	Development	Comment
DMPA/2019/1143	Lucas Lane, Hilton	30% of the total dwellings (rounded up to the nearest whole number of dwellings). Based upon the outline consent for up to 57 dwellings, up to 17 units will be provided.
DMPA/2020/0592	Station Road, Melbourne	14 dwellings, comprising 11 Social Rented Units and three Shared Ownership Units, are to be provided through the Section 106 agreement.
9/2016/0166	Land at SK3931 2744, Mill Hill, Boulton Moor	15% of the total dwellings (rounded up to the nearest whole number of dwellings). Based upon the outline consent for up to 550 dwellings this will mean up to 83 units will be provided. Alongside this an off-site contribution will be paid to the Council.
9/2017/0922	Land at SK3430 7732, Deep Dale , Barrow on Trent	20% of the total dwellings (rounded up to the nearest whole number of Dwellings). Based upon the outline consent for up to 100 dwellings this will mean up to 20 units will be provided.
DMPA/2019/1427	Land at The Gables, Newhall	The development is below the threshold for Affordable Housing developments*

\*Policy H21 of the adopted [Local Plan Part 1](#) requires 30% affordable housing on sites of over 15 dwellings.

ii. *In relation to educational facilities, the number of school places and category of school:*

For the amount of education places provided as non-monetary contribution please refer to Derbyshire County Council's IFS.

### e) The total amount of money (received under any planning obligations) which was allocated but not spent during 2020/21 for funding infrastructure

Table 7 shows the total funding that was allocated but has not yet been spent. This is independent of when the funding was received. The funding is allocated between various organisations in accordance with the terms of the S106.



Table 7: Total funding allocated but not yet spent.

<b>Allocation</b>	<b>Monies allocated but not spent</b>
<a href="#">Affordable Housing</a>	£2,980,201.53
<a href="#">Community Facilities</a>	£191,644.46
<a href="#">Flood and Water Management</a>	£102,460.61
<a href="#">Green Infrastructure</a>	£190,868.07
<a href="#">Health</a>	£940,416.66
<a href="#">Highways</a>	£787,862.71
<a href="#">Open Space and Leisure</a>	£2,409,204.52
<a href="#">Primary Education</a>	£521,892.86
<a href="#">Secondary Education</a>	£706,202.04
<a href="#">Transport and Travel</a>	£111,628.82
<b>Total</b>	<b>£8,942,382.28</b>

#### f) Total monies spent in 2020-2021

Table 8: Total Council monetary S106 spending and transfer 2020-2021

<b>Money spent / transferred</b>	<b>Amount</b>
South Derbyshire District Council	£944,812.35
Transferred to External Body	£3,213,220.70
<b>Total</b>	<b>£4,158,033.05</b>

#### g) In relation to money (received under planning obligations) which was allocated by the authority but not spent during the financial year, summary details of the items of infrastructure on which the money has been allocated and the amount of money allocated to each item:

Table 9: Affordable Housing S106 funding which was allocated but not spent 2020-2021

<b>Contribution Type</b>	<b>Organisation responsible for spending</b>	<b>Project allocated</b>	<b>Amount</b>
Affordable Housing	South Derbyshire District Council	Affordable Housing provision within the Repton Ward	£497,906.43
Affordable Housing	South Derbyshire District Council	Affordable Housing on the Derby Fringe	£2,142,360.00
Affordable Housing	South Derbyshire District Council	Affordable Housing within the administrative area of the Council	£339,935.10
<b>Total</b>			<b>£2,980,201.53</b>



Table 10: Community Facilities S106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Community Facilities	South Derbyshire District Council	Towards the new community centre at New House Farm	£93,936.34
Community Facilities	South Derbyshire District Council	Towards improvements of the pool at Greenbank Leisure Centre	£42,246.37
Library Contribution	Derbyshire County Council	Etwall Library Improvements	£54,416.03
Waste Contribution	Derbyshire County Council	Towards additional capacity at Newhall HWRC	£1,045.72
<b>Total</b>			<b>£191,644.46</b>

Table 11: Flood and Water Management S106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
River Mease Contribution	North West Leicestershire District Council	River Mease DCS2	£2,460.61
Willington Brook Contribution	South Derbyshire District Council	Willington Brook Flood Defence Works	£100,000.00
<b>Total</b>			<b>£102,460.61</b>



Table 12: Green Infrastructure S106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Grassland Contribution	South Derbyshire District Council	The restoration and management of Swadlincote Woodlands	£6,200.31
Greenway Contribution	The Canal and River Trust	Towards the creation of 1km of greenway along the Trent and Mersey corridor	£46,583.00
Tree Planting	South Derbyshire District Council	Urban Tree Planting within Swadlincote	£2,838.51
Greenway	South Derbyshire District Council	Towards the creation of the new Urban Park on William Nadin Way	£76,181.98
Public Right of Way Contribution	South Derbyshire District Council	Towards footpath connections at Woodville Woodlands	£9,382.50
Pedestrian / Cycleway Contribution	Derbyshire County Council	Creation of a Pedestrian / Cycleway from Cadley Hill Industrial Estate to Ryder Close	£16,579.90
Public Right of Way Contribution	Derbyshire County Council	Improvements to Woodville FP3	£33,101.87
<b>Total</b>			<b>£190,868.07</b>



Table 13: Health S106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Healthcare Contribution	Derby and Derbyshire CCG	Alvaston Medical Centre Improvements	£17,110.16
Healthcare Contribution	Derby and Derbyshire CCG	Overseal Doctors Surgery Expansion*	£55,231.41
Healthcare Contribution	Derby and Derbyshire CCG	Gresleydale Surgery Expansion	£9,934.25
Healthcare Contribution	Derby and Derbyshire CCG	Heartwood GP Surgery Improvements	£31,994.58
Healthcare Contribution	Derby and Derbyshire CCG	Hilton GP Surgery Expansion	£44,078.85
Healthcare Contribution	Derby and Derbyshire CCG	Improving Healthcare Provision within Boulton Moor	£610,160.70
Healthcare Contribution	Derby and Derbyshire CCG	Mickleover Medical Centre Expansion	£49,182.20
Healthcare Contribution	Derby and Derbyshire CCG	Lister House Surgery, Chellaston Improvements	£13,542.75
Healthcare Contribution	Derby and Derbyshire CCG	Melbourne and Chellaston Medical Practice Expansion	£51,637.13
Healthcare Contribution	Derby and Derbyshire CCG	Additional capacity at Newhall Surgery	£39,508.85
Healthcare Contribution	Derby and Derbyshire CCG	Woodville Surgery Improvements	£18,035.78
<b>Total</b>			<b>£940,416.66</b>

\*Due to the closure of Overseal GP Surgery in January 2020, which was after the date the monies were received, South Derbyshire District Council and Derby and Derbyshire Clinical Commissioning Group (CCG) are working with the signatories to the relevant S106 to agree the appropriate spending of the money.



Table 14: Highways S106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Highways	Derbyshire County Highways	Improvements to Woodyard Lane Foston	£1,381.87
Highways	Derby City Council	Improvements to A514 Transport Corridor	£189,353.77
Highways	Highways England	A38 / A50 Junction Improvements	£10,000.00
Highways	Derbyshire County Council	A515 / A50 roundabout junction at Sudbury works	£31,619.09
Highways	Derbyshire County Council & Derby City Council	Towards the delivery of the transport projects specified within 9/2017/0349 Section 106 Agreement	£370,682.23
Highways	Derbyshire County Council & Derby City Council	Towards Highways Mitigation Works as specified within 9/2015/0768 Section 106 Agreement	£184,825.75
<b>Total</b>			<b>£787,862.71</b>

Table 15: Open Space and Leisure S106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Built Facilities	South Derbyshire District Council	Aston Recreation Ground Improvements	£5,391.39
Outdoor Sports	South Derbyshire District Council	Aston Recreation Ground Improvements	£9,659.74
Outdoor Sports	South Derbyshire District Council	Badger's Hollow Recreation Ground Improvements	£20,945.73
Outdoor Sports	South Derbyshire District Council	Broomfields Recreation Ground	£11,088.17
Recreation Contribution	Derby City Council	Chellaston Community Centre	£180,000.00
Recreation Contribution	South Derbyshire District Council	Cricket clubs within the North West of South Derbyshire	£87,431.24
Built Facilities	South Derbyshire District Council	Etwall Leisure Centre Improvements	£223,266.16



Outdoor Sports	South Derbyshire District Council	Etwall Leisure Centre Improvements	£293,237.05
Open Space	South Derbyshire District Council	Eureka Park	£49,761.93
Built Facilities	South Derbyshire District Council	Goseley Community Centre	£9,532.16
Built Facilities	South Derbyshire District Council	Greenbank Leisure Centre Improvements	£77,920.64
Outdoor Sports	South Derbyshire District Council	Hartshorne Cricket Club Improvements	£6,266.35
Built Facilities	South Derbyshire District Council	Hilton Scout Headquarters Improvements	£55,425.30
Outdoor Sports	South Derbyshire District Council	Replacement Astroturf within Hilton	£22,512.00
Open Space	South Derbyshire District Council	Hilton Memorial Meadow Management Plan	£1,050.00
Outdoor Sports	South Derbyshire District Council	King George V Playing Field	£26,539.59
Built Facilities	South Derbyshire District Council	Kings Newton Bowls Clubhouse	£15,326.07
Open Space	South Derbyshire District Council	Main Street Recreation Ground, Hartshorne Improvements	£18,098.78
Open Space	South Derbyshire District Council	Maurice Lea Memorial Park Play Equipment	£12,442.32
Open Space	South Derbyshire District Council	New Urban Park (Cadley Hill)	£313,807.43
Open Space	South Derbyshire District Council	Newhall Park	£15,708.00
Built Facilities	South Derbyshire District Council	Improvements to the changing rooms at Overseal Recreation Ground	£7,851.90
Outdoor Sports	South Derbyshire District Council	Play Equipment Improvements in Overseal	£48,019.92
Open Space	South Derbyshire District Council	Sports Pitch Improvements at Overseal	£6,715.66
Open Space	South Derbyshire District Council	Oversetts Road Recreation Ground	£583,815.26
Built Facilities	South Derbyshire District Council	Repton Village Hall Improvements	£6,189.22
Built Facilities	South Derbyshire District Council	Rosliston Forestry Centre, Towards	£27,956.38



		Visitor Centre Enhancements	
Open Space	South Derbyshire District Council	Rosliston Forestry Centre, towards outdoor improvements	£113,345.68
Outdoor Sports	South Derbyshire District Council	Strawberry Lane Recreation Ground Improvements	£22,022.92
Built Facilities	South Derbyshire District Council	Swadlincote Town Hall Improvements	£3,995.74
Open Space	South Derbyshire District Council	Swadlincote Woodlands Improvements	£30,010.28
Outdoor Sports	South Derbyshire District Council	Outdoor Sports within Willington	£33,817.07
Built Facilities	South Derbyshire District Council	Twyford Lane Pavilion, Willington Improvements	£25,310.16
Built Facilities	South Derbyshire District Council	Woodville Recreation Ground Pavilion Refurbishment	£9,297.37
Outdoor Sports	South Derbyshire District Council	Woodville Recreation Ground Improvements	£17,596.29
Open Space	South Derbyshire District Council	Woodville Woodlands Improvements	£2,117.97
Open Space	Derby City Council	Play Area, adjacent to Woodgate Drive Chellaston	£15,732.65
<b>Total</b>			<b>£2,409,204.52</b>

The Council liaises with external partners and bodies as appropriate in facilitating the timely spending of S106 monies.



