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Our Ref: DS
Your Ref:

Date: 24th October 2018

Dear Councillor,

Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held in the **Council Chamber**, on **Thursday, 01 November 2018 at 18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

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

Labour Group

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

Independent / Non-Grouped Members

Councillors Coe and Tipping

AGENDA

Open to Public and Press

- 1 Apologies.
- 2 To confirm the Open Minutes of the Council Meeting (CL/50-CL/71) held on the 20th September 2018.
Council 20th September 2018 Open Minutes **4 - 11**
- 3 To note any declarations of interest arising from any items on the Agenda
- 4 To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 5 To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 6 To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 7 GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY **12 - 46**
- 8 ADDITION TO THE COUNCIL'S LIST OF OUTSIDE BODIES **47 - 52**
- 9 PROTOCOL FOR MARKING THE DEATH OF A SENIOR NATIONAL FIGURE OR LOCAL HOLDER OF HIGH OFFICE **53 - 66**
- 10 To receive and consider the Open Minutes of the following Committees:-
Overview and Scrutiny Committee 5th September 2018 Open Minutes **67 - 69**
Licensing and Appeals Sub-Committee 10th September 2018 Open Minutes **70 - 71**

Planning Committee 25th September 2018 Open Minutes **72 - 74**

Environmental and Development Services Committee 27th
September 2018 Open Minutes **75 - 78**

Housing and Community Services 4th October 2018 Open Minutes **79 - 83**

Finance and Management Committee 11th October 2018 Open
Minutes **84 - 88**

11 To review the compositions of Committees, Sub-Committees and
Working Panels for the remainder of the municipal year.

12 To review the compositions of Substitute Panels.

13 To review representation on Outside Bodies.

14 To review Member Champions.

Exclusion of the Public and Press:

15 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.

16 To confirm the Exempt Minutes of the Council Meeting held on 20th
September 2018 (CL/72-CL/74).

Council 20th September 2018 Exempt Minutes

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

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

Licensing and Appeals Sub-Committee 10th September 2018

Exempt Minutes

Environmental and Development Services Committee 27th

September 2018 Exempt Minutes

Housing and Community Services 4th October 2018 Exempt

Minutes

Finance and Management Committee 11th October 2018 Exempt

Minutes

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 20th September 2018
at 6.00pm

PRESENT:-

Conservative Group

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

Labour Group

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

Independent (Non-Grouped Members)

Councillor Tipping

CL/50 **COUNCILLOR WHEELER**

At the behest of the Chairman all present stood for a minute's silence in memory of Councillor Wheeler. Councillor Ford paid tribute to his fellow Councillor noting that despite his condition, Councillor Wheeler had fulfilled his wish of walking his daughter down the aisle on her Wedding Day. Councillor Ford spoke of his friendship with Councillor Wheeler, noting that he would be deeply missed.

Councillor Richards also paid tribute, noting the former Councillor Wheeler's approachable nature and dedication to the end.

The Chief Executive echoed the words delivered in the eulogy, noting that Councillor Wheeler had been the best Leader you could wish for. He sought delegation from Council to himself, the Leader, the Leader of Opposition and Chairman to authorise the naming of a place in Swadlincote in memory of Councillor Wheeler, which was approved.

CL/51 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Brown and Mrs Wyatt (Conservative Group), Councillor Rhind (Labour Group) and Councillor Coe (Independent Non-Grouped Member).

CL/52 PRESENTATION: EAST MIDLANDS' AIRPORT

The Corporate Social Responsibility Manager, East Midlands' Airport delivered a presentation to Council providing an overview including passenger routes, airlines, performance, approach, consultation activity and the airport's response to the feedback received in relation to the draft noise action plan,

Councillor Mrs Patten raised concerns in relation to the Arrivals Terminal specifically litter, queues, the limited number of electronic passport gates, and the lack of toilet facilities. The Councillor expressed her disappointment, urging for improvements to be made. Further comments were made by some Members regarding noise control, late-night departures and clarification was sought on how this was being monitored. The Corporate Social Responsibility Manager addressed all matters highlighting that plans to improve the service were being devised and were in the process of being implemented.

The Chairman was joined by Council in thanking the representative for the presentation and the responses provided.

CL/53 MINUTES OF COUNCIL

The Open Minutes of the Council Meeting held on the 28th June 2018 (CL/28-CL/46) were approved as a true record.

Councillor Richards referenced Minute No. CL/37 and sought clarification on Councillor Rhind's query. The Strategic Director (Service Delivery) responded that 17 council houses had been sold this current financial year.

CL/54 DECLARATIONS OF INTEREST

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

CL/55 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman of the Council outlined a summary of events attended since the last Council Meeting, including a visit to the home of Alan Gifford, who had been awarded an honorary degree from the University of Derby for his contribution to the field of welding and nuclear power stations. The Chairman noted the success of the Council's 'Proms in the Park' event and thanked the Officers involved and noted his recent visit to St George's Park welcoming a Japanese Under 11's football team where he was presented with a Samurai helmet as a gift. The Chairman also noted that due to health reasons he was unable to attend the Civic Service and thanked the Vice-Chairman for attending on his behalf.

CL/56 ANNOUNCEMENTS FROM THE LEADER

The Leader joined the Chairman in commending the Officers involved in facilitating the 'Proms in the Park' event. The Leader informed Council that a motion to take the idea of a strategic alliance forward was carried by the County Council at its recent Meeting and advised that this Council would be informed of any update.

CL/57 ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE

The Chief Executive gave notice of the Linton By-Election scheduled to be held on 25th October 2018 advising that submissions for nominations would close on Friday 28th September 2018.

The Chief Executive advised Members of the Etwall Joint Management Committee, that following the recent cancellation of its Meeting, contact had been made with the John Port Spencer Academy to highlight the requirement of the governors in order for the meetings to be quorate. Council were advised that the Academy would be reviewing and considering the appointment of another governor in due course. An update was also provided by the Chief Executive on the report relating to the Infinity Garden Village which would be put to Members in due course. Council was informed of the plans for the 100 years passing from the cessation of the hostilities of World War I.

In relation to Remembrance Day, Councillors Tilley and Richards sought clarification on the arrangements raising concern that attendance of all events across the District will not be possible if the events are held at the same time. The Chief Executive responded that this would be reviewed and that further information would be made available at the next Council Meeting.

CL/58 QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

Council were informed that no questions had been received.

CL/59 QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

Council were informed that no questions had been received.

CL/60 SEALED DOCUMENTS

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
22.06.18	12024	Transfer – 15 Durham Close, Midway
18.07.18	12046	Transfer – 21 Limetree Avenue, Midway
07.08.18	12056	Transfer – 65 Trent Avenue, Willington
15.08.18	12059	Transfer – 263 Woodville Road, Hartshorne
23.08.18	12068	Transfer – 40 Heathway, Hatton

RESOLVED:

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

CL/61 **ANNUAL AUDIT LETTER FOR YEAR ENDING 31st MARCH 2018**

The External Auditor presented the report highlighting the key issues arising from the audit, advising that at its recent Meeting, the Audit Sub Committee had considered and approved the recommendation within the report.

Councillor Dunn thanked the external auditor and the Officers involved in meeting the deadlines to deliver the report. Councillor Shepherd expressed concern that no reference had been made to the Scheme of Delegation within the external auditor's report in relation to the decision to identify the site at Wragley Way and the subsequent submission of an Expression of Interest.

Councillors Harrison and Grant thanked the External Auditor for their work and commended the report.

RESOLVED:

Council considered and approved the Annual Audit Letter for 2017/18.

CL/62 **ANNUAL REPORT 2017/18**

The Chief Executive presented the report, highlighting that the report had been written and designed to appeal to the residents and businesses in South Derbyshire.

RESOLVED:

Council approved the 2017/18 Annual Report.

CL/63 **ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

The Senior Licensing Officer presented the report to Council.