Table 16: Primary Education S106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Primary Education	Derbyshire County Council	Belmont Primary School Expansion	£37,334.02
Primary Education	Derbyshire County Council	Eureka Primary School Expansion	£149,421.97
Primary Education	Derbyshire County Council	Newhall Junior School Expansion	£12,236.23
Primary Education	Derbyshire County Council	Overseal Primary School Expansion	£178,411.32
Primary Education	Derbyshire County Council	Rosliston Primary School Expansion	£24,806.25
Primary Education	Derbyshire County Council	Stanton Primary School Expansion	£45,157.11
Primary Education	Derbyshire County Council	Woodville Infant & Junior School Expansion	£74,525.96
<b>Total</b>			<b>£521,892.86</b>

Table 17: Secondary Education Section 106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Secondary Education	Derbyshire County Council	Chellaston Academy Expansion	£170,213.53
Secondary Education	Derbyshire County Council	Granville Academy Expansion	£49,635.89
Secondary Education	Derbyshire County Council	John Port Improvement Works	£57,424.63
Secondary Education	Derbyshire County Council	William Allitt Improvement Works	£428,927.99
<b>Total</b>			<b>£706,202.04</b>

Table 18: Transport and Travel Section 106 funding which was allocated but not spent (or transferred) 2020-2021

Contribution Type	Organisation Responsible for Spending	Project Allocated To	Amount
Bus Service Contribution	Derby City Council	Towards a bus to serve Chellaston Fields	£111,628.82
<b>Total</b>			<b>£111,628.82</b>



## h) In relation to money (received under planning obligations) which was spent during the financial year

i) The items of infrastructure on which that money was spent, and the amount spent on each:

Table 19: Total monies spent by South Derbyshire District Council 2020-2021

Infrastructure Type	Infrastructure Project	Monies Spent
Affordable Housing	Purchase of 4 Affordable Homes in Repton	£490,000.00
Open Space and Leisure	Sinfin Moor Park	£345,903.61
Open Space and Leisure	Newton Road Park Improvements	£49,840.20
Open Space and Leisure	Improvements to play facilities within Hartshorne	£6,570.37
Open Space and Leisure	Scropton Road Pavillion Improvements	£3,660.00
Open Space and Leisure	Improvements to Linton Recreation Ground	£35,512.53
Open Space and Leisure	Improvements to the Football Pitches at Broomfields Recreation Ground	£1,318.41
Open Space and Leisure	Improvements to the Football Pitches at Broomfields Recreation Ground	£183.03
Open Space and Leisure	Maintenance equipment for Willington Bowls Club	£11,824.20
<b>Total</b>		<b>£944,812.35</b>

The table above refers to S106 monies spent by the Council; in this section, the tables below refer to monies transferred to external organisations for spending, split up by the infrastructure type.





One of the new build homes in Repton, purchased November 2020 which was partially funded by S106 contributions.

Table 20: Green Infrastructure S106 funding transferred 2020-2021

Recipient	Infrastructure Project	Monies Transferred
Derbyshire County Council	Improvements to Repton footpath 27 adjacent to the Longlands development	£5,076.26
The National Forest Company	Foxley Wood Woodlands Management Plan	£4,032.33
	<b>Total</b>	<b>£9,108.59</b>

Table 21: Highways S106 funding transferred 2020-2021

Recipient	Infrastructure Project	Monies Transferred
Derbyshire County Council	Woodville Regeneration Route	£171,291.36
Highways England	A38/A50 Junction Improvements	£1,374,267.00
	<b>Total</b>	<b>£1,545,558.36</b>





**Improved Tennis Courts and Play Facilities at Newton Road Park, funding through Section 106 money**

*Table 22: Primary Education S106 funding transferred 2020-2021*

<b>Recipient</b>	<b>Infrastructure Project</b>	<b>Monies Transferred</b>
Derbyshire County Council	Aston-on-Trent Primary School Expansion	£97,659.85
Derbyshire County Council	Chellaston Fields Spencer Academy	£156,283.75
Derbyshire County Council	Linton Primary School Expansion	£215,665.04
<b>Total</b>		<b>£469,608.64</b>

*Table 23: Secondary and Post-16 Education S106 funding transferred 2020-2021*

<b>Recipient</b>	<b>Infrastructure Project</b>	<b>Monies Transferred</b>
Derbyshire County Council	Pingle School Expansion	£164,084.83
Derbyshire County Council	Chellaston Academy Expansion	£251,107.62
Derbyshire County Council	John Port Academy Expansion	£782,861.25
<b>Total</b>		<b>£1,198,053.70</b>

- ii) *The amount of money spent repaying money borrowed: NIL*
- iii) *The amount of money spent in respect of monitoring in relation to the delivery of planning obligations: NIL*
- i) The total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance ‘commuted sums’ also identify separately the total amount of commuted sums held.**



The total amount of S106 monies currently held as at 31 March 2021, whether allocated or not, is £10,369,745.

The 'commuted sums' are allocated within a S106 for the sole purpose of funding the future maintenance and management of public open space within a development that has been adopted by the Council. The monies are jointly spent, as appropriate, by both the Operational Services and Cultural Services teams.

There is £471,694 of commuted sums held by South Derbyshire Council as of 31 March, 2021.



<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> NOVEMBER 2021</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>LEADERSHIP TEAM</b>	<b>OPEN DOC:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>FRANK MCARDLE (EXT. 5700) ALLISON THOMAS (EXT. 5775)</b>	
<b>SUBJECT:</b>	<b>CORPORATE PLAN 2020-24: PERFORMANCE REPORT (2021- 2022 QUARTER 2 – 1 APRIL TO 30 SEPTEMBER)</b>	
<b>WARD (S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

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## **1.0 Recommendations**

- 1.1 That the Committee approves progress against performance targets set out in the Corporate Plan 2020 - 2024.
- 1.2 That the Risk Register for the Committee's services are reviewed.

## **2.0 Purpose of the Report**

- 2.1 To report progress against the Corporate Plan under the priorities of Our Environment, Our People and Our Future.

## **3.0 Executive summary**

- 3.1 The Corporate Plan 2020 – 2024 was approved following extensive consultation into South Derbyshire's needs, categorising them under three key priorities: Our Environment, Our People and Our Future. The Corporate Plan is central to the Council's work – it sets out its values and vision for South Derbyshire and defines its priorities for delivering high-quality services.
- 3.2 This Committee is responsible for overseeing the delivery of the key priorities and the following key aims:

### **Our Environment**

- *Improve the environment of the District*
- *Tackle climate change*
- *Enhance the attractiveness of South Derbyshire*

### **Our People**

- *Supporting and safeguarding the most vulnerable*



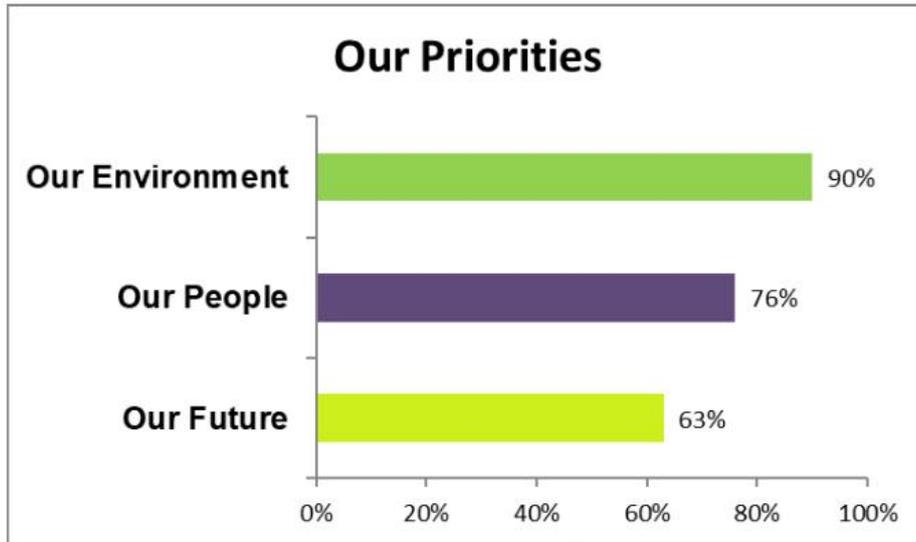
## Our Future

- *Support economic growth and infrastructure*

### 4.0 Detail

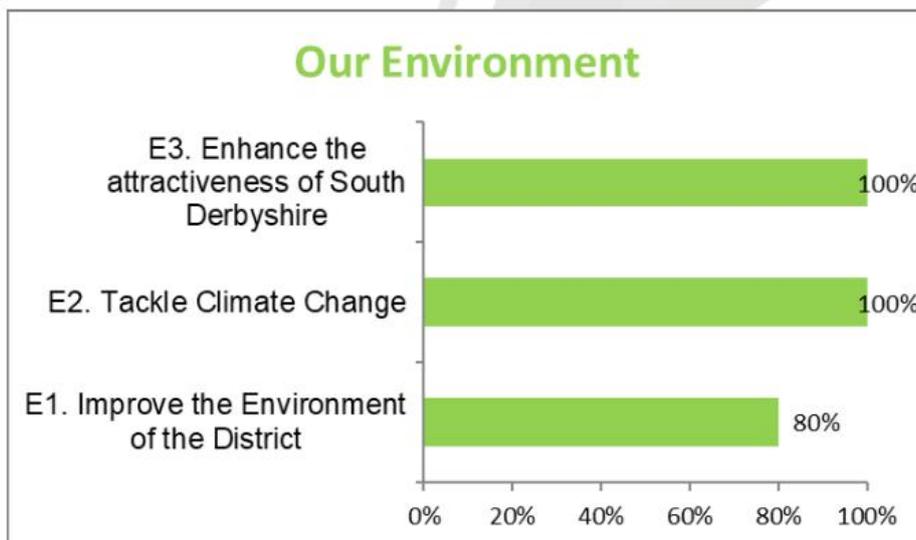
#### 4.1 Overall Council performance against the priorities – Quarter two 2021-2022.

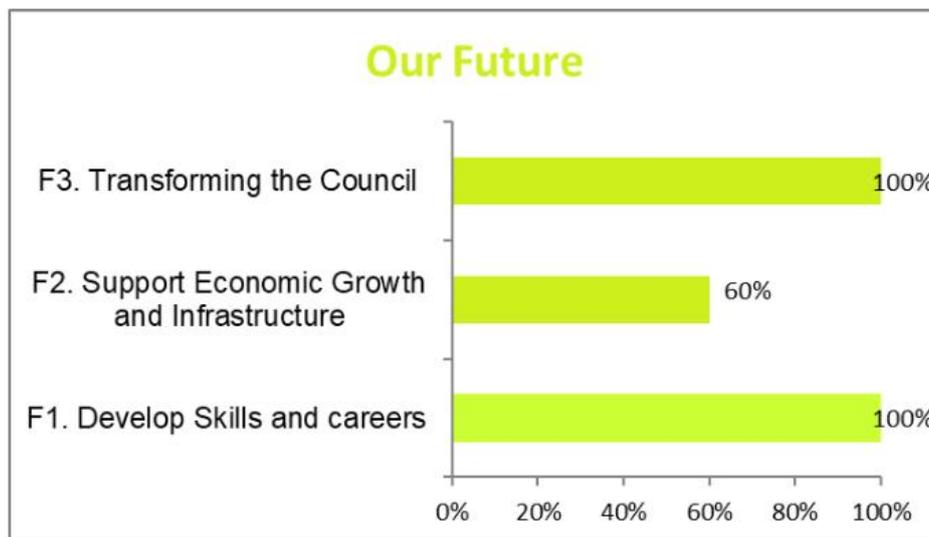
The below chart provides an overview for the percentage of measures that are on track to achieve the annual target.



#### 4.2 Overall Council performance against key aims – Quarter two 2021-2022.

The below charts provide an overview for the percentage of measures that are on track to achieve the annual target within each key aim of the Corporate Plan.





4.3 Of the 35 measures which support the progress of the Corporate Plan 20-24, 16 are green, seven are amber, six are red and six are grey.

Overall, 77% of the key aims within the Corporate Plan are on track. 90% are on track for Our Environment, 76% are on track for Our People and 63% are on track for Our Future.

4.4 This Committee is responsible for overseeing the delivery of 12 Corporate measures.

Below outlines the nine measures for this Committee that are on track (green, amber or grey) for the quarter:

- % of collected waste recycled and composted
- Number of fly tipping incidents.
- Improve the quality of the District through the Local Environmental Quality Survey



- Reduce South Derbyshire District Council carbon emissions
- % of new homes to meet water efficiency targets as set out in the Part G optional standard of 110 litres of potable water usage per person per day
- Proportion of good quality housing development schemes
- % of eligible new homes and commercial developments to achieve net gain in Biodiversity by a minimum of 10% compared to the site's predevelopment baseline.
- % of planning applications determined within the statutory period
- Secure new facilities and contributions through Section 106 to mitigate impacts of development. Achieve all necessary highway, education, healthcare, and recreation contributions.

4.5 Below outlines the three measures for this Committee that are not on track (red) for the quarter:

- Household waste collected per head of population
- Continue to undertake interventions per year to keep families out of fuel poverty
- Speed of decision on discharging conditions for housing applications.

For more detailed information please refer to **Appendix B**, Performance Measure Report Index.

4.6 An overview of performance can be found in the Performance Dashboard in **Appendix A**. A detailed description of each performance measure including mitigating actions and actions to sustain and improve performance is included in the detailed Performance Measure Report Index in **Appendix B**.

4.7 Questions regarding performance are welcomed from the Committee in relation to the Corporate performance measures that fall under its responsibility and are referenced in the detailed Performance Measure Report Index in **Appendix B**

4.8 The Risk Register for the Committee's services is detailed in **Appendix C**. This includes the register and risk mitigation plans for the relevant departmental Risk Register. Each risk has been identified and assessed against the Corporate Plan aims which are considered to be the most significant risks to the Council in achieving its main objectives. The Risk Register(s) detail a risk matrix to summarise how each identified risk has been rated.