Councillor Taylor queried whether the distinction between a dog breeder and a breeding business can be easily identified. The Senior Licensing Officer responded that it can be difficult, but each case its reviewed on its own merits. A further question regarding the number of establishments licensed by the Council was asked by Councillor Atkin, which the Senior Licensing Officer answered; 4 pet shops, 38 boarding kennels, 6 that hire out horses, 11 dog breeding establishments, which is in the top 5% of the country, and 10 performing animals that the County currently license.

RESOLVED:

1.1 Council noted the changes in legislation regarding animal licensing.

1.2 Council re-appointed all Licensing Officers as inspectors under the Animal Welfare Act 2006.

1.3 Council approved the inclusion of ‘animal licensing’ in the Council’s Scheme of Delegation and delegated the Monitoring Officer to make the relevant amendment.

1.4 The proposed fees for licensable activities were approved by Council to come into effect on 1st October 2018.

CL/64 **MAKE A STAND**

The Strategic Director presented the report advising that the Chartered Institute of Housing launched a campaign; this report seeks Council’s approval to sign the ‘Make a Stand’ pledge.

The Leader and Leader of the Opposition welcomed the report.

RESOLVED:

Council agreed to sign the ‘Make a Stand’ Campaign Pledge.

CL/65 **LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – ANNUAL REVIEW LETTER 2018 AND UPDATE ON RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE**

The Chief Executive presented the report.

RESOLVED:

That Council accepts the Local Government and Social Care Ombudsman’s Annual Review Letter 2018.

CL/66 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

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

Committee	Date	Minute Numbers
Overview and Scrutiny	20.06.18	OS/1-OS/11
Planning	26.06.18	PL/24-PL/34
Licensing and Appeals Sub-Committee	29.06.18	LAS/6-LAS/8
Licensing and Appeals Sub-Committee	10.07.18	LAS/11-LAS/15
Etwall Leisure Centre Joint Management Committee	11.07.18	EL/1-EL/7
Planning	17.07.18	PL/35-PL/47
Licensing and Appeals Sub-Committee	25.07.18	LAS/16-LAS/18
Finance and Management: Special – Final Accounts	26.07.18	FM/27-FM/41
Planning	07.08.18	PL/50-PL/63

Environmental and Development Services	16.08.18	EDS/24-EDS/39
Housing and Community Services	23.08.18	HCS/17-HCS/26
Finance and Management	30.08.18	FM/47-FM/60
Planning	04.09.18	PL/64-PL/76

In relation to the Minutes of the Finance and Management Committee, Councillor Richards noted the resignation of its Vice-Chairman, Councillor Plenderleith and conveyed thanks for the Councillor's services, wishing her success in her new career.

Area Forum	Date	Minute Numbers
Swadlincote	23.05.18	SA/1-SA/7
Etwall	06.06.18	EA/1-EA/7
Melbourne	12.06.18	MA/1-MA/7
Linton	13.06.18	LA/1-LA/7
Repton	19.06.18	RA/1-RA/7
Newhall	27.06.18	NA/1-NA/7

CL/67 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

RESOLVED:

Council approved the following amendments:

Finance and Management Committee

Councillors Mrs Coe and Murray to replace Councillors Plenderleith and Wheeler

Environmental and Development Services Committee

Councillor Watson to replace Councillor Wheeler

Housing and Community Services Committee

Councillor Mrs Wyatt to replace Councillor Stanton

Licensing and Appeals Sub-Committee

Councillors Atkin and Swann to replace Councillors Plenderleith and Wheeler

CL/68 **COMPOSITION OF SUBSTITUTE PANELS**

RESOLVED:

Council approved the following amendments:

Finance and Management Committee

Councillors Mrs Coe and Murray removed

Environmental and Development Services Committee

Councillors Plenderleith and Wheeler removed

Housing and Community Services Committee
Councillor Plenderleith removed

Single Status Steering Group
Councillor Plenderleith removed

CL/69 **REPRESENTATION ON OUTSIDE BODIES**

RESOLVED:

Council approved the following amendments:

29. Local Government Information Unit
Councillor Billings replaced Councillor Wheeler

35. Rosliston and Caldwell Village Hall Management Committee
Councillor Grant replaced Councillor Wheeler

41. Sharpe's Pottery Heritage & Arts Trust Ltd.
Councillor Mrs Patten replaced Councillor Wheeler

44. South Derbyshire CVS
Councillor Muller replaced Councillor Mrs Hall

CL/70 **MEMBER CHAMPIONS**

RESOLVED:

Council approved the following amendments:
Procurement & Business Improvement
Councillor Ford replaced Councillor Mrs Plenderleith

Training
Councillor Mrs Patten replaced Councillor Mrs Hall

CL/71 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

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

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council Meeting held on 28th June 2018 (CL/47-CL/49) were approved as a true record.

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

Council was informed that no questions had been received.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

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

<i>Committee</i>	<i>Date</i>	<i>Minute No.'s</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>29.06.18</i>	<i>LAS/9-LAS/10</i>
<i>Planning</i>	<i>17.07.18</i>	<i>PL/48-PL/49</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>25.07.18</i>	<i>LAS/19-LAS/20</i>
<i>Finance and Management (Special)</i>	<i>26.07.18</i>	<i>FM/42-FM/46</i>
<i>Environmental and Development Services</i>	<i>16.08.18</i>	<i>EDS/40-EDS/41</i>
<i>Housing and Community Services</i>	<i>23.08.18</i>	<i>HCS/27-HCS/31</i>
<i>Finance and Management</i>	<i>30.08.18</i>	<i>FM/61-FM/68</i>

The meeting terminated at 7.35pm.

COUNCILLOR M STANTON

CHAIRMAN OF THE DISTRICT COUNCIL

REPORT TO:	COUNCIL	AGENDA ITEM: 7
DATE OF MEETING:	1st NOVEMBER 2018	CATEGORY: DELEGATED/ RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN/EXEMPT PARAGRAPH NO:
MEMBERS' CONTACT POINT:	EMMA MCHUGH 01283 595 716 emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

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 advise Members that the draft Policy and Plan were approved by Environmental and Development Services Committee on 27th September 2018.
- 2.3 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

3. Detail

- 3.1 Section 349 of the Gambling Act 2005 ("the Act") requires the Licensing Authority to prepare and publish a statement of the principles every 3 years. The Licensing Authority's current Policy was published in January 2016.
- 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 in April 2016 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 21st May 2018 and 10th August 2018. 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 from Councilor Harrison, Gamble Aware and GamCare. The responses received from Gamble Aware and GamCare were generic responses with no specific comments in relation to the draft Policy or local area profile plan. No other responses were received. The draft Policy is attached as **Appendix 1**.

4. Financial Implications

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

5. Corporate Implications

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



SOUTH DERBYSHIRE DISTRICT COUNCIL

Gambling Act 2005

STATEMENT OF LICENSING POLICY

**Version 5:
2019-2022**

Contents

Item	Page
Part A	
1. Licensing Objectives	3
2. Introduction	3
3. Declaration	4
4. Local Area Profile	4
5. Responsible Authorities	4
6. Interested Parties	5
7. Exchange of Information	6
8. Compliance and Enforcement	7
9. Licensing Authority's Functions	8
Part B - Premises licences	
1. General Principles	9
2. Conditions	10
3. Operators' Local Risk Assessments	10
4. Licensing Objectives	11
5. Adult Gaming Centres	13
6. (Licensed) Family Entertainment Centres	13
7. Casinos	14
8. Bingo Premises	14
9. Betting Premises	15
10. Tracks	15
11. Travelling Fairs	16
12. Provisional Statements	16
13. Reviews	17
Part C - Permits / Registrations, Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre Gaming Machine Permits	18
2. (Alcohol) Licensed Premises Gaming Machine Permits	18
3. Prize Gaming Permits	19
4. Club Gaming and Club Machines Permits	19
5. Temporary Use Notices	20
6. Occasional Use Notices	21
7. Small Society Lotteries	22
Appendix A - Map of South Derbyshire District Council	25
Appendix B - Persons/ Bodies Consulted on Statement	26
Appendix C – Responsible Authorities Contact List	27

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 100,300 (2016 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

The Licensing Authority initially produced a local area profile plan in 2016 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 Derbyshire Safeguarding Children Board for this purpose.

6. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as persons who, in the opinion of 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 Guidance in the exchange of information. Information can be assessed by data subjects by contacting the Council's FOI 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

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 a mental impairment, 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 by children and young persons or by vulnerable people.

10. Tracks

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

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.

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

The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and 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:

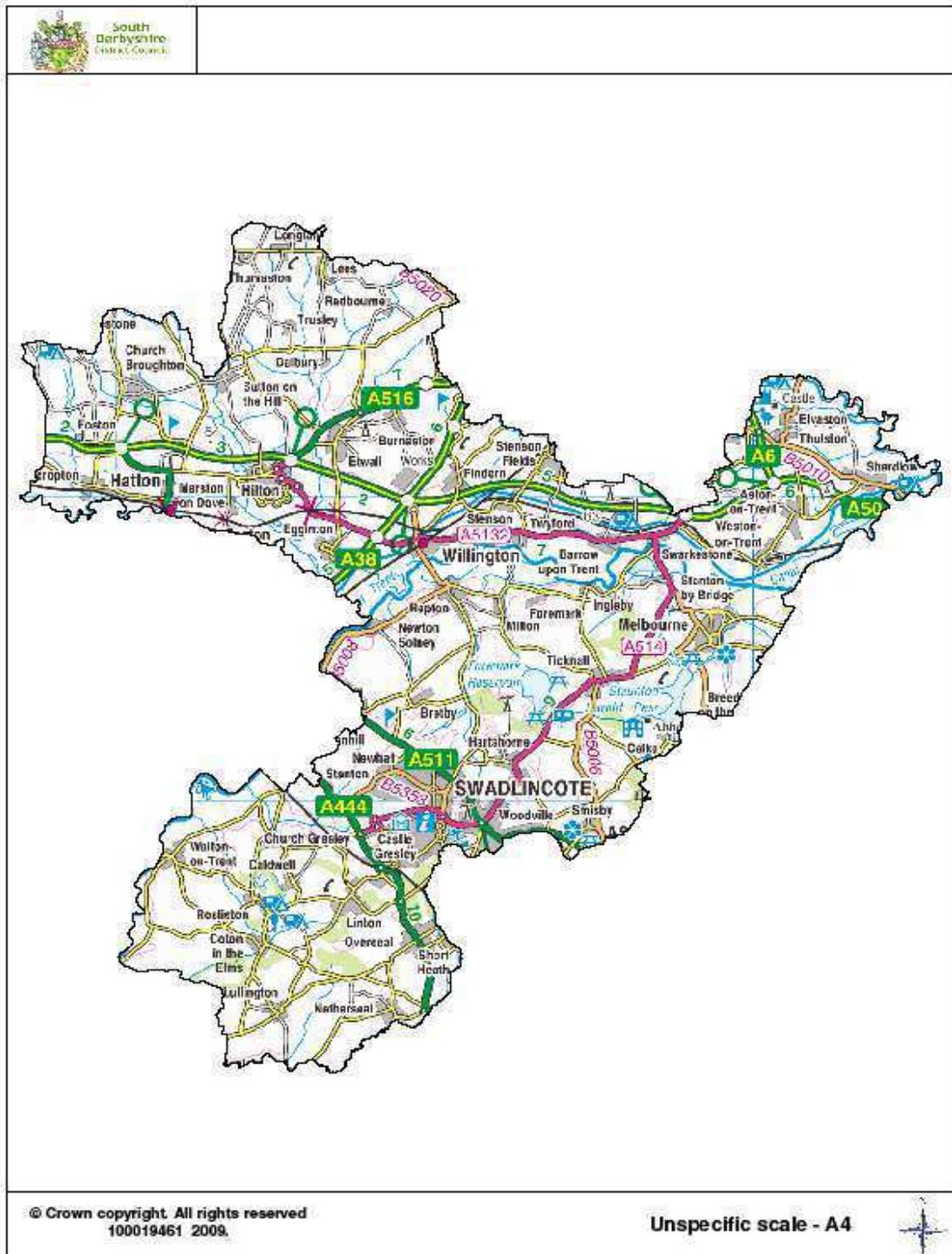
In writing South Derbyshire District Council
 Licensing Department
 Civic Way
 Swadlincote
 Derbyshire
 DE11 0AH

By email licensing@south-derbys.gov.uk

By telephone 01283 595 716/890

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Appendix A - Map of Area South Derbyshire District Council



Appendix B - Persons / Bodies Consulted on Statement

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

Responsible Authorities

Derbyshire Constabulary
Derbyshire Fire and Rescue Service
Derbyshire 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>South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>licensing@south-derbys.gov.uk</p>	<p style="text-align: center;"><u>Police</u></p> <p>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>Derbyshire Fire & 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>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>Head of Planning Services Planning Service South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>planning@south-derbys.gov.uk</p>	<p style="text-align: center;"><u>Environmental Health - Pollution</u></p> <p>Environmental Health Division South Derbyshire District Council Civic Offices Civic Way Swadlincote Derbyshire DE11 0AH</p> <p>environmental.health@south-derbys.gov.uk</p>
<p style="text-align: center;"><u>Customs & Excise</u></p> <p>HM Revenue & Customs National Registration Unit Port Cullis House 21 India Street Glasgow G2 4PZ</p> <p>nrubetting&gaming@hmrc.gsi.gov.uk</p>	<p style="text-align: center;"><u>Derbyshire Safeguarding Children Board</u></p> <p>Chatsworth Hall Chesterfield Road Matlock Derbyshire DE4 3FW</p> <p>trading.standards@derbyshire.gov.uk</p>

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**South
Derbyshire**
District Council

Gambling Act 2005

Statement of Licensing Policy

Local Area Profile Plan

Introduction

As part of the Social Responsibility Code, from April 2016, licence holders 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 Council as Licensing Authority would expect an operator's 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 Licensing 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.

Any applicant applying for the grant or variation of a premises licence must include a local risk assessment in addition to their application. The local risk assessment must assess the

local risks to the licensing objectives posed by the provision of the applicant's proposed gambling facilities at the premises. The applicant must have policies, procedures and control measures to mitigate the risks identified in the assessment. These policies and procedures must be submitted with the application.

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 this 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 this 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.

Local Area Profile Plan

The Licensing Authority recognises that it is not a mandatory requirement to have a local area profile however the Licensing Authority believes that a local area profile will assist licence holders in producing their risk assessments. A local area profile plan was initially introduced in 2016.

The local area plan is intended to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licence holders and a more coordinated response to local risks.

In order to review the local area profile, the Licensing Authority requested data from a number of bodies including the Responsible Authorities in order to assess any potential and actual risks relating to gambling within the District. The Licensing Authority has considered the Joint Strategic Needs Assessment in producing this local area profile.

Enquiries with relevant organisations have not revealed any data to suggest that there are any areas within the District that could be identified as a risk.

However, the local area profile plan is required to identify any potential risks that might arise, therefore in light of current research into gambling, the Licensing Authority has identified the following potential risk areas and provided additional information to assist licence holders.

Children, Adolescents and Young Adults

Children, adolescents and young adults have been explicitly identified as being vulnerable to the experience of gambling problems or at risk of experiencing gambling problems.

The licensee needs to be aware of the proximity to their premises of schools and vulnerable adult centres and residential areas with a high concentration of families with children and the Licensing Authority would expect to see additional measures in place to mitigate any existing or potential risks in such areas.

The Licensing Authority will carefully consider an application located near to these types of premises and decide whether there is a need for any conditions to mitigate the risks in light of the third licensing objective. Each case will be decided on its own merits and will depend on the type of gambling that is proposed for the premises. However, the Licensing Authority will consider additional controls if the licence holder does not have sufficient measures in place.

Licence holders need to be aware of the location of the following 'sensitive' buildings within in the District:

- Schools and Colleges (a list is available on Derbyshire County Council's website);
- Village halls that offer services for children.