## 5.0 **Financial and Implications**

None directly.

## 6.0 **Corporate Implications**

### 6.1 **Employment Implications**

None directly.



## 6.2 Legal Implications

None directly.

## 6.3 Corporate Plan Implications

This report updates the Committee on the progress against the key measures agreed in the Corporate Plan and demonstrates how the Council's key aims under the priorities, Our Environment, Our People and Our Future contribute to that aspiration.

## 6.4 Risk Impact

Key risks impacting on this Committee are detailed in the Service Delivery Risk Register in **Appendix C**, alongside the mitigating actions in place to manage these risks and the risk rating after mitigating actions have been considered.

Following a review of the Council's Risk Management Framework, the new risk template was approved and all risks have been moved onto the new template.

The following risk has been removed from the Service Delivery Risk Register and moved to the archive risk register:

- SD2 - Delivery of obligations within Section 106 Agreements  
The implementation of new software is now complete and this is no longer considered a risk.

## 7.0 Community Impact

### 7.1 Consultation

None required.

### 7.2 Equality and Diversity Impact

Not applicable in the context of the report.

### 7.3 Social Value Impact

Not applicable in the context of the report.

### 7.4 Environmental Sustainability

Not applicable in the context of the report.

## 8.0 Appendices

Appendix A – Performance Dashboard 2020-2024



Appendix B – Performance Measure Report Index  
Appendix C – Service Delivery Risk Register



Priority	Key Aim	Outcome	PI Ref	How success will be measured	Frequency	(Q4) Jan 20 - Mar 20 Outturn	April 21-June 21 (Qtr. 1)	April 21 - September 21 (Qtr. 2)	Annual Target 2021-2022	Plan Target 2020-2024	Strategic Lead	Committee	
OUR ENVIRONMENT	E1. Improve the environment of the District	E1.1 Reduce waste and increase composting and recycling	E1.1A	<a href="#">Household waste collected per head of population</a>	Quarterly	404 kgs (Cumulative Apr-Mar)	128kgs	245kgs	Sustain Current levels	Sustain during Y1 and Y2. See a downward trend in Yrs. 3 and 4	Allison Thomas, Strategic Director, Service Delivery	E&DS	
			E1.1B	<a href="#">% of collected waste recycled and composted</a>	Quarterly	45% (Cumulative Apr-Mar)	50%	49% (estimate)	>45%	Sustain during Y1 and Y2. See an upward trend in Yrs. 3 and 4	Allison Thomas, Strategic Director, Service Delivery	E&DS	
		E1.2 Reduce fly tipping and litter through education, engagement and zero tolerance enforcement action where appropriate	E1.2A	<a href="#">Number of fly tipping incidents</a>	Quarterly	714 (Cumulative April-Mar)	Q1 Target < 191 Actual - 211	Q2 Target < 388 Actual - 362	Downward trend as a 4-year mean <764	Downward trend over 4 years	Allison Thomas, Strategic Director, Service Delivery	E&DS	
			E1.2B	<a href="#">Improve the quality of the District through the Local Environmental Quality Survey</a>	Annual	The first survey was completed in January 2020 the result was 89.67% above grade C+.	94.74% above grade C+	94.74% above grade C+	>95% (Grade C or above)	>95%	Allison Thomas, Strategic Director, Service Delivery	E&DS	
		E1.3 Enhance biodiversity across the District	E1.3A	<a href="#">% of eligible new homes and commercial developments to achieve net gain in Biodiversity by a minimum of 10% compared to the sites pre development baseline.</a>	Annual	Not possible to provide as outputs not held in software until April 2020. Monitoring underway and baseline data to be provided Q1 and Q2.	66.7%	66.7%	85% (4-year target)	85%	Allison Thomas, Strategic Director, Service Delivery	E&DS	
	E2. Tackle climate change	E2.1 Strive to make South Derbyshire District Council carbon neutral by 2030	E2.1A	<a href="#">Reduce South Derbyshire District Council carbon emissions</a>	Annual	No update required for Q4. First update to be provided Q1 2020-21.	Achieved	Achieved	Produce and implement a Head of Service Q4 Climate and Environment report that tracks performance against quantified targets and outturns	Achievement of Actions contained in the South Derbyshire Climate and Environment Action Plan 2020-24 (C&EAP)	Allison Thomas, Strategic Director, Service Delivery	E&DS	
		E2.2 Work with residents, businesses and partners to reduce their carbon footprint	E2.2A	<a href="#">% of new homes to meet water efficiency targets as set out in the Part G optional standard of 110 litres of potable water usage per person per day.</a>	Bi Quarterly (Q2 & Q4)	Baseline figure of 50% based on 18 qualifying decisions in Q4.	70.5%	79.30%	85%	85%	Allison Thomas, Strategic Director, Service Delivery	E&DS	
	E3. Enhance the attractiveness of South Derbyshire	E3.1 Enhance the appeal of Swadlincote town centre as a place to visit	E3.1A	<a href="#">Increase Swadlincote Town Centre visitor satisfaction</a>	Annual	49% of respondents would recommend Swadlincote Town Centre - May 2019.	Reported Annually in Q3	Reported Annually in Q3	58%	National small towns average 72%. Target to be above the National average by 2023/24	Frank McArdle, Chief Executive	F&M	
		E3.2 Improve public spaces to create an environment for people to enjoy	E3.2A	<a href="#">The number of Green Flag Awards for South Derbyshire parks.</a>	Annual	2	Achieved	Achieved	Four Year Target - 4	Increase from two green flag park awards to four by 2024	Allison Thomas, Strategic Director, Service Delivery	H&CS	
			E3.2B	<a href="#">Proportion of good quality housing development schemes.</a>	Annual	92%	Reported Annually in Q4	Reported Annually in Q4	90%	% of schemes which score high	Allison Thomas, Strategic Director, Service Delivery	E&DS	
	OUR PEOPLE	P1. Engage with our communities	P1.1 Support and celebrate volunteering, community groups and the voluntary sector	P1.1A	<a href="#">Number of new and existing Community Groups supported.</a>	Quarterly	36	24	65	upward trend	Year 1 (Proxy)- collate baseline data. Year 2-4 we will show an increase on baseline in year 1	Allison Thomas, Strategic Director, Service Delivery	H&CS
			P1.2 Help tackle anti-social behaviour & crime through strong and proportionate action	P1.2A	<a href="#">Number of ASB interventions by type</a>	Quarterly	2,893 ASB reports (Cumulative Apr-Mar)	Moderate	Moderate	'Moderate' or 'High'	Proxy Measure to show service activity	Allison Thomas, Strategic Director, Service Delivery	H&CS
P2. Supporting and safeguarding the most vulnerable		P2.1 With partners encourage independent living and keep residents healthy and happy in their homes.	P2.1A	<a href="#">Number of households prevented from Homelessness.</a>	Quarterly	103 cases	85	164	Proxy	Proxy Measure to show service activity	Allison Thomas, Strategic Director, Service Delivery	H&CS	
			P2.1B	<a href="#">Continue to undertake interventions per year to keep families out of fuel poverty.</a>	Quarterly	Numbers of interventions in 2019/20 were not recorded	Q1 Target - 30 interventions Actual - 30	Q1-2 Target - 135 interventions Actual - 102	210 interventions	300 interventions (2020-21) Target to be reviewed thereafter.	Allison Thomas, Strategic Director, Service Delivery	E&DS	
		P2.2 Promote health and wellbeing across the District	P2.2A	<a href="#">Deliver the objectives identified in the South Derbyshire Health &amp; Wellbeing Group.</a>	Bi monthly	Not applicable for Q4	Achieved	Achieved	100% of actions delivered	100% of actions identified delivered	Allison Thomas, Strategic Director, Service Delivery	H&CS	
		P2.3 Improve the condition of housing stock and public buildings.	P2.3A	<a href="#">Deliver the Planned Maintenance Housing programme over four years</a>	Quarterly	£2,717,193.80	111.5%	105.6%	100% against the annual plan 2020-21	100%	Allison Thomas, Strategic Director, Service Delivery	H&CS	
P2.3B			<a href="#">Develop and deliver the Public Buildings programme over four years</a>	Quarterly	Project Plan for 2020-21 developed	9.1%	16%	30% of surveys to be undertaken.	100%	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
P2.3C			<a href="#">Average time taken to re-let Council homes</a>	Quarterly	122 days	190 days	174 days	Median Quartile Performance (Benchmark via Housemark)	Median Quartile Performance (Benchmark via Housemark)	Allison Thomas, Strategic Director, Service Delivery	H&CS		
P2.4 Support social mobility to ensure people have the opportunity to access skilled jobs, higher and further education.	P2.4A	<a href="#">Deliver the objectives identified in the South Derbyshire Partnership Social Mobility Action Plan</a>	Annual	311	Proposed revision to measure due to data non-availability	Reported annually in Q4	Develop the Social Mobility Action Plan	Deliver the objectives identified in the South Derbyshire Partnership Social Mobility Action Plan	Frank McArdle, Chief Executive	F&M			

Priority	Key Aim	Outcome	PI Ref	How success will be measured	Frequency	(Q4) Jan 20 - Mar 20 Outturn	April 21-June 21 (Qtr. 1)	April 21 - September 21 (Qtr. 2)	Annual Target 2021-2022	Plan Target 2020-2024	Strategic Lead	Committee			
P i e	Working with communities an	P3. Deliver Excellent Services	P3.1 Ensuring consistency in the way the Council deal with service users	P3.1A	<a href="#">Increase the number of customers who interact digitally as a first choice</a>	Quarterly	1,219 Covid-19 business grants forms, 1,282 council tax & benefits forms and 12,343 online web form submissions. <b>14,844 in total (annual figure).</b>	5,301	10,491	>22,242 (upward trend year on year)	Upward Trend	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
			P3.2 Have in place methods of communication that enables customers to provide and receive information.	P3.2A	<a href="#">Reduce face-to-face contact to allow more time to support those customers who need additional support</a>	Quarterly	2,463 enquiries dealt with at Customer Services Desk. Visitors to office 4,490. Please note this was up to 20 March 2020, when offices closed due to Covid 19. <b>Quarter 4 figures.</b>	No visitors due to Covid-19	No visitors due to Covid-19	Downward trend (based on 2019 pre-Covid-19)	Downward trend in Face to Face interactions	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
			P3.3 Ensuring technology enables us to effectively connect with our communities.	P3.3A	<a href="#">Number of customer telephone calls answered by Customer Service</a>	Quarterly	<b>Total Calls 95,896</b> (cumulative April- March)	Total calls handled: 26,756	Total calls handled: 51,886	Downward trend <95,896	Downward Trend	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
				P3.3B	<a href="#">Increase digital engagement (Twitter, Instagram, Facebook)</a>	Quarterly	Total FACEBOOK fans: 22,440, total TWITTER followers: 11,448, No Instagram account yet, total ALL SOCIAL MEDIA fans: 33,888. Social Media queries: 287	All social media fans: 44,989.	All social media fans: 46,853.	upward trend	Upward Trend	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
			P3.4 Investing in our workforce	P3.4A	<a href="#">Increase the level of staff engagement.</a>	Annual	No Q4 Update. First Staff survey to take place in 20/21.	Survey postponed until 22-23	Survey postponed until 22-23	Annual Increase in the % of Staff completing the survey	Annual Increase in the % of Staff completing the survey	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
				P3.4B	<a href="#">Number of apprenticeships</a>	Annual	4 (1.2% of head count)	3 (0.9% head count)	6 (1.84%)	>2.3%	>2.3% of head count	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
				P3.4C	<a href="#">Average number of staff days lost due to sickness.</a>	Quarterly	10.65 (cumulative April - March)	2.11 days	2.68 days	Downward trend	Downward Trend	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
				P3.4D	<a href="#">% of employees that consider that the Council has a positive health and safety culture</a>	Annual	No Q4 update for 19/20. First Staff survey to take place in 20/21.	Survey postponed until 22-23	Survey postponed until 22-23	No annual target	Upward Trend	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M		
			O u r F u t u r e	F1. Develop skills and careers	F1.1 Attract and retain skilled jobs in the District	F1.1A	<a href="#">Increase the number of employee jobs in South Derbyshire</a>	Annual	32,000	Reported Annually in Q4	Reported Annually in Q4	>32,000	Upward Trend	Frank McArdle, Chief Executive	F&M
					F1.2 Support unemployed residents back into work										
				F2. Support economic growth and infrastructure	F2.1 Encourage and support business development and new investment in the District	F2.1A	<a href="#">Annual net growth in new commercial floorspace (sqm)</a>	Annual	2885 sqm	Reported Annually in Q4	Reported Annually in Q4	net annual growth in commercial floorspace of 12,269.5 sqm	net annual growth in commercial floorspace of 12,269.5 sqm	Frank McArdle, Chief Executive	F&M
						F2.1B	<a href="#">Total Rateable Value of businesses in the District.</a>	Quarterly	£67,486,786	£67,150,426	£67,133,764	>£67,486,786	Upward Trend	Frank McArdle, Chief Executive	F&M
					F2.2 Enable the delivery of housing across all tenures to meet Local Plan targets	F2.2A	<a href="#">Speed of decision on discharging conditions on housing applications</a>	Quarterly	80%	93.7%	72%	90% within 8-13 weeks or as agreed with the applicant	90% within 8-13 weeks or as agreed with the applicant	Allison Thomas, Strategic Director, Service Delivery	E&DS
						F2.2B	<a href="#">% of planning applications determined within the statutory period</a>	Quarterly	93%	91%	93.10%	>90%	>90%	Allison Thomas, Strategic Director, Service Delivery	E&DS
F2.3 Influence the improvement of infrastructure to meet the demands of growth.	F2.3A	<a href="#">Secure new facilities and contributions through Section 106 to mitigate impacts of development. Achieve all necessary highway, education, healthcare, and recreation contributions</a>			Annual	No Q4 update for 19/20. New indicator, data will be collected from April 2020 onwards as retrospective data is not possible to collect.	Reported Annually in Q4	Reported annually in Q4	90%	90%	Allison Thomas, Strategic Director, Service Delivery	E&DS			
F3. Transforming the Council	F3.1 Provide modern ways of working that support the Council to deliver services to meet changing needs.	F3.1A		<a href="#">Deliver against the Transformation Action Plan.</a>	Quarterly	No Q4 update for 19/20. Transformation plan to report from Q1 onwards	The annual plan has been agreed and project teams established or continued to deliver the 2nd year objectives	Continuing the delivery of the annual work programme.	Deliver 100% against action plan	Deliver 100% against action plan	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M			
	F3.2 Source appropriate commercial investment opportunities for the Council	F3.2A		<a href="#">Develop our approach towards the commercialisation of services which include grants, sponsorship, fees and charges and operating models and increase the income generated from these activities</a>	Quarterly	Preliminary discussion between Operational Services and Finance have taken place, working group and action plan not yet established	Business Transformation has concluded one to one meetings with all HoS to establish baseline and potential commercial opportunities.	No progress in Q2	deliver 100% against the action plan and sustain an upward trend in income generation	Y1 – Form a working group & Action Plan Y2 – deliver against action plan and sustain an upward trend in revenue	Allison Thomas, Strategic Director, Service Delivery	F&M			