The Licensing Authority expects licence holders to ensure that advertising relating to the premises, or relating to events at the premises, is not displayed when children are likely to be near the premises.

The licensee needs to be aware that there is an on-going issue with anti-social behaviour in Swadlincote Town Centre caused by local adolescents. This Licensing Authority would expect control measures to be in place in a licensee's local risk assessment to address this issue.

Mental Health

There is a consistent body of evidence demonstrating a strong association between gambling and mental health problems. This suggests that people with common mental disorders, substance use/abuse problems and psychoses have higher rates of problem or at-risk gambling than those without these conditions. With this in mind, the licensee needs to be aware of the following premises within the District which if in close proximity to the gambling premises then extra measures must be in place to mitigate the risks:

- Supported housing for people with drug and alcohol issues at Midland Road, Swadlincote
- Supported housing dispersed properties in Newhall, Swadlincote, Midway and Church Gresley.

The licensee needs also to be aware that there are street drinkers in the Swadlincote Town Centre. There is no evidence that these street drinkers gamble however these individuals are vulnerable due to their substance use/abuse problems so the Licensing Authority would expect control measures to be in place in a licensee's local risk assessment to address this issue.

People with learning difficulties have been identified as being at risk of experiencing harm as they are identified as not being able to make an informed choice about whether to gamble.

Unemployment

There is a consistent body of evidence showing that those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

Evidence has shown that those living in deprived areas are more likely to experience problems with gambling. According to the Index of Multiple Deprivation 2015 (IMD 2015),

Midway, Newhall and Stanton and Woodville are the three most deprived wards in South Derbyshire.

This local area profile will be reviewed as required when further information and/or data becomes available.

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REPORT TO:	COUNCIL	AGENDA ITEM: 8
DATE OF MEETING:	1st NOVEMBER 2018	CATEGORY:
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ALLISON THOMAS – STRATEGIC DIRECTOR (SERVICE DELIVERY) 01283 595775	DOC:
SUBJECT:	ADDITION TO THE COUNCIL'S LIST OF OUTSIDE BODIES	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That Council agrees to the addition of a new organisation, Wilshee's Skip Hire Ltd Site Liaison Committee, to its List of Outside Bodies.
- 1.2 That Council agrees to the appointment of the local ward Member to serve as the Council's representative on this Body.

2.0 Purpose of Report

- 2.1 To seek Council approval to the addition of a new organisation to its List of Outside Bodies and to confirm its nomination to act as the Council's representative on this organisation.

3.0 Detail

- 3.1 Derbyshire County Council granted planning permission for the development of an Inert and Wood Waste Recycling facility on the site of the former coal yard off Cadley Hill Road/Burton Road, Swadlincote on 9 October 2017. A condition of the planning consent was a requirement for the Company, Wilshee's Skip Hire Ltd, to establish of a Site Liaison Committee for the facility, the Terms of Reference for which are attached at **Appendix 1** to this report.
- 3.2 The Terms of Reference require that South Derbyshire District Council and other relevant stakeholders are allocated places on the Committee. The County Council's Head of Planning Services has requested that in addition to the local ward Member that it may be appropriate for a Planning Officer and an Environmental Health Officer from the District Council to also attend meetings of the Committee. The County Councillor for the area has also been allocated a place.
- 3.3 Council is, therefore, requested to approve the addition of this new organisation to the Council's List of Outside Bodies and to nominate the local ward Member as its representative on this Body.

4.0 Financial Implications

4.1 There are none relating to this report.

5.0 Corporate Implications

5.1 There are none relating to this report.

6.0 Community Implications

6.1 The purpose of the Site Liaison Committee is to give local representatives a voice in the operation of the Site including the monitoring of complaints throughout the duration of the development.

7.0 Background Papers

7.1 Outside Bodies List 2018-19

Willshee's Skip Hire Ltd
Site Liaison Committee
Terms of Reference
March 2018

To ensure that a committee ("the Site Liaison Committee") is established for the purposes of discussion of the daily recycling operations at the Site including the monitoring of complaints and an action plan in the event of regular and sustained complaints made to the County Council, Environment Agency or South Derbyshire District Council throughout the duration of the Development.

Prior to the first meeting of the Site Liaison Committee to recruit its members by:

1. Inviting South Derbyshire District Council to designate a planning officer and the Environmental Health Officer to represent it
2. Inviting Castle Gresley Parish Council to designate a councillor to represent it
3. Inviting the County Council to designate up to two planning officers of the Council to attend on its behalf; and
4. Inviting the members of the County and District Council for the local area to represent the Councils
5. Inviting the Environment Agency to designate an officer to represent it
6. or by taking any alternative steps which might be agreed between the Council and the Owner.

To ensure the provision of all practical administrative and secretarial facilities which may be necessary to enable the Site Liaison Committee to function effectively including the provision of a suitable local venue for every meeting notification in advance of every meeting to members and the production and keeping of minutes for every meeting (which shall be made available to the public) or will cover the proper cost to the Council of providing those facilities.

To ensure that at the first meeting of the Site Liaison Committee is convened so as to take place at a date which shall be agreed with the County Council at least one month in advance and which shall be no later than two weeks prior to the Commencement of the Development under the Planning Permission and to convene further meetings of the Liaison Committee at such time and intervals as the Site Liaison Committee shall consider to be appropriate.

To make available and maintain a complaints procedure throughout the duration of the Development and to provide a copy of the complaints procedure and any modifications to it to the Site Liaison Committee upon reasonable request.

ANNEXE D

**SCHEDULE OF PERSONS NOMINATED FOR SERVICES AS
REPRESENTATIVES OF THE COUNCIL
ON OUTSIDE BODIES FOR 2018/19**

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

19. East Midlands Airport Liaison Committee	Aston, Melbourne and Repton Ward Members
20. East Midlands Arts	Councillor Mrs J Patten
21. East Midlands Councils	Councillor M Ford
22. Elvaston Quarry Waste Disposal Site Liaison Committee	Councillor P Watson Councillor Dr. H Coyle (sub)
23. Environmental Education Project Steering Group	Councillor J Hewlett
24. Goseley Community Centre Committee	Councillor Mrs K Coe Councillor S Taylor
25. Heart of the Forest Forum	Councillor M Stanton
26. Hilton Harriers Mease Management Committee	Councillor Mrs J Patten
27. Homestart	Councillor P Smith
28. Local Government Association (London)	Councillor M Ford (General Assembly)
29. Local Government Information Unit	Councillor M Ford Councillor A Billings (sub)
30. Melbourne Sporting Partnership	Chief Executive
31. New Albion Revised Liaison Committee	Councillor A MacPherson
32. Parking and Traffic Regulations (outside London) Adjudication Joint Committee	Councillor A MacPherson
33. Pingle Artificial Turf Pitch Management Group	Councillor P Smith
34. Relate	Councillor Mrs J Patten
35. Rosliston and Caldwell Village Hall Management Committee	Councillor J Grant
36. Rosliston Forestry Centre Management Executive	Councillor J Hewlett
37. Rosliston Forestry Community Group	Councillor J Grant
38. Rural Action Derbyshire	Councillor M Stanton
39. Safer South Derbyshire Partnership Strategic Group	Councillor M Ford Councillor J Hewlett (sub)
40. Shardlow Heritage Trust Council of Management	Councillor M Stanton
41. Sharpe's Pottery Heritage & Arts Trust Ltd.	Councillor Dr. H Coyle Councillor Mrs K Coe Councillor M Stanton Councillor J Patten
42. Sir John Port and John Osbourne Almshouses Charitable Trust	Councillor D Muller
43. Social Care Forum	Councillor P Smith

44. South Derbyshire CVS	Councillor D Muller Councillor R Tipping
45. South Derbyshire Mental Health Association	Councillor J Hewlett
46. South Derbyshire Music Trust Management Committee	Councillor P Murray
47. South Derbyshire Partnership	Councillor M Ford Councillor A Billings Councillor K Richards Councillor T Southerd (sub) Economic Development Manager
48. South Derbyshire Strategic Sports Group	Councillor P Smith Councillor J Hewlett (sub)
49. Swarkestone Pit, Barrow-on-Trent Sand and Gravel Site Liaison Committee	Councillor P Watson Councillor Dr H Coyle (sub)
50. Toyota Community Liaison Committee	Councillor Mrs L Brown Councillor D Muller
51. Waste Less/Save More Project	Councillor P Watson

REPORT TO:	COUNCIL	AGENDA ITEM: 9
DATE OF MEETING:	1st NOVEMBER 2018	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	PROTOCOL FOR MARKING THE DEATH OF A SENIOR NATIONAL FIGURE OR LOCAL HOLDER OF HIGH OFFICE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: N/A

1.0 Recommendations

- 1.1 That Council approves the adoption of the Protocol for Marking the Death of a Senior National Figure or Local Holder of High Office, attached as **Appendix 1** to this report.
- 1.2 That Council approves to delegate authority to the Chief Executive to complete and update the Protocol with regard to the Officers responsible for implementation.

2.0 Purpose of Report

- 2.1 To provide Council with details of the guidance received from the National Association of Civic Officers on the protocol to be observed when marking the death of a senior national figure.

3.0 Detail

- 3.1 The document at **Appendix 1** sets out the protocols to be observed upon the death of the Sovereign (which involves the greater number of protocols to consider), another member of the Royal Family, a Prime Minister or Former Prime Minister, the serving Member of Parliament, the Chairman, Leader of the Council or a serving Member of the Council.
- 3.2 The Protocol is in six parts as follows:
 1. Implementation of the Protocol: Formal Announcement and Period of Mourning
 2. Flag Flying
 3. Books of Condolence, Letters of Condolence & Local Announcement
 4. Reading of the Proclamation, observance of a two-minute silence, Publicity and Dress Code
 5. Official Civic events during the period of Mourning
 6. Organisation of local events during the period of mourning; the laying of flowers.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Corporate Implications

5.1 All Council departments familiarise themselves with this Protocol and acknowledge its existence into the Corporate Plan.

6.0 Community Implications

6.1 Such events would provide recognition of the contributions made by individuals, communities, and organisations to the district of South Derbyshire.

CONFIDENTIAL

SOUTH DERBYSHIRE DISTRICT COUNCIL

Protocol for Marking the Death of a Senior National Figure or Local Holder of High Office

This protocol sets out the action to be taken in the event of the death of:-

List A: The Sovereign / Members of the Royal Family

- ◇ **HM The Queen** (*State Funeral*)
- ◇ **HRH The Duke of Edinburgh** (*Ceremonial Royal Funeral*)
- ◇ **HRH The Prince of Wales** (*Ceremonial Royal Funeral*)
- ◇ **HRH The Duchess of Cornwall** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Duke of Cambridge** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Duchess of Cambridge** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH Prince George of Cambridge** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH Princess Charlotte of Cambridge** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH Prince Henry (Harry) of Wales** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Duke of York** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Earl of Wessex** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Princess Royal** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Countess of Wessex** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Duke of Gloucester** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Duchess of Gloucester** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH The Duke of Kent** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH Prince Michael of Kent** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH Princess Michael of Kent** (*Non-Ceremonial Royal Funeral*)
- ◇ **HRH Princess Alexandra** (*Non-Ceremonial Royal Funeral*)

List B: Other Significant Individuals

- ◇ **The Prime Minister**
- ◇ **Any former Prime Minister**
- ◇ **The Member of Parliament for South Derbyshire**
- ◇ **A serving Chairman or Leader of the Council**
- ◇ **A serving Member of the Council**

Contact details for all those with responsibilities under this Protocol are listed at appendix 1

This Protocol has yet to be agreed by the Chief Executive and ratified by Members of the Council and should be updated as and when necessary.

1. IMPLEMENTATION OF THE PROTOCOL: FORMAL ANNOUNCEMENT & PERIOD OF MOURNING

Action Required	Authorised By (see Appendix 1 for contact details)	Other Notes
<p>This Protocol will be implemented and the period of national mourning will commence on the formal announcement by either Buckingham Palace or Downing Street (NOT A NEWS AGENCY) of the death of the Sovereign or anyone identified in List A and List B.</p> <p>Notification will come to South Derbyshire District Council from the Office of the Lieutenancy. This protocol must not be implemented as a result of a news bulletin</p>	<p>Implementation will be authorised by the Chief Executive <i>(or insert alternative person responsible)</i></p>	<p>Communications Team to immediately notify All Councillors/ All Staff via email and to upload a statement from the Chairman of South Derbyshire District Council onto the Council's website (see Appendix 2)</p> <p><i>(insert name of person responsible)</i> to immediately notify Parish Councils via email.</p>

2. FLAG FLYING – UNION FLAG / CROSS OF SAINT GEORGE

<p><i>Half-mast means the flag is flown two-thirds of the way up the flagpole with at least the height of the flag between the top of the flag and the top of the flagpole. When a flag is to be flown at half-mast, it should first be raised all the way to the top of the mast, allowed to remain there for a second and then lowered to the half-mast position. When it is being lowered from half-mast, it should again be raised to the top of the mast for a second before being fully lowered.</i></p> <p><i>If the death falls on St. George's Day or the period of mourning includes St. George's Day then the flag of the Patron Saint (if you have one) should be replaced by the Union Flag at half-mast.</i></p>	 
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2a. Flag Flying – Death of the Sovereign/ Member of the Royal Family (List A)

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
<p>Day of death (D Day) Immediately following the formal announcement of death, the flag at Civic Offices should be flown at half-mast until 08:00 on the morning following the Funeral. This applies to all flags in the vicinity. (An exception applies in relation to the death of the Sovereign - see 2b)</p>	<p><i>Insert name of person to be responsible for raising the flag</i></p>	<p>The funeral of the Sovereign will take place 10 days after death. The funeral of other Members of the Royal Family and those identified in List B will take place within a shorter period of time. A Royal funeral will not take place on a Sunday.</p>

Proclamation Day D+1).		
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2b. Flag Flying – Proclamation Day : The following is ONLY applicable upon the Death of the Sovereign

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
<p>Proclamation Day (D+1) The day following the death of the Sovereign a proclamation will be made from St James Palace at 11:00hrs announcing the new Sovereign. Flags will be flown at full mast from 11:00hrs until 13:00hrs on the following day (D+2) when flags will be returned to half-mast. This will coincide with the reading of the Principal Proclamation in Derbyshire at County Hall in Matlock, following which the Proclamation will be read in Derby City at 13:30hrs (see Section 4).</p> <p>Flags will then remain at half-mast from 13:00hrs on D+2 until 08:00hrs on the morning following the Funeral.</p>	<p><i>Insert name of person to be responsible for raising and lowering the flag</i></p>	<p>None</p>

2c. Flag Flying – Death of the Prime Minister or Local Holder of Office (List B)

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
<p>Flags may be flown at half-mast on the day of the announcement of the death but on subsequent days the usual local arrangements can resume until the day of the funeral, i.e. where a flag is usually flown it can be flown at half-mast or if a flag is not usually flown then it can be taken down until the day of the funeral when it should again be flown at half-mast. At 08:00hrs on the morning following the funeral flags can either be flown at full mast or taken down.</p>	<p>As it is not usual for South Derbyshire District Council to always fly a flag, the Chief Executive will issue an instruction to <i>(insert name of person responsible)</i> following consultation with the Leader of the Council.</p>	<p>None</p>

3. BOOK OF CONDOLENCE/ ONLINE BOOK OF CONDOLENCE/ LETTER OF CONDOLENCE & LOCAL ANNOUNCEMENT

On the first working day after the day of death of the Sovereign, HRH The Duke of Edinburgh or HRH The Prince of Wales, a Book of Condolence will be opened and hosted across South Derbyshire at (insert venues) from (insert appropriate time) to (insert appropriate time) Monday to Friday, and will remain open until (insert appropriate time) on the day following the funeral. All of the pages will be bound together into one document or, if there are too many pages, bound into two documents.