# Corporate Plan 2020-2024

## Performance Measure Report Index

### Environmental and Development Services Committee

**Team: Organisational Development and Performance**

**Date: November 2021**

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# Performance Measure Report Index

## Corporate Plan 2020-2024

### Summary

The Corporate Plan 2020-2024 has 35 Corporate Measures which underpin the Council's three priorities Our Environment, Our People, Our Future.

The following Committees are responsible for overseeing the delivery of the following key aims and outcomes:

Environmental and Development Services Committee (E&DS) are responsible for 12 Corporate measures under the key aims:

- E1. Improve the environment of the District
- E2. Tackle climate change
- E3. Enhance the attractiveness of South Derbyshire
- P2. Supporting and safeguarding the most vulnerable
- F2. Support economic growth and infrastructure

Housing and Community Services Committee (H&CS) are responsible for seven Corporate measures under the key aims:

- E3. Enhance the attractiveness of South Derbyshire
- P1. Engage with our communities
- P2. Supporting and safeguarding the most vulnerable

Finance and Management Committee (F&M) are responsible for 16 corporate measures under the key aims:

- E3. Enhance the attractiveness of South Derbyshire
- P2. Supporting and safeguarding the most vulnerable
- P3. Deliver Excellent Services
- F1. Develop skills and careers
- F2. Support economic growth and infrastructure
- F3. Transforming the Council



# Environmental and Development Services Committee (E&DS) is responsible for the following 12 Corporate measures

## Our Environment

### Measure

- Household waste collected per head of population
- % of collected waste recycled and composted
- Number of fly tipping incidents
- Improve the quality of the District through the Local Environmental Quality Survey
- % of eligible new homes and commercial developments to achieve net gain in Biodiversity by a minimum of 10% compared to the site's predevelopment baseline.
- Reduce South Derbyshire District Council carbon emissions
- % of new homes to meet water efficiency targets as set out in the Part G optional standard of 110 litres of potable water usage per person per day
- Proportion of good quality housing development schemes

## Our People

### Measure

- Continue to undertake interventions per year to keep families out of fuel poverty

## Our Future

### Measure

- Speed of decision on discharging conditions on housing applications
- % of planning applications determined within the statutory period
- Secure new facilities and contributions through Section 106 to mitigate impacts of development. Achieve all necessary highway, education, healthcare, and recreation contributions



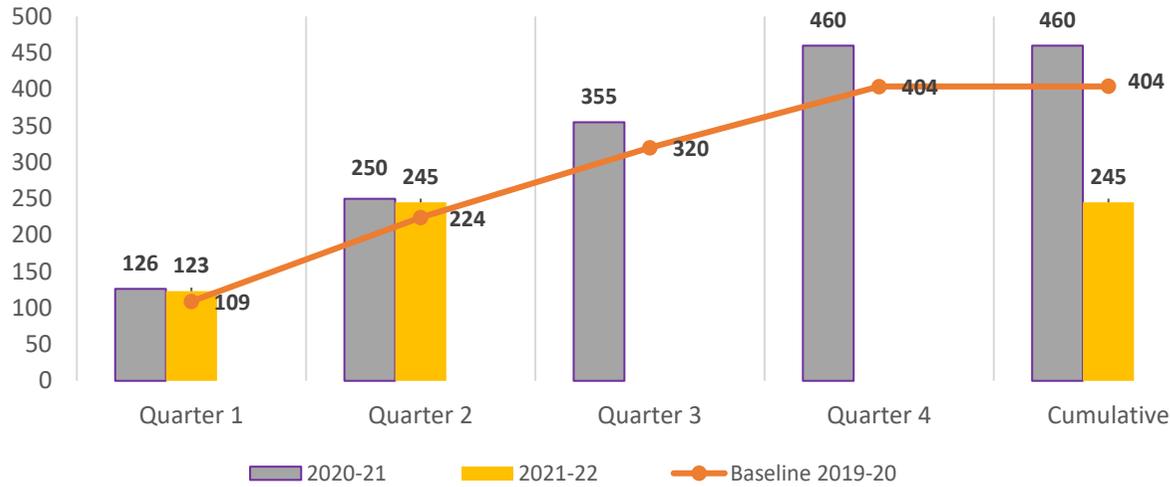
**PRIORITY: OUR ENVIRONMENT**

**OUTCOME: E1.1 Reduce the amount of waste sent to landfill**

Measure and Ref	E1.1A- Household waste collected per head of population (kg)			Committee	E&DS
<b>Definition</b>	This indicator is the number of kilograms of household waste collected per head of population. 'Household waste' means those types of waste which are to be treated as household waste as defined by the Environmental Protection Act 1990.			<b>Why this is important</b>	To measure the change in household waste disposal levels as a result of householders' waste reduction and recycling activities
<b>What good looks like</b>	Top performing authorities outturn <400kgs per year				
<b>History with this indicator</b>	The Council employs 40 staff and utilises 15 vehicles and a number of external contractors to deliver waste collection services.			<b>Mitigating actions</b>	A full review of waste collection services has developed a plan for new collection models, which will be further developed in line with the government strategy and Environment Bill.
<b>2019/20 baseline data</b>		The estimated figure reported in Q4 was 407 kgs. This figure has now been validated and the confirmed out turn for Q4 is 404 kgs.			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
2020/21	Sustain Current levels	126 kgs	250kgs	355kgs	460kgs
2021/22	Sustain Current levels	123kgs	245kgs		
<b>Performance Overview – Quarterly update</b>				<b>Actions to sustain or improve performance</b>	
The figure of 245 kgs is marginally below the figure reported this time last year. The target for 2021/22 is to sustain the current levels. Although total tonnage has reduced unfortunately this is mainly due to a 6% reduction in recycling/composting, residual waste has increased by 2%				The removal of bring sites has now been agreed and should impact the Q3 figures. The new recycling contract is now in place and route optimisation should improve recycling collections.	



### E1.1A Household waste collected per head of population (kgs)



#### Benchmarking

Annual benchmarking will be provided when available through the Government's Wastedataflow reporting tool.



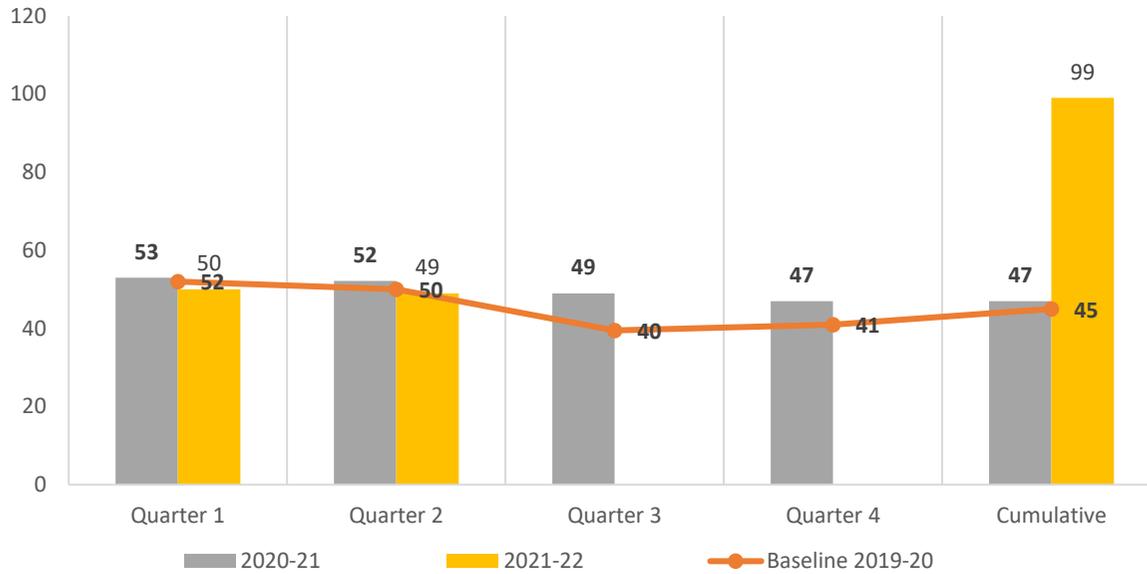
**PRIORITY: OUR ENVIRONMENT**

**OUTCOME: E.1.1 Reduce waste and increase composting and recycling**

Measure and Ref	E1.1B - % of collected waste recycled and composted			Committee	E&DS
<b>Definition</b>	Kerbside collected household waste is waste presented for collection by households in the black, green and brown bins and the normal alternate week collections. Recycled or composted is waste presented in the green and brown bins.			<b>Why this is important</b>	To establish the success of the Council's recycling scheme and to ensure the compost scheme continues to perform
<b>What good looks like</b>	The top performing authorities achieve >60%, the top 25% achieve >50%				
<b>History with this indicator</b>	Currently on a downward trend, the tonnages collected have remained stable, however increasing residual waste is pushing the percentage down.			<b>Mitigating actions</b>	
<b>2019/20 baseline data</b>		The estimated figure reported in Q4 was 46%. This figure has now been validated and the confirmed out turn for Q4 is 45%.			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
2020/21	>45%	53%	52%	49%	47%
2021/22	>45%	50%	49%*		
<b><u>Performance Overview – Quarterly update</u></b>				<b><u>Actions to sustain or improve performance</u></b>	
*Estimated figure not all tonnage data from recycling activities is available. The outturn for Q2 of 49% is down on the same period last year and estimated on a general increase in residual tonnages of 2% and a decrease in recycling/composting tonnages of 6%.				The review of waste collection services completed in quarter 2 of 2020/21 identified a number of service delivery options and identified removal of bring banks (given the level of contamination) and the Saturday freighter service as a mechanism to improve recycling rates. Removal of bring sites will take place in October and should impact tonnages in Q3	



### E1.1B % of collected waste recycled and composted



#### Benchmarking

Annual benchmarking will be provided when available through the Government's Wastedataflow reporting tool.



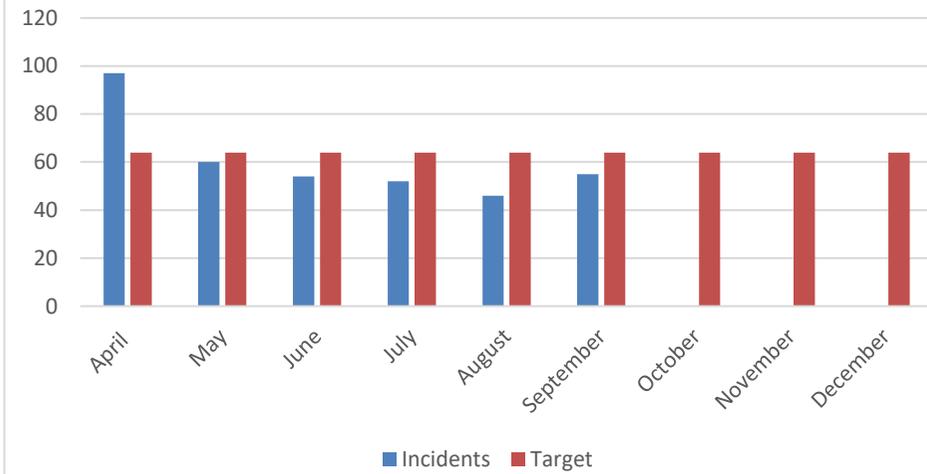
PRIORITY: OUR ENVIRONMENT

OUTCOME: E1.2 - Reduce fly tipping and litter through education, engagement and zero tolerance enforcement action where appropriate

Measure and Ref	E1.2A - Number of fly tipping incidents					Committee	E&DS			
<b>Definition</b>	A reduction in fly-tipping incidents is defined as a numerical reduction in the sum of the number of fly tipping incidents reported to the Council, plus the number of fly tips proactively collected by Council staff while performing their duties, compared to the reference period.					<b>Why this is important</b>	Prevent an increase in fly-tipping incidents through education, engagement and enforcement action where appropriate.			
<b>What good looks like</b>	The purpose of this Indicator is to see a downward trend in fly tipping incidents as a rolling average over the four-year period of the Corporate Plan.					<b>Mitigating actions</b>				
<b>History with this indicator</b>	There have been long term reductions in fly tipping incidents both nationally and locally since 2000, however this trend has reversed in very recent years. Between 2016 and 2019 fly tipping incidents nationally have increased.									
<b>2019/20 baseline data</b>		714 reported incidents								
	<b>Annual target</b>	<b>Q1 Target (Apr-June)</b>	<b>Q1 Outturn (Apr – Jun)</b>	<b>Q2 Target (Apr - Sept)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Target (Apr - Dec)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Target (Apr 20 - Mar 21)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>	
<b>2020/21</b>	<b>Downward trend</b>	<179 incidents	260	<357 incidents	528	<536 incidents	732	<714 incidents	1003	
<b>2021/22</b>	<b>Downward trend (as a 4-year mean)</b>	<191 incidents	211	<382 incidents (Q1-2)	366	<573 incidents (Q1-3)		<764 incidents (Q1-4)		
<b>Performance Overview – Quarterly update</b>						<b>Actions to sustain or improve performance</b>				
<p>Fly tipping incidents markedly increased during COVID-19. Based on the investigations of the Community Safety Enforcement Team an estimated 75% of fly tipping sources and offenders are from outside South Derbyshire.</p> <p>Following a significant number of incidents in April, incidents have remained consistently low from May to September.</p>						<p>Prosecution cases have been prepared against <b>eight</b> individuals all of which are waiting to go to court, many of whom are believed to be repeat fly tipping offenders. A further <b>14 fixed penalty notices</b> have been issued in relation to waste offences since April 2021 and <b>23 interviews under caution</b> have been carried out with individuals as a result of their involvement in fly tip offences.</p>				



Flytip Incidents per Month 2021-22



The reduction in incidents is believed to be as a direct result of these individuals stopping their fly tipping activities in after becoming aware they were under investigation.

**Benchmarking**

There is no formal benchmarking process for fly tipping.



**PRIORITY: OUR ENVIRONMENT**

**OUTCOME: E1.2 Reduce fly tipping and litter through education, engagement and zero tolerance enforcement action where appropriate**

<b>Measure and Ref</b>	<b>E1.2B - Improve the quality of the District through the Local Environmental Quality Survey</b>			<b>Committee</b>	<b>E&amp;DS</b>														
<b>Definition</b>	Percentage of inspected areas above a grade C for cleanliness as defined in the government code of Practice for Litter and refuse.			<b>Why this is important</b>	Gives assurance that the cleansing regimes and resources deployed are delivering the Council's service standards.														
<b>What good looks like</b>	<p>&gt;95% above grade C This table below provides an overview of the grading:</p> <table border="1"> <tr> <td>Grade A</td> <td>No issues present</td> </tr> <tr> <td>Grade B+</td> <td>No formal description</td> </tr> <tr> <td>Grade B</td> <td>Predominantly free with some minor instances of the issue</td> </tr> <tr> <td>Grade B-</td> <td>No formal description</td> </tr> <tr> <td>Grade C</td> <td>Widespread with some accumulations of the issue</td> </tr> <tr> <td>Grade C-</td> <td>No formal description</td> </tr> <tr> <td>Grade D</td> <td>Heavily affected by the issue</td> </tr> </table> <p>To present a fair picture plus and minus grades are used where a location is better than the lower grade but not sufficiently to attain the higher grade.</p>					Grade A	No issues present	Grade B+	No formal description	Grade B	Predominantly free with some minor instances of the issue	Grade B-	No formal description	Grade C	Widespread with some accumulations of the issue	Grade C-	No formal description	Grade D	Heavily affected by the issue
Grade A	No issues present																		
Grade B+	No formal description																		
Grade B	Predominantly free with some minor instances of the issue																		
Grade B-	No formal description																		
Grade C	Widespread with some accumulations of the issue																		
Grade C-	No formal description																		
Grade D	Heavily affected by the issue																		
<b>History with this indicator</b>	New indicator			<b>Mitigating actions</b>															
<b>2019/20 baseline data</b>		89.67% above grade C																	
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>														
<b>2020/21</b>	>95%	Reported in Q4	Reported in Q4	Reported in Q1 21/22	Reported in Q1 21/22														
<b>2021/22</b>	>95%	94.74%	94.74%																



<p><b><u>Performance Overview – quarterly update</u></b></p> <p>A second survey will be undertaken in October 2021 and the results will be reported in quarter four.</p>	<p><b><u>Actions to sustain or improve performance</u></b></p> <p>Overall, the outturn is very promising and reflects improvements over the previous year’s outturn. Focus will be maintained on areas of concern which are principally detritus. No surveys are undertaken in Q1, Q2 surveys are reported in Q3</p>
<p><b>Benchmarking</b></p>	



**PRIORITY: OUR ENVIRONMENT**

**OUTCOME: E1.3 - Enhance biodiversity across the District**

<b>Measure and Ref</b>	<b>E1.3A - % of eligible new homes and commercial developments to achieve net gain in Biodiversity by a minimum of 10% compared to the sites predevelopment baseline.</b>			<b>Committee</b>	<b>E&amp;DS</b>
<b>Definition</b>	Policy BNE3 of the Local Plan and Chapter 15 of the National Planning Policy Framework seeks to ensure that the impacts of development on biodiversity are minimised and preferably provide net gains. This would be negotiated during the application process			<b>Why this is important</b>	It is likely that soon this will be a statutory requirement. It demonstrates that the Council is being proactive in delivering an aspiration of the Local Plan.
<b>What good looks like</b>	The purpose of the PI is to see the pursuit of net biodiversity gains on all eligible sites otherwise suffering a net loss.				
<b>History with this indicator</b>	Notwithstanding the Council's 'encouragement' of biodiversity gains in the Local Plan, this will be a new government initiative that would make it a statutory requirement.			<b>Mitigating actions</b>	The Council is currently investigating how best to source the expertise necessary.
<b>2019/20 baseline data</b>		Insufficient baseline data available			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
<b>2020/21</b>	<b>85% (4-year target)</b>	No data	66.7%	66.7%	66.7%
<b>2021/22</b>	<b>85% (4-year target)</b>	66.7%	66.7%		
<b><u>Performance Overview – quarterly update</u></b>				<b><u>Actions to sustain or improve performance</u></b>	
No qualifying applications (requires major application with ecology survey and not a variation of a previously approved scheme where a biodiversity impact has been previously accepted) have been determined within this time period.				Requires legislation/guidance to be issued for methodology and an update to Policy to give validity to requests. Derbyshire Wildlife Trust using established methodology in the interim. The legislation will not be enforced until <b>Summer 2023</b> .	
				Requires recruitment of ecologist within Cultural and Community Services to carry out assessments. The post has been advertised. There may be some work required with other authorities across Derbyshire to find a	



	solution due to the amount of work this will create in the long term.
<b>Benchmarking</b>	No data



**PRIORITY: OUR ENVIRONMENT**

**OUTCOME: E2.1- Strive to make South Derbyshire District Council carbon neutral by 2030**

<b>Measure and Ref</b>	<b>E2.1A- Reduce South Derbyshire District Council carbon emissions</b>			<b>Committee</b>	<b>E&amp;DS</b>
<b>Definition</b>	Clear progress with the delivery of the commitments in the South Derbyshire Climate and Environment Action Plan 2021-30 (C&EAP)			<b>Why this is important</b>	To enable emissions from all relevant identified Council sources to be controlled over the Corporate Plan timeframe
<b>What good looks like</b>	Delivery of the commitments in the C&EAP within the approved timescales				
<b>History with this indicator</b>	The first C&EAP (2020-24) was approved in Jan 2020. Nine committed actions were implemented in 2020/21, consisting of the completion of four actions and the commencement of five long term projects.			<b>Mitigating actions</b>	
<b>2019/20 baseline data</b>		The baseline carbon emissions from SDDC activities have been calculated as 2,500 tonnes of CO <sub>2</sub> e in 2018/19			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
<b>2020/21</b>	9 actions complete	3 actions complete	6 actions complete	9 actions all in progress and on track	Zero further actions for Q4. All actions for the year have been completed or are long term actions which are on-track
<b>2021/22</b>	Produce and implement Climate and Environment report	Q1 Target – EDS approval of the 2021-30 C&EAP. Achieved	Q2 Target – Commencement of an overall performance tracking system for the committed actions for each Head of Service. Achieved	Q3 – Produce and implement a Head of Service Q3 Climate and Environment report that tracks performance against quantified targets and outturns	Q4 – Produce and implement a Head of Service Q4 Climate and Environment report that tracks performance against quantified targets and outturns
<b>Performance Overview – quarterly update</b>				<b>Actions to sustain or improve performance</b>	
The Council's Climate and Environment Action Plan was approved by EDS Committee on 27 May 2021.					
<b>Benchmarking</b>		One of the commitments in the Action Plan is to review the content and quality of the Plan against best practice guidance produced by third parties.			



**PRIORITY: OUR ENVIRONMENT**

**OUTCOME: E2.2 - Work with residents, businesses and partners to reduce their carbon footprint**

<b>Measure and Ref</b>	<b>E2.2A - % of new homes to meet water efficiency targets as set out in the Part G optional standard of 110 litres of potable water usage per person per day</b>			<b>Committee</b>	<b>E&amp;DS</b>
<b>Definition</b>	Part G of the Building Regulations sets out an optional standard for potable water conservation which is reiterated in Policy SD3 of the Local Plan. A planning condition will be attached to all new permissions to pursue adherence to this standard (where relevant)			<b>Why this is important</b>	Local infrastructure and environmental constraints require the need for the Council to contribute to the suppression of water demand and hence waste water discharges across the District.
<b>What good looks like</b>	This is designed to ensure that going forward all new developments comply with the optional Part G standard				
<b>History with this indicator</b>	No history			<b>Mitigating actions</b>	Through the use of planning conditions attached to planning permissions
<b>2019/20 baseline data</b>		50% based on 2019/20 Q4			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
<b>2020/21</b>	85%	78%	89%	100%	100%
<b>2021/22</b>	85%	70.5%	79.3%		
<b><u>Performance Overview – quarterly update</u></b>				<b><u>Actions to sustain or improve performance</u></b>	
Target met for this quarter. Still room for improvement but a significant increase on last quarter. Colleagues to be continued to be reminded of the need to be mindful of this in their drafting of reports and signing officers to ensure checked for such.				Officer training combined with further software development to automate inclusion of conditions is in progress.	
<b>Benchmarking</b>		No data.			