In relation to other members of the Royal Family identified in List A and those identified in List B, consideration will be given at the time of each death by the Chief Executive and Leader of the Council as to whether a Book of Condolence is to be opened.

The Book of Condolence will take the form of a black ring binder containing loose leaf backed card edged with a black border (hole punched) – this will enable pages to be re-ordered if necessary. When the Book of Condolence has closed, the loose leaf pages will be collated and tied with a black ribbon through the punched holes.

Pages that have been defaced or include offensive or other questionable comments will be quietly removed until such time as a decision can be taken by the Chief Executive as to whether or not they should be permanently excluded.

A Book of Condolence is essentially a record of the sentiments expressed by local people on the death of a national figure and will form part of the local archive to enable future generations to gain access in order to find out the way in which national events were marked in the area. It is not feasible for every Book of Condolence to form part of the Royal Archive. In any letter of condolence from the Chairman of South District Council, reference should be made to the Book of Condolence and its existence in the local archives which then ensures that when that letter goes into the Royal Archives it acts as an effective cross reference.

When the Book of Condolence has closed, the Chief Executive and Leader of the Council will decide where it is to be stored

With regard to an online Book of Condolence, the majority of Local Authorities within Derbyshire have taken the decision not to offer this due to the need to constantly monitor for offensive/ inappropriate comments but will, instead, publicise a link to the online Book of Condolence on the Royal Website www.royal.gov.uk.

3a. Setting up a Book of Condolence – The Sovereign / HRH The Duke of Edinburgh / HRH The Prince of Wales

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
A table (covered with a black tablecloth) and chair to be positioned in an easily accessible, quiet area. For the Sovereign, HRH The Duke of Edinburgh and HRH The Prince of Wales, a framed photograph and vase of flowers (not	<i>(Insert name of person responsible)</i> Page 59 of 89	Regular monitoring by a representative of South Derbyshire District Council will be required to check for offensive/ inappropriate comments.

compulsory) may be placed with the Book of Condolence and a supply black pens		
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3b. Letter of Condolence - Chairman of South Derbyshire District Council

It is not necessary for the Chairman to write a letter of condolence on behalf of South Derbyshire District Council as HM Lord-Lieutenant of Derbyshire will officially write on behalf of the County. However, in the event that the Council wishes to send a letter of condolence then **no more than one** should be sent.

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
If requested to do so by the Chairman of South Derbyshire District Council, a letter of condolence should be prepared ensuring that reference is made to the Book of Condolence.	<i>(insert name of person responsible)</i> to draft a suitably worded letter of condolence addressed to the relevant Private Secretary (see note below).	The signed letter (not an e-signature) should be sent to the relevant Private Secretary at Buckingham Palace, London, SW1A 1AA or the relevant Royal residency.

Please note: Upon the death of the Sovereign, the letter of condolence should be sent to the **Private Secretary of the new Sovereign** asking that condolences be passed to the new Sovereign. Upon the death of any other member of the Royal Family, the letter should be sent to the **Private Secretary of the deceased** asking that condolences be passed to the next of kin and other members of the Family.

3c. Press Statement by the Chairman of South District Derbyshire Council (see Appendix 2)

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
The press statement should also appear on the homepage of South Derbyshire District Council's website and should express the sadness of the Council and its residents at the news of the death. The statement should refer to the flying of flags and include details of the locations of the Book of Condolence and hours of opening, together with a link to the online Book of Condolence on the Royal Website www.royal.gov.uk .	The press statement will be issued by the <i>Communications Team</i> who will also ensure that a copy of the statement appears on the home page of the District Council's website.	Please see Appendix 2 for Guidance on the content of the statement.

4. READING OF THE PROCLAMATION (D+1 & D+2)/ OBSERVANCE OF A 2 MINUTE SILENCE/ PUBLICITY/ DRESS CODE

D+1 Proclamation Day:

11:00hrs The Proclamation of the new Sovereign will be made at St. James’s Palace (or **14:00hrs** if it’s a Sunday)

12:00hrs (Monday – Saturday) the Proclamation will be read at the Royal Exchange in the City of London.

D+2:

12:00hrs The Proclamation will be read in Belfast, Cardiff and Edinburgh.

12:30hrs The Proclamation will be read by the High Sheriff at County Hall, Matlock

13:30hrs The Proclamation will be read by the High Sheriff at the Council House, Derby. HM Lord-Lieutenant may also be in attendance at both readings. A number of invited guests will be present and Local Authority Mayors/ Chairs and representatives of Town/ Parish Councils are free to attend either or both of the readings. Should the Chairman wish to attend either of these readings he will need to bear in mind the timings involved if he wishes to undertake a reading of the Proclamation at District level. Members of the public are also welcome to attend.

After 13:30hrs Following the County-level Proclamation the Chairman of South Derbyshire District Council may read the Proclamation within the District (*venue to be decided*) but this is **not compulsory**.

Alternatively, the Chairman may decide to forego the reading of the Proclamation and, instead, prefer to lay flowers in a designated area on the day of death in order to encourage members of the public to follow suit.

The wording of the Proclamation will be available on the Buckingham Palace website (www.royal.gov.uk) and the Privy Council website (www.privy-council.org.uk).

4a. Publicity and the Local Police if a Local Reading of the Proclamation by the Chairman of South Derbyshire District is to take place

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
Reading of the Proclamation to be publicised by way of a Press Release and notification on the District Council’s website.	<i>(insert name of person responsible)</i> to notify the Communications Team, the Local Police and invited guests accordingly.	The Local Police to be notified in case they deem a presence to be necessary.

4b. Reading of the Proclamation by the Chairman South Derbyshire District Council - NOT COMPULSORY

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
<p>After 13:30hrs on D+2 (day following Proclamation Day) the Chairman of South Derbyshire District Council may choose to read out the Proclamation at <i>(insert name & address of venue)</i></p>	<p><i>(insert name of person responsible)</i> to notify invited guests and to offer support at the event.</p>	<p>A PA system can be used if it is deemed necessary.</p> <p><i>Thought should be given to wording to be used prior to the reading of the Proclamation and inserted as an appendix into this document if deemed appropriate to do so.</i></p> <p>Please see Appendix 3 for guidance as to who should be invited to attend.</p>

4c. Marking a Silence

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
<p>If an announcement is made by Buckingham Palace then a 2 Minute Silence will be observed at all of the Council's Premises at the designated time. The Chairman of South Derbyshire District Council may wish to lead the Silence in <i>(appropriate place to be identified)</i> – some thought will need to be given as to how the beginning and end of the Silence will be marked.</p>	<p><i>(insert name of person responsible)</i> to ensure that the Communications Team is provided with the relevant information for the website and to enable an All Councillors/ All Staff email to be sent out.</p>	<p>None.</p>
<p>Please Note</p> <p>On the death of the Sovereign there may also be a 2 Minute Silence at 11:00hrs on the day of the funeral (D+10). Where the death of another Member of the Royal Family is to be marked by a 2 Minute Silence on the day of the funeral then an announcement will be made by Buckingham Palace.</p>		

4e. Dress Code – Period of National Mourning

When flags are a half mast it is appropriate for Civic Leaders and Senior Officers to wear dark coloured clothing together with a black tie or a

black scarf or a black rosette or a black armband when carrying out official duties.

4f. Dress Code – Day of Death and Day of the Funeral

Gentlemen: Members/ Officers - A dark coloured lounge suit or a dark coloured jacket together with dark coloured trousers and a black tie.

Ladies: Members/ Officers - Dark coloured clothing or a black scarf or a black rosette.

Black armbands may be worn (not compulsory).

5. OFFICIAL CIVIC EVENTS DURING THE PERIOD OF MOURNING

Cancellation of Existing Planned Events From the day of the death until the day after the funeral, careful thought should be given to the type of events and activities which the Chairman of South Derbyshire District Council should host/ attend. Lunches, dinners, receptions, etc., may not fit with the mood of the nation and as a mark of respect may need to be cancelled or postponed. This is a local decision and one which needs to be reached with great sensitivity.

Public opinion can be volatile and change quickly, especially in emotional circumstances and there is a risk of public criticism if the decision to go ahead is seen to go against the grain.

Consideration should be given to all planned events that fall in the period between a death and the funeral and whether they should go ahead during a period when the country and the Commonwealth are in mourning.

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
The Chairman of South Derbyshire District Council should review his/ her programme of forthcoming events. Consideration should be given to all planned events during the period of National mourning	The Chairman of South Derbyshire District Council, possibly in consultation with the Leader and Chief Executive. If it is deemed appropriate for an invitation to be declined then this will be undertaken by a member of the Chairman's Office staff. Event organiser in conjunction with Departments Heads and Chief Executive	None.

6. ORGANISATION OF LOCAL EVENTS DURING THE PERIOD OF MOURNING/ THE LAYING OF FLOWERS

On the death of the Sovereign, large numbers of people will wish to pay their respects and to take part in events.

The reading of the Proclamation by the High Sheriff will stand as the first opportunity for people to gather, but the focus will inevitably fall on London. That pressure can be eased significantly if residents have opportunities close to home to come together and to take part in well-planned, properly advertised and appropriate events, i.e. a Church Service on the Eve of the Funeral.

Should any Church Service(s) be organised, they will provide a setting for residents to join together and attendance by representatives of South Derbyshire District Council will add to the sense of the community coming together.

6a. The Laying of Flowers by the Chairman of South Derbyshire District Council - NOT COMPULSORY

Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
The Chairman of South Derbyshire District Council may decide to lay flowers at <i>(venue to be decided)</i> following the official announcement of the death of the Sovereign, HRH The Duke of Edinburgh or HRH The Prince of Wales.	<i>(insert name of person responsible)</i> to arrange for a suitable bouquet to be procured.	The Communications Team to take a photograph to upload onto the District Council's website in order to encourage others to lay flowers in the same area.

6b. Potential Sites for the Laying of Flowers

Laying of Flowers - Action Required	Implemented By (see Appendix 1 for contact details)	Other Notes
<i>Sites for laying of flowers to be identified and listed here as appropriate</i>	<i>(insert names of persons responsible)</i> to inform appropriate departments/ services of requirements e.g. cleaning of sites	Flowers will be removed by <i>(insert name of department responsible)</i> <i>(insert number)</i> days after the Funeral has taken place.

Suggested wording of a statement to be issued by the Chairman of South Derbyshire District Council on the announcement of the death of a Senior National Figure or Other Prominent Figure

(Free downloadable Press Association images of the Royal Family will be available at www.royal.gov.uk.)

The statement should begin with a suitable expression of the sadness of the District Council on hearing the announcement.

It might go on to state that flags will be flown at half-mast and for how long – Proclamation Day and flag flying should be explained.

Reference to the opening of a Book of Condolence and the locations should be included. Reference to an online Book of Condolence should also be included where applicable.

When a decision has been taken on the Chairman's programme of events and engagements it might be stated that events are being cancelled as a mark of respect or that they will begin with a period of silence.

Any statement must be discussed and have the necessary agreement from the Leader and the Chief Executive (*other officers to be identified as appropriate*).

Published statements should include the contact details of a relevant Officer who will be able to assist members of the public with any enquiries.

Those to be invited to be present at the reading of The Proclamation on the Accession of a new Sovereign and at the public observance of a two minute silence

(to be undertaken at the discretion of the Chairman of South Derbyshire District Council)

- ◇ Leader and Deputy Leader of the District Council
- ◇ All Members of the District Council
- ◇ Chief Executive of the District Council
- ◇ All Staff (subject to office cover)
- ◇ Parish Council / Parish Meeting representatives
- ◇ A representative of Derbyshire Police and Derbyshire Fire & Rescue.
- ◇ A representative of the Derbyshire Lieutenancy.

NOTE:

The Proclamation will be read at County Hall by the High Sheriff. The Lord Lieutenant may be present at that ceremony.

The Proclamation may be read by the Chairman of South Derbyshire District Council– if possible the Leader, the Deputy Leader and the Chief Executive should be present.

OVERVIEW AND SCRUTINY COMMITTEE

5th September 2018

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick and Mrs Stuart

OS/12 **APOLOGIES**

Apologies were received from Councillor Mrs Patten (Conservative Group) and Councillor Dr Pearson (Labour Group)

OS/13 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee was informed that no declarations had been received.

OS/14 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

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

OS/15 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

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

OS/16 **RURAL BROADBAND UPDATE FROM DIGITAL DERBYSHIRE (Verbal Presentation)**

Mr Rob Rowan, Programme Manager from Digital Derbyshire delivered a presentation to the Committee, outlining the objectives and challenges faced in order to roll out its initial aim of fibre broadband of 2MB per second to 105,000 homes by 2020. Mr Rowan explained that the housing records being used for the project were the result of a survey conducted in 2014. Any houses built in the District after this date would not be captured in the plan as these records had been used to calculate the amount of money the scheme required as well as the number of houses needing coverage. The Programme Manager advised that the Digital Derbyshire programme

had delivered broadband to 82,000 premises in the first phase of the rollout and had delivered broadband to another 23,000 in the second phase, with 21,000 remaining.

Councillors Murray and Atkin expressed concerns that local residents and businesses continue to struggle to receive broadband in areas where the Programme claimed that broadband is available. Mr Rowan responded by requesting the address details, which the Councillors agreed to provide upon consultation with the residents involved. Councillor Bambrick noted that the scheme was initiated to assist those in rural communities.

RESOLVED:-

The Committee noted the information provided.

OS/17 **REGULATION OF INVESTGATORY POWERS ACT 2000 (RIPA) – POLICY & GUIDANCE DOCUMENT AND QUARTERLY REPORT**

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

RESOLVED:-

1.1 The Committee approved the Council's Regulation of Investigatory Powers Act 2000 ('RIPA') Policy and Guidance document.

1.2 The Committee noted the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000 in the last quarter.

OS/18 **IMPLEMENTATION OF UNIVERSAL CREDIT UPDATE**

The Strategic Director (Corporate Resources) presented the report updating the Committee that Universal Credit would be rolled out in South Derbyshire for new claims in November 2018. The Strategic Director (Corporate Resources) informed Members of the work and initiatives undertaken to ensure that the Council is prepared to support those who need to submit a claim.

Members raised concerns relating to assistance with completing online forms, impact on debt and arrears, General Data Protection Regulation and the cost to the Council of providing this support. The Strategic Director (Corporate Resources) responded to all matters.

RESOLVED:-

The Committee considered the current position and progress in implementing actions for supporting tenants and potential claimants of Universal Credit.

OS/19 **CUSTOMER SERVICES/ENGAGEMENT (Verbal Update)**

The Strategic Director (Corporate Resources) presented the report to Committee outlining that a new matrix to monitor service provision would be piloted shortly, this would assist in identifying and tailoring training requirements in ensuring a consistent approach to customer services and engagement.

RESOLVED:-

The Committee noted the verbal update provided.

OS/20 **COMMITTEE WORK PROGRAMME**

RESOLVED:-

Members considered and approved the updated work programme.

OS/21 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

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

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

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

The Meeting terminated at 7.25pm.

COUNCILLOR S SWANN

LICENSING AND APPEALS SUB-COMMITTEE

10th September at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

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

District Council Representatives

S Ali (Principal Legal Officer), M Lomas (Licensing Officer) and R Pabla (Democratic Services Officer)

LAS/21 **APOLOGIES**

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

LAS/22 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

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

RESOLVED:-

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

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

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

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

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

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

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

The Meeting terminated at 11.15am.