**PRIORITY: OUR ENVIRONMENT**

**OUTCOME: E3.2 - Improve public spaces to create an environment for people to enjoy**

Measure and Ref	E3.2B - Proportion of good quality housing development schemes			Committee	E&DS
<b>Definition</b>	The % of new residential developments that score well against the Council's quality criteria based on latest Building for Life standards and the National Design Guide, which measure several aspects of the quality of a development (including the provision and quality of public spaces).			<b>Why this is important</b>	This PI directly measures how good the quality of developments are and therefore whether it is more likely to result in an improvement to the quality of open and other spaces.
<b>What good looks like</b>	The purpose of this PI is to see an upward trend in higher quality developments and their immediate environment.				
<b>History with this indicator</b>	This PI will differ from the similar PI which only looked at an earlier Building for Life standard. In previous years, the 90% target was often met and where not, only marginally missed.			<b>Mitigating actions</b>	Through the employment of a design specialist in the Planning Delivery Teams and extra training for all development management (planning) staff.
<b>2019/20 baseline data</b>		Annual score of 92% based on old methodology – to be reported annually in Q4			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
2020/21	90%				
2021/22	90%				
<b>Performance Overview – quarterly update</b>				<b>Actions to sustain or improve performance.</b>	
A Senior Design Officer post has been recruited. However, with wider pressure on the Service as a whole the Senior Design Officer has been focused on the application case load during this quarter.					
<b>Benchmarking</b>		No data.			



**PRIORITY: OUR PEOPLE**

**OUTCOME: P2.1 - With partners encourage independent living and keep residents healthy and happy in their homes**

<b>Measure</b>	<b>P2.1B - Continue to undertake interventions per year to keep families out of fuel poverty</b>				<b>Committee</b>	<b>E&amp;DS</b>			
<b>Definition</b>	Number of interventions made by the Council (and partners over whom the Council has influence) to improve fuel efficiency in residential properties.				<b>Why this is important</b>	Fuel poverty is a public health observatory key performance indicator and reflects both the thermal efficiency of housing stock and the affluence of the population			
<b>What good looks like</b>	Increasing the numbers of fuel efficiency interventions in order to directly contribute to reductions in the numbers of families in fuel poverty.				<b>Mitigating actions</b>				
<b>History with this indicator</b>	The Council has never previously collated data on the different measures taken to take families out of fuel poverty.								
<b>2019/20 baseline data</b>		It is estimated that 7.9% (equivalent to 3,393 properties) of households in South Derbyshire are in fuel poverty (based on public health observatory statistics) and that in 2019/20 an estimated 90 interventions were made to help residents reduce fuel poverty							
	<b>Annual target</b>	<b>Q1 Target (Apr-June)</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Target (Apr - Sept)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Target (Apr - Dec)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Target (Apr 20 - Mar 21)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
<b>2020/21</b>	300 interventions	125 interventions	111 interventions	85 interventions	105 interventions	35 interventions	31 interventions	55 interventions	29 interventions
<b>2021/22</b>	210 interventions	30 interventions	30 interventions	105 interventions	72 interventions	40 interventions		35 interventions	
<b>Performance Overview – quarterly update</b>						<b>Actions to sustain or improve performance</b>			
2020/21 Actual									
<b>Nature of Intervention</b>		Q1	Q2	Q3	Q4	<b>Total</b>			
Health Homes grant		5	0			5			
Regulatory Intervention		19	6			25			
Healthy Homes Assistance Fund		1	47			48			
Hospital Discharge Fund		0	19			19			
EPC enforcement		0	0			0			
Green Homes Grant / HUG		0	0			0			
Flood Resilience Grant		5	0			5			
						<ul style="list-style-type: none"> <li>• The scheme has now been extended to households outside the priority areas and a revised marketing plan has been produced to boost take-up.</li> <li>• All reasonable pressure is being applied to the contractor to speed up delivery</li> <li>• Officers are trying to navigate procurement processes to enable access to other contractors with the necessary specialist qualifications.</li> </ul>			



Other					0
SUM	30	72	0	0	102

The biggest contributing factor to the underperformance is due to the sluggish delivery of the Green Homes Grant.

The original forecast targeted 90 Green Homes Grants to have been completed by 30 September. Nil have been completed to date for a variety of reasons, most of which are beyond the Council's control;

- Despite intensive targeted marketing in the six priority areas, only 34 households have successfully applied for the grant to date
- The sole contractor with the relevant qualifications who are available to use under Council procurement rules has not met their delivery schedule due to materials, HGV driver and other staff shortages.
- The targeted improvement of park homes has been impeded due to a dispute at national level about construction methods.

- Officers continue to negotiate with BEIS and Midlands Energy Hub (the two funding providers) to seek extensions to the funding offer.

**Benchmarking**

There is no national, regional or local data against which we can benchmark this indicator



PRIORITY: OUR FUTURE

OUTCOME: F2.2 - Enable the delivery of housing across all tenures to meet Local Plan targets

<b>Measure and Ref</b>	<b>F2.2A - Speed of decision on discharging conditions for housing applications</b>			<b>Committee</b>	<b>E&amp;DS</b>
<b>Definition</b>	The purpose of the performance indicator is to measure the percentage of planning condition applications determined in the statutory period of eight or 13 weeks or as may be otherwise agreed with applicants.			<b>Why this is important</b>	Unnecessary delays in the determination of applications holds up the delivery of development and therefore a potential disincentive to inward investment
<b>What good looks like</b>	All applications determined as soon as possible without compromising quality.				
<b>History with this indicator</b>	New			<b>Mitigating actions</b>	A recent service review introduced new and improving performance management processes and software
<b>2019/20 baseline data</b>		80% based on Q4 (up to 85% if including first 27 days of 2020/21 Q1, following new procedure with team)			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
<b>2020/21</b>	90% within 8-13 weeks	100%	100%	100%	100%
<b>2021/22</b>	90% within 8-13 weeks	93.7%	71.8%		
<b><u>Performance Overview – quarterly update</u></b>				<b><u>Actions to sustain or improve performance</u></b>	
There were only two applications that qualified for this target within this timeframe and one went out of time which has resulted in a significant reduction in performance. Despite pressures on planning delivery resources, including a significant increase in planning application numbers and the absence of a Team Leader post, the effect of the COVID-19 pandemic and difficulties in obtaining timely responses from consultees, proactive dialogue with applicants has seen decisions issued in time and/or with agreed extension to determination periods in the majority of instances with only one decision this quarter being taken 'out of time'.				Key staff to see indicator feature in annual Personal Development Reviews and in monthly team meetings. Team Leaders regularly monitoring performance. Recruitment to the Team Leader role has now taken place and additional agency staff have been secured to help to process applications in a timely manner.	
<b>Benchmarking</b>					



PRIORITY: OUR FUTURE

OUTCOME: F2.2 - Enable the delivery of housing across all tenures to meet Local Plan targets

<b>Measure and Ref</b>	<b>F2.2B - % of planning applications determined within the statutory period</b>			<b>Committee</b>	<b>E&amp;DS</b>
<b>Definition</b>	The purpose of the performance indicator is to measure the percentage of planning applications determined in the statutory period of eight or 13 weeks or as may be otherwise agreed with applicants.			<b>Why this is important</b>	Unnecessary delays in the determination of planning applications holds up the delivery of development and therefore a potential disincentive to inward investment
<b>What good looks like</b>	All applications determined as soon as possible without compromising quality.				
<b>History with this indicator</b>	Generally, the Council has performed well for most recent years against a notional target of 90%			<b>Mitigating actions</b>	A recent service review introduced new and improving performance management processes and software
<b>2019/20 baseline data</b>		93%			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
<b>2020/21</b>	90%	94%	99%	98%	98%
<b>2021/22</b>	90%	91%	93.1%		
<b><u>Performance Overview – quarterly update</u></b>				<b><u>Actions to sustain or improve performance</u></b>	
The Service continues to work just above the annual target and have made improvements on last quarter. A small number of applications have been determined outside of their statutory timeframes due to the number of applications. In addition, one of the assistant posts and team leader post has been vacant during the majority of this time and an agency member of staff has left in the last month of the quarter. Assistant position and Team Leader are now in post.				Further software development to improve efficiency of processes. Continued performance monitoring of individual staff and workloads. Resourcing of the Development Management Team has been an issue and continues to be with four members of staff having recently left or leaving within the next month.	
<b>Benchmarking</b>					



PRIORITY: OUR FUTURE

OUTCOME: F2.3 - Influence the improvement of infrastructure to meet the demands of growth.

<b>Measure and Ref</b>	<b>F2.3A - Secure new facilities and contributions through Section106 to mitigate impacts of development. Achieve all necessary highway, education, healthcare, and recreation contributions</b>			<b>Committee</b>	<b>E&amp;DS</b>
<b>Definition</b>	Statute allows the Council to seek financial and other contributions from developments to mitigate the impact of the development on public infrastructure subject to viability of individual developments.			<b>Why this is important</b>	Without some contribution towards mitigating the impact of new developments, infrastructure would have to accommodate the extra load without direct funding to bear the burden
<b>What good looks like</b>	Securing all proven necessary mitigation to accommodate new developments				
<b>History with this indicator</b>	New			<b>Mitigating actions</b>	Negotiation through Section 106 agreements subject to compliance with the Community Infrastructure Levy (CIL) Regulations 2010 and Local Plan policy
<b>2019/20 baseline data</b>		New indicator, data will be collected from April 2020 onwards as retrospective data is not possible to collect.			
	<b>Annual target</b>	<b>Q1 Outturn (Apr-June)</b>	<b>Q2 Outturn (Apr - Sept)</b>	<b>Q3 Outturn (Apr - Dec)</b>	<b>Q4 Outturn (Apr 20 - Mar 21)</b>
<b>2020/21</b>	90%				94%
<b>2021/22</b>	90%				
<b><u>Performance Overview</u></b>				<b><u>Actions to sustain or improve performance</u></b>	
The annual target has been achieved. It should be noted however that the margins for this indicator are very tight; the numerically low number of obligations generated within a calendar year means that just one obligation can make a difference of 6% or more.				No change required to current processes.	
<b>Benchmarking</b>					



## Quarter 2, 2021-2022 Service Delivery Risk Register

REF	RISK TITLE & DESCRIPTION	RISK CAUSE	RISK IMPACT	RISK CATEGORY  Strategic Operational Financial Knowledge management Compliance, Partnership	Current Risk Rating (See table below for guidance)			CONTROLS IN PLACE TO MITIGATE THE RISK	Risk Rating after mitigations (See table below for guidance)			FURTHER ACTION REQUIRED	SUMMARY OF CHANGE SINCE LAST QUARTER	RISK OWNER
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING			
SD1	Loss of income to the Housing Revenue Account (HRA)	Reduction of income through the Impact of: Universal Credit (UC) (increase rent arrears) Void Properties (rent loss) Right to buy properties (rent loss)	Loss of income into the (HRA)	Financial	4	2	8	<ul style="list-style-type: none"> <li>A revised Income Management Policy has been approved by Housing and Community Services Committee and new operational/ IT procedures implemented.</li> <li>New dwellings mitigate revenue lost through Right to Buy (RTB). New Builds can still be purchased under (RTB) after three years for Secure Tenancies.</li> <li>Daily monitoring of UC, and income management.</li> <li>The Housing Service has made operational changes to deal with this increase which have been subject to a successful audit review.</li> <li>Programme in place to reduce the void rent loss.</li> <li>Council House Development Group is in place</li> </ul>	3	1	3	<ul style="list-style-type: none"> <li>Increased focus on collection of rent and other housing debt.</li> <li>Monitoring and review of arrears, evictions and rent loss due to voids</li> <li>Council House development group to develop a pipeline of development schemes.</li> <li>Action in place to provide support for tenants affected by the removal of the £20.00 pw universal Credit Supplement</li> </ul>	Risk updated for Q2.	Head of Housing Services
SD3	Safety standards	Failure to comply with basic safety standards in flats/blocks with communal areas.	Risk to property and life	Compliance	2	4	8	<p>Housing Safety policies are now in place for:</p> <ul style="list-style-type: none"> <li>➤ Fire</li> <li>➤ Lift</li> <li>➤ Electrical</li> <li>➤ Gas</li> <li>➤ Asbestos</li> <li>➤ Legionella</li> </ul> <ul style="list-style-type: none"> <li>A recent Internal Audit of Housing Safety has confirmed that the systems in place provide "reasonable assurance" in this area.</li> <li>Contracts are in place to deliver property improvements for all aspects of property safety.</li> <li>Recruited an Asset and compliance Post</li> </ul>	2	4	8	<ul style="list-style-type: none"> <li>Monitoring and carrying out safety checks as per the Housing Safety Policies.</li> <li>Reconfiguring software (lifespan) to manage this</li> </ul>	Risk updated for Q2.	Head of Housing Services

REF	RISK TITLE & DESCRIPTION	RISK CAUSE	RISK IMPACT	RISK CATEGORY  Strategic Operational Financial Knowledge management Compliance, Partnership	Current Risk Rating (See table below for guidance)			CONTROLS IN PLACE TO MITIGATE THE RISK	Risk Rating after mitigations (See table below for guidance)			FURTHER ACTION REQUIRED	SUMMARY OF CHANGE SINCE LAST QUARTER	RISK OWNER
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING			
SD5	Reduction in funding for Cultural and Community Services	Reduction of Council funding into Cultural and Community Services. Unable to source external funding to service.	There is likely to be additional funding needed to replace income lost through Covid-19.	Financial	3	3	9	<ul style="list-style-type: none"> <li>Forward budget planning over several years, to cover the medium-term- up to and including 2023/24. Approvals received for reserve spend to secure staffing initially for Active Communities.</li> <li>The Council receives an annual Community Safety funding allocation from the Police and Crime Commissioner (PCC) of £25,000.</li> <li>The Council receives an annual Basic Command Unit funding allocation of £35,000 from the Chief Superintendent. This annual allocation, currently with no long-term commitment.</li> <li>A new three-year sponsorship of the Environmental Education Project with Rolls Royce has been confirmed. –</li> <li>Successful partnership funding has been achieved with the Green Social Prescribing Programme.</li> <li>Government Funding via the National leisure Recovery Fund (NLRF) for the Leisure Centres has been received.</li> </ul>	3	3	9	<ul style="list-style-type: none"> <li>Maintain current funding contribution that the Council makes towards the Active Communities service</li> <li>Continue to seek and secure relevant external funding opportunities to continued support service delivery.</li> <li>Monthly assessment of income and expenditure.</li> </ul>	Risk updated for Q2.	Head of Cultural and Community Services
SD6	Ageing infrastructure at Rosliston Forestry Centre	Need to upgrade infrastructure at Rosliston Forestry Centre	Unable to deliver services at Rosliston.	Strategic	2	3	6	<ul style="list-style-type: none"> <li>Condition survey updated as part of future procurement exercise for new contractor, informed by a wider strategic review (SOPM).</li> <li>Focus on implementing infrastructure requirements identified in external consultant's report, informed by a wider strategic review (SOPM).</li> <li>Capital Programme bid successful with most projects supported.</li> <li>Engage tenants and keep Senior Leadership Team informed</li> <li>Covid-19 pandemic has enabled an opportunity to do some minor health and safety works whilst the site was closed to the public.</li> <li>Vision for site to be reviewed considering the pandemic, informed by a wider strategic review (SOPM)</li> </ul>	2	3	6	<ul style="list-style-type: none"> <li>Work commenced on the delivery of capital projects.</li> <li>Collaboration with Head of Corporate Property on improvements to the Planned Preventative Maintenance (PPM).</li> <li>Regular meetings held at operational and strategic levels with Forestry England.</li> </ul>	Risk updated for Q2.	Head of Cultural and Community Services

REF	RISK TITLE & DESCRIPTION	RISK CAUSE	RISK IMPACT	RISK CATEGORY  Strategic Operational Financial Knowledge management Compliance, Partnership	Current Risk Rating (See table below for guidance)			CONTROLS IN PLACE TO MITIGATE THE RISK	Risk Rating after mitigations (See table below for guidance)			FURTHER ACTION REQUIRED	SUMMARY OF CHANGE SINCE LAST QUARTER	RISK OWNER
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING			
SD7	Failure to meet housing delivery targets set out in the five-year supply	Economic slowdown, material or labour shortages, supply chain issues. There has been a small decrease in housing completions during the COVID pandemic.	A loss of control of new developments and reduced likelihood of achieving the necessary section 106 contributions and the potential for developments to be approved in unsustainable locations	Strategic	4	3	12	<ul style="list-style-type: none"> <li>Local Plan is in place which sets out the five-year supply. In August E&amp;DS Committee approved that the local plan should have a review undertaken which will identify sufficient sites to provide an up-to-date five-year housing land supply.</li> <li>Active pursuit of schemes and opportunities. Increased focus on facilitating prompt commencement of development.</li> <li>Current five-year housing land supply rate at 5.63 years - most sites started are building at a rate above that originally anticipated such that 1300 were completed in 2019/20. Despite a small reduction on 20-21 the council has maintained its five-year housing land supply and a strong bounce back from COVID is already occurring. -</li> <li>Support government proposals to offer flexibility in supply and delivery requirements in light of COVID-19 effects.</li> </ul>	2	3	6	<ul style="list-style-type: none"> <li>Develop action plan(s) where necessary.</li> <li>Monitoring/review of performance ongoing.</li> </ul>	Risk updated for Q2.	Head of Planning and Strategic Housing
SD9	Melbourne Sports Park	Failure to deliver against external funder requirements at the Melbourne Sports Park (MSP). Ongoing discussions with external funders.	MSP negatively affected by Covid-19 with no income generation for several months. Some external grants success to support this impact but not all.	Financial	2	3	6	<ul style="list-style-type: none"> <li>Scheme to deliver additional car parking on site completed. Drainage scheme on MSP site and adjacent landowners complete. Improved rugby pitches playability should increase income generation from bar and catering.</li> <li>Work on three new tennis courts completed. Improvements to third rugby pitch and training area underway. These projects will aid future viability.</li> <li>Development sub-committee to be re-established to look at future works/developments at the site. SDDC representative on the sub-committee.</li> </ul>	2	3	6	<ul style="list-style-type: none"> <li>Regular Artificial Grass Pitch (AGP) Steering Group meetings.</li> <li>Matter under regular review at MSP Board meetings. Key funder in attendance at AGP steering group meetings.</li> <li>MSP Board meeting business plan income targets, however close monitoring is required.</li> </ul>	Risk updated for Q2.	Head of Cultural and Community Services
SD11	Tree Management	Failure to manage the Council's tree stock in line with adopted Tree Management policy.	Brach of tree policy and/or accident/incident involving trees.	Strategic	3	3	9	<ul style="list-style-type: none"> <li>Review of approved Tree Management Policy completed.</li> <li>New Tree Strategy and Policy planned to go to Committee in Winter 2021.</li> <li>Zurich Municipal has provided support to assess the Council's risk on the Tree policy prior to going to Committee for approval.</li> </ul>	3	3	9	<ul style="list-style-type: none"> <li>Implementation of the Cultural and Community Services restructure will enable greater staff resources for tree work.</li> <li>Monitoring/review of the Council's Tree stock in line with the new Tree Management Policy.</li> </ul>	Risk updated for Q2.	Head of Cultural and Community Services

REF	RISK TITLE & DESCRIPTION	RISK CAUSE	RISK IMPACT	RISK CATEGORY <i>Strategic Operational Financial Knowledge management Compliance, Partnership</i>	Current Risk Rating (See table below for guidance)			CONTROLS IN PLACE TO MITIGATE THE RISK	Risk Rating after mitigations (See table below for guidance)			FURTHER ACTION REQUIRED	SUMMARY OF CHANGE SINCE LAST QUARTER	RISK OWNER
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING			
SD12	Ageing Infrastructure at Greenbank Leisure Centre	Infrastructure at Greenbank Leisure Centre including pipework to pool and roof structure needs investment.	Unable to deliver services at Greenbank Leisure Centre	Strategic	2	3	6	<ul style="list-style-type: none"> <li>Building condition survey is being updated and a planned preventative maintenance (PPM) programme put in place by Head of Corporate Property.</li> <li>Complete the necessary works identified in external consultant's report, informed by a wider strategic review (SOPM)</li> <li>Improvements made to pool pipework and roof.</li> <li>Ensure that there is sufficient capital funding to complete the necessary works and revenue funding for on-going PPM.</li> </ul>	2	3	6	<ul style="list-style-type: none"> <li>Review of the operational management and deliverability of PPM</li> </ul>	Risk updated for Q2.	Head of Cultural and Community Services
SD14	Performance of kerbside recycling contractor	The sub-contractor collecting materials on behalf of the recycling contractor went into liquidation in February.	The Council implemented contingency plans and the collections are now being delivered by the Council. The recycling contractor continues to deal with the collected materials and is committed to undertake this role until the contract end date.	Operational	4	3	12	<ul style="list-style-type: none"> <li>The Council continues to deliver the collection element of the contract until the new recycling contract commences in October.</li> <li>Additional vehicles have been hired and agency workers employed. Four second-hand vehicles have been purchased to reduce the cost of vehicle hire.</li> <li>Contingency plans should be sufficient to deliver the service with minimal disruption for the foreseeable future. The uncertainty around recyclate reprocessing costs could result in costs to the Council escalating. However, the outcome of the tender process should deliver an income and reduce costs for recycling services.</li> </ul> <p>Concluded the procurement of a recycling contract moving forward to commence October 2021.</p>	1	3	3	<ul style="list-style-type: none"> <li>Conclude recruitment of permanent staff to deliver the recycling service reducing reliance on agency workers.</li> <li>Continue to source further second-hand vehicles to reduce hire costs.</li> </ul>	Risk updated for Q2.	Head of Operational Services
SD15	Leisure Centres	Due to the National Lockdowns and control of coronavirus measures.	The Council's Leisure Contractor can no longer sustain its business	Strategic Financial	2	3	6	<ul style="list-style-type: none"> <li>Application to Government for National Leisure Recovery Fund (NLRFF) successful and distribution being arranged.</li> </ul>	2	3	6	<ul style="list-style-type: none"> <li>Monthly assessment of Leisure Contractor finances and assessment of Council support through monthly contract meetings.</li> <li>Contingency plans are also being developed should the contractor not be able to deliver the contract at short notice.</li> <li>Final settlement of financial negotiations during Covid closure is almost complete.</li> </ul>	Risk updated for Q2.	Head of Cultural and Community Services

REF	RISK TITLE & DESCRIPTION	RISK CAUSE	RISK IMPACT	RISK CATEGORY <i>Strategic Operational Financial Knowledge management Compliance, Partnership</i>	Current Risk Rating (See table below for guidance)			CONTROLS IN PLACE TO MITIGATE THE RISK	Risk Rating after mitigations (See table below for guidance)			FURTHER ACTION REQUIRED	SUMMARY OF CHANGE SINCE LAST QUARTER	RISK OWNER
					LIKELIHOOD	IMPACT	RISK RATING		LIKELIHOOD	IMPACT	RISK RATING			
SD16	Voluntary and Community Sector	A reduction in resources for partners who deliver services for or on behalf of the Council.	Evidence that this is occurring with CVS and Citizens Advice having core funding reduced in recent years	Strategic Financial	2	3	6	<ul style="list-style-type: none"> <li>It is considered that the Council is undertaking as much action as is reasonably possible at this stage to mitigate the risk.</li> <li>The Council's current grant funding has been maintained and is being proposed increased in 2022/23.</li> <li>The Council employs a dedicated Community Partnership Officer to support the voluntary sector and local organisations.</li> <li>Capacity in the sector is being tested in the light of Covid-19 and the Council is working to support the relevant organisations.</li> </ul>	2	3	6	<ul style="list-style-type: none"> <li>The Council continues to work with the Voluntary and Community sector to ensure its funding delivers the Council's Corporate Plan objectives.</li> </ul>	Risk updated for Q2.	Head of Community and Cultural Services

## Risk Matrix Template

The table below outlines how the impact and likelihood of the risk is scored using the threshold and description as guidance.

### 1.1

Impact	Very High (4)	4	8	12	16	<table border="1"> <tr><td>12-16</td></tr> <tr><td>6-9</td></tr> <tr><td>1 - 4</td></tr> </table>	12-16	6-9	1 - 4	<p>Significant Risk Medium Risk Low Risk</p>
	12-16									
	6-9									
	1 - 4									
High (3)	3	6	9	12						
Medium (2)	2	4	6	8						
Low (1)	1	2	3	4						
		Remote (1)	Possible (2)	Probable (3)	Highly Probable (4)					
		Likelihood								

Impact	Thresholds and Description
1 – Low	Limited impact on service objectives if any, section objectives unlikely to be met, financial loss less than £10,000, no media attention
2 – Medium	Slight delay in achievement of service objectives, minor injuries, financial loss over £50,000k, adverse local media attention, breaches of local procedures
3 – High	Significant threat to Council objectives. Non-statutory duties not achieved, permanent injury, financial loss over £100,000, negative national media attention, litigation expected, serious issues raised through inspection, breakdown of confidence of partners.

4 – Very high	Objectives cannot be delivered. Statutory duties not achieved, death, financial loss over £500,000 adverse national media attention, litigation almost certain, prosecutions, breaches of law, inspection highlights inadequate service, Council unable to work with partner organisation
<b>Likelihood</b>	<b>Thresholds and Description</b>
1 – Remote	May occur only in exceptional circumstances (e.g. once in 10 years)
2 – Possible	Unlikely to occur but could at some time (e.g. once in three years)
3 – Probable (in two years)	Fairly likely to occur at some time or under certain circumstances (e.g. once in two years)
4 – Highly probable (in 12 months)	Will probably occur at some time or in most circumstances (e.g. once in 12 months)

## Service Delivery Risk Matrix

The below table summarises the risk likelihood and impact for risks after controls have been put in place to mitigate the risk.

<b>Impact</b>	<b>Very High (4)</b>		SD3, SD9		
	<b>High (3)</b>	SD14	SD6, SD7, SD12, SD15, SD16	SD5, SD11	
	<b>Medium (2)</b>				
	<b>Low (1)</b>			SD1	
		<b>Remote (1)</b>	<b>Possible (2)</b>	<b>Probable (3)</b>	<b>Highly Probable (4)</b>
		<b>Likelihood</b>			

SD1	Loss of income to the Housing Revenue Account (HRA)	Reduction of income through the Impact of: Universal Credit (UC) (increase rent arrears) Void Properties (rent loss) and right to buy properties (rent loss)
SD3	Safety standards	Failure to comply with basic safety standards in flats/blocks with communal areas.
SD5	Reduction in funding for Cultural and Community Services	Reduction of Council funding into Cultural and Community Services. Unable to source external funding to service.
SD6	Ageing infrastructure at Rosliston Forestry Centre	Need to upgrade Infrastructure at Rosliston Forestry Centre

SD7	Failure to meet housing delivery targets set out in the five-year supply	Economic slowdown, material or labour shortages, supply chain issues. There has been a small decrease in housing completions during the COVID pandemic.
SD9	Melbourne Sports Park	Failure to deliver against external funder requirements at the Melbourne Sports Park (MSP). Ongoing discussions with national funders.
SD11	Tree Management	Failure to manage the Council's tree stock in line with adopted Tree Management policy.
SD12	Ageing Infrastructure at Greenbank Leisure Centre	Infrastructure at Greenbank Leisure Centre including pipework to pool and roof structure needs investment.
SD14	Performance of kerbside recycling contractor	The sub-contractor collecting materials on behalf of the recycling contractor went into liquidation in February.
SD15	Leisure Centres	Due to the National Lockdowns and control of coronavirus measures.
SD16	Voluntary and Community Sector	A reduction in resources for partners who deliver services for or on behalf of the Council

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 11</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> NOVEMBER 2021</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>ALLISON THOMAS – STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>STEFFAN SAUNDERS. HEAD OF PLANNING AND STRATEGIC HOUSING, TEL: 07971 604326</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>EMERGING LOCAL PLAN STRATEGY AND APPROVAL OF UPDATED MEMBERSHIP OF THE LOCAL PLAN WORKING GROUPTO PROGRESS THE LOCAL PLAN REVIEW</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS03</b>

## **1. Recommendations**

1.1 To agree the membership of the Local Plan Working Group with the proposed political representation of two Labour Members, two Conservative Members, one South Derbyshire Independent Group Member and one Independent.

## **2. Purpose of the Report**

2.1 To provide additional detail regarding Local Plan progress and an overview of some of the strategic decisions that will need to be taken. The timescales for Local Plan preparation will be brought to this Committee in the New Year.

2.2 Given the Local Plan Working Group has not met for several years since it was originally set up following a decision at the meeting of Environment and Development Services Committee on 20 September 2012, it is necessary to revisit its membership in the context of the Local Plan review, the different political makeup of the Council and the need to cooperate with neighbouring authorities in plan preparation. The Working Group is an information sharing one and does not make decisions on policy. This remains a matter for this Committee.

2.3 The intention of the Working Group is to enable an informal dialogue between officers and members with a view to Councilors on the group sharing information with colleagues within their groups prior to this being in the public domain.

Examples of this include site appraisals, potential development strategies, evidence base documents and liaison with infrastructure providers. In order to maximise the effectiveness of this process the membership of the group needs to be revisited by this Committee with a suggested number of members being six with representation from each political group on the Council as follows: two Labour Members, two Conservative Members, one South Derbyshire Independent Group Member and one Independent. Nominations are invited on this basis. There is no need for the membership of the group to be in line with the proportionality requirements that apply to decision making committees. It is considered to be more important that this information sharing working group, for the Local Plan process, contains a cross section of political representation.

### **3. Detail**

- 3.1 In preparing the last round of Local Plans, Amber Valley, Derby City and South Derbyshire Councils worked collaboratively to agree a consistent timeframe, housing numbers split and infrastructure requirements over the Derby Housing Market Area (HMA) geography. This was helpful in the examinations of all three Council's Part 1 Local Plan examinations and was essential in demonstrating compliance with the Duty to Cooperate (DtC).
- 3.2 As with previous local plan work the DtC remains in place, required both as part of the 2011 Localism Act and as part of the 'effectiveness' test of Local Plan soundness. Inspectors have concluded on several occasions, that where there are unresolved disagreements between councils in the same HMA regarding housing numbers in particular, examinations need to be paused to allow time for these to be resolved. This is both time consuming and expensive and delays the implementation of a fully planned approach to development requirements, infrastructure provision and protection of environmentally sensitive areas.
- 3.3 The National Planning Policy Framework (NPPF) has required over several iterations that Local Plans should be long term strategies that provide a policy-led approach for a minimum of 15 years post adoption.
- 3.4 The Government has confirmed the standard method to calculating housing need. The largest city council areas (including Derby) need to provide an uplift of 35% above the standard method.
- 3.5 Derby City Council and South Derbyshire District Council have up to date Local Plans but both Councils will need to review these. Amber Valley Borough Council has recently consulted on 'Alternative Spatial Strategy Options' and need to get a new Local Plan in place as soon as possible. The consultation was based on a plan period up to at least 2038, but the refreshed programme and timetable agreed in June 2021 means that the end date will now have to extend to 2039 to allow 15 years post adoption.

There are a number of points that the Group could initially consider in advance of reports to this Committee for decision. These include:

- The merits of a consistent plan period for each Council with 2039 a suggested end date.
- An ambition to work collaboratively to agree a HMA wide development distribution strategy over the agreed consistent timeframe.
- A commitment to develop a shared evidence base over the whole HMA.
- A commitment to develop a shared approach to sustainability appraisal for the HMA strategy.
- The Council to prepare its own individual local plan having regard to the above points.

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

- 4.1 None associated with the working group. To coordinate work with other Councils in the HMA will save both time and money on evidence base reports.

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

##### **Employment Implications**

- 5.1 Not identified

##### **Legal Implications**

- 5.2 None.

##### **Corporate Plan Implications**

- 5.3 The work progressed through the Local Plan review is consistent with a number of Corporate Plan themes. These include:
- to enhance biodiversity across the District (Our Environment).
  - to improve public spaces to create an environment for people to enjoy (Our Environment).
  - to promote health and wellbeing across the District (Our People).
  - to influence the improvement of infrastructure to meet the demands of growth (Our Future).
  - to enable the delivery of housing across all tenures to meet Local Plan targets (Our Future).

##### **Risk Impact**

- 5.4 There are no significant risks in re-instigating the Planning Policy Working Group.

#### **6. Community Impact**

##### **Consultation**

6.1 None. Extensive consultation will be undertaken on the progression of the Local Plan.

#### **Equality and Diversity Impact**

6.2 None.

#### **Social Value Impact**

6.3 Beneficial: the progression of the Local Plan will lead to an up to date policy framework for the provision of environmental enhancements, infrastructure and affordable housing across the District.

#### **Environmental Sustainability**

6.4 Beneficial: to secure the protection of environmentally sensitive areas and nature conservation enhancements.

### **7.0 Conclusion**

7.1 The re-instigation of a Local Plan working group will assist officers in the review of South Derbyshire District Council's Local Plan.

### **8.0 Background papers**

8.1 Report to Environment and Development Services Committee 20<sup>th</sup> September 2012.

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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>11<sup>th</sup> NOVEMBER 2021</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES 01283 595848/5722 <a href="mailto:democraticservices@southderbyshire.gov.uk">democraticservices@southderbyshire.gov. uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMITTEE WORK PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

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## **1.0 Recommendations**

1.1 That the Committee considers and approves the updated work programme.

## **2.0 Purpose of Report**

2.1 The Committee is asked to consider the updated work programme.

## **3.0 Detail**

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

## **4.0 Financial Implications**

4.1 None arising directly from this report.

## **5.0 Background Papers**

5.1 Work Programme.

## Environmental & Development Committee – 11<sup>th</sup> November 2021 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
<b>Reports Previously Considered by Last Three Committees</b>		
Enforcement & Regulatory Annual Report	27 <sup>th</sup> May 2021	Matt Holford Head of Environmental Services (01283) 595856
Climate and Environmental Action Plan Annual Review	27 <sup>th</sup> May 2021	Matt Holford Head of Environmental Services (01283) 595856
Derbyshire Strategic Planning Framework Statement of Common Ground	27 <sup>th</sup> May 2021	Karen Beavin Planning Policy Team Leader (01283) 595749
Corporate Plan 2020-24 Performance Report Quarter 4	27 <sup>th</sup> May 2021	Clare Booth Corporate Performance & Policy Officer (01283) 595788
Local Environmental Quality Survey Results	12 <sup>th</sup> August 2021	Adrian Lowery Head of Operational Services (01283) 595764

Corporate Plan 2020-24 Performance Report Quarter 1	12 <sup>th</sup> August 2021	Clare Booth Corporate Performance & Policy Officer (01283) 595788
Action Plan for Nature	12 <sup>th</sup> August 2021	Allison Thomas Strategic Director (Service Delivery) (01283) 595775
Local Plan Part 1 – Five Year Review	12 <sup>th</sup> August 2021	Karen Beavin Planning Policy Team Leader (01283) 595749
Climate and Environment Strategy and Summary and Summary Action Plan	12 <sup>th</sup> August 2021	Matt Holford Head of Environmental Services (01283) 595856
Electric Vehicle Charge Point Infrastructure	12 <sup>th</sup> August 2021	Matt Holford Head of Environmental Services (01283) 595856
Removal of Recycling Centres	12 <sup>th</sup> August 2021	Adrian Lowery Head of Operational Services (01283) 595764
Department for Transport National Night Flight Policy Consultation	12 <sup>th</sup> August 2021	Richard Groves Planning Policy Officer (01283) 595738
Melbourne Neighbourhood Development Plan Regulation 16 Consultation	23 <sup>rd</sup> September 2021	Clare Booth Corporate Performance & Policy Officer (01283) 595788

<b>Provisional Programme of Reports To Be Considered by Committee</b>		
CCTV in Private Hire Vehicles Policy	11 <sup>th</sup> November 2021	Nigel Marston / Emma McHugh (01283) 221 000
Corporate Plan 2020-24 Performance Report Quarter 2	11 <sup>th</sup> November 2021	Clare Booth Corporate Performance & Policy Officer (01283) 595788
Infrastructure Funding Statement	11 <sup>th</sup> November 2021	Karen Beavin Planning Policy Team Leader (01283) 595749
Local Development Scheme	11 <sup>th</sup> November 2021	Karen Beavin Planning Policy Team Leader (01283) 595749
Local Plan Strategy & Planning Policy Working Group	11 <sup>th</sup> November 2021	Steffan Saunders Head of Planning and Strategic Housing (01283 595743)
Gambling Act 2005 Statement of Licensing Policy	11 <sup>th</sup> November 2021	Emma McHugh Senior Licensing Officer (01283 595716)
Service Base Budgets 2022/23	3 <sup>rd</sup> January 2022	Vicki Summerfield Head of Finance (01283) 595939

Environmental Services - commercialisation business plan	25 <sup>th</sup> January 2022	Matt Holford Head of Environmental Services (01283) 595856
Authority Monitoring Report	25 <sup>th</sup> January 2022	Karen Beavin Planning Policy Team Leader (01283) 595749
Corporate Plan 2020-24 Performance Report Quarter 3	3 <sup>rd</sup> March 2022	Clare Booth Corporate Performance & Policy Officer (01283) 595788
East Midlands Airport Airspace Redesign Consultation (changing the flight paths)	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749
Gypsy and Traveller Accommodation Assessment Report	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749
S106 Developer Contributions Protocol	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749
Local Development Scheme	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749
Corporate Environmental Sustainability Group Activity	TBC	Matt Holford Head of Environmental Services (01283) 595856

Statement of Community Involvement	TBC	Karen Beavin Planning Policy Team Leader (01283) 595749