COUNCILLOR MRS J PATTEN

CHAIRMAN

PLANNING COMMITTEE

25th September 2018

PRESENT:-

Conservative Group

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

Labour Group

Councillors Dr Pearson, Shepherd, Southerd and Tilley

Independent / Non-Grouped Member

Councillor Tipping

PL/64 **APOLOGIES**

Apologies for absence were received from Councillors Mrs Brown (Chairman), Ford (Conservative Group) and Coe (Independent / Non Grouped Member)

PL/65 **DECLARATIONS OF INTEREST**

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

PL/66 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

MATTERS DELEGATED TO COMMITTEE

PL/67 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

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

PL/68 **THE CHANGE OF USE OF AGRICULTURAL LAND FOR USE AS RESIDENTIAL CARAVAN SITE FOR 6 GYPSY FAMILIES, INCLUDING THE ERECTION OF TWO AMENITY BUILDINGS, LAYING OF HARDSTANDING**

AND ACCESS IMPROVEMENTS ON LAND AT SK4229 2454 SHARDLOW ROAD ASTON ON TRENT DERBY

The application was deferred for a site visit.

The objector chose to speak at the next committee

RESOLVED:-

The Committee resolved to defer the application for a site visit.

PL/69 **CHANGE OF USE OF GROUND FLOOR FROM RETAIL (USE CLASS A1) TO A HOT FOOD TAKE AWAY (USE CLASS A5) AND CHANGE OF USE OF FIRST FLOOR TO CREATE 2 FLATS 9 (USE CLASS C3) WITH THE CREATION OF A MEZZANINE FLOOR AND CHANGE OF USE OF SECOND FLOOR TO CREATE 1 FLAT (USE CLASS C3) AT 10 WEST STREET SWADLINCOTE**

The Planning Services Manager presented the report to Committee explaining the importance of vitality, viability and retaining the character of the area when considering the application.

As local Ward Member, Councillor Tilley agreed with the retention of the building and supported the Officer's recommendation.

RESOLVED:-

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

PL/70 **AMENDMENTS TO APPLICATION 9/2017/1160 FOR THE REPOSITION OF THE HERITAGE PLAQUES AND LECTERNS AND FOR AN ADDITIONAL PLAQUE ON THE DELPH, SWADLINCOTE, AN ADDITIONAL PAVEMENT PLAQUE ON COMMON ROAD, CHURCH GRESLEY, & A WALL PLAQUE ON 39 OVERSETTS ROAD, NEWHALL**

The Planning Services Manager outlined the report advising the location of the plaques. Queries from some Members relating to the names on the plaques were also addressed.

RESOLVED:-

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

PL/75 **PLANNING AND OTHER APPEALS**

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

9/2017/1184	Manchester Lane, Hartshorne, Swadlincote
E/2012/00256	Wilne Lane, Shardlow Derbyshire

PL/76 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

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

The Committee was informed that no questions had been received.

The meeting terminated at 6.25pm.

COUNCILLOR MRS K COE

VICE-CHAIRMAN

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

27th September 2018

PRESENT:-

Conservative Group

Councillor MacPherson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Billings, Hewlett (substituting for Cllr Mrs Brown) and Mrs Patten

Labour Group

Councillors Dunn, Shepherd (substituting for Cllr Chahal) Taylor and Tilley

EDS/42 **APOLOGIES**

Apologies for absence from the meeting were received from Councillors Mrs Brown, Mrs Coe, Mrs Hall and Watson (Conservative Group), Councillor Chahal (Labour Group) and Councillor Coe (Independent Non-Grouped Member)

EDS/43 **MINUTES**

The Open Minutes of the Meeting held on 16th August 2018 were noted, approved as a true record and signed by the Chairman.

EDS/44 **DECLARATIONS OF INTEREST**

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

EDS/45 **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/46 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

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

EDS/47 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

EDS/48 GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY

The Trainee Licensing Officer presented the report to Committee highlighting that 12 weeks of consultation had taken place with three responses received.

RESOLVED:

The Committee approved the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy") and Local Area Profile Plan.

EDS/49 ADOPTION OF THE STATEMENT OF COMMUNITY INVOLVEMENT

The Planning Policy Officer presented the report to Committee.

Councillor Shepherd raised a concern regarding the Infinity Garden Village expressing why he felt that this project did not meet the consultation criteria set out in the Statement of Community Involvement. The Strategic Director confirmed that the Statement of Community Involvement applied to statutory plans and planning applications and not to the masterplanning of individual sites.

RESOLVED:

The Committee approved that the Statement of Community Involvement (SCI) attached at Appendix 1 be adopted by the Council, replacing the SCI adopted in March 2006.

EDS/50 LOCAL GREEN SPACES – DRAFT DEVELOPMENT PLAN DOCUMENT

The Planning Policy Officer presented the report to Committee outlining the process of identifying potential suitable sites. An update was given on the proposed Repton Development Plan; with a minor adjustment to two boundaries in Repton.

Following a comment raised by Councillor Tilley it was agreed that the criteria for why sites have been chosen is given to the public in a clear and transparent way.

Councillor Taylor raised his concern of potential sites particularly those in the urban core which have not been put forward. The Planning Policy Officer confirmed that a full consultation of new sites, if a case is well made would be looked at on its merits, this could also include any site that had been previously discounted.

RESOLVED:

The Committee approved the Local Green Spaces Draft Development Plan Document, as attached at Appendix A of the report, for consultation.

Councillor Billings left the Meeting at 6:20pm
Page 77 of 89

EDS/51 CONTAMINATED LAND INSPECTION STRATEGY

The Environmental Health Manager presented the report to Committee.

RESOLVED:

The Committee approved the adoption of an updated Contaminated Land Inspection Strategy.

EDS/52 **DERBY CITY CLEAN AIR CONSULTATION**

The Environmental Health Manager presented the report to Committee informing Members that no representations had been received during the initial consultation period.

Councillor Patten commented on the lack of detail in the report on the impact on South Derbyshire. A discussion took place on the sustainable transport plan and the work which is starting to emerge. Councillor Taylor gave support of the favoured Option 1 for South Derbyshire.

RESOLVED:

The Committee endorsed the conclusions of the report as forming the South Derbyshire response to Derby City Council's consultation for tackling poor air quality.

EDS/53 **DONINGTON PARK NOISE MANAGEMENT**

The Environmental Health Manager presented the report to Committee, providing background information on the Council's role in how noise is managed at Donington Park racetrack.

Councillor Harrison gave praise on the achievement that effective partnership working had on the reduction of complaints.

RESOLVED:

The Committee noted the content of the report and supported the continued partnership working on noise management with North West Leicestershire District Council to enable the successful and sustainable growth of Donington Park.

EDS/54 **COMMITTEE WORK PROGRAMME**

RESOLVED:

Members considered and approved the updated work programme.

EDS/55 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that

there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on the 16th August 2018 were received.

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

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

The meeting terminated at 6.50pm.

COUNCILLOR A MACPHERSON

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

4th October 2018

PRESENT:-

Conservative Group

Councillor Smith (Vice-Chairman), and Councillors Dr Coyle, Grant, Watson and Wyatt

Labour Group

Councillors Richards, Rhind, Shepherd and Taylor (substituting for Cllr Wilkins)

HCS/32 **APOLOGIES**

Apologies for absence were received from Councillors Hewlett and Roberts (Conservative Group), Councillor Wilkins (Labour Group), Councillors Coe and Tipping (Independent / Non-Grouped Member).

HCS/33 **MINUTES**

The Open Minutes of the Meeting held on 23rd August 2018 were noted, approved as a true record and signed by the Chairman.

HCS/34 **DECLARATIONS OF INTEREST**

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

HCS/35 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

HCS/36 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

HCS/37 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

MATTERS DELEGATED TO COMMITTEE

HCS/38 UPDATED HOUSING STRATEGY ACTION PLAN 2018/19

The Strategic Housing Manager highlighted minor amendments to Appendix 1 under the heading 'New Priorities for 2018/19', including the correction of a typing error where the date of 31 March 2018 should have read 2019 and that the 'Review of the Council's Allocation Policy and undertake associated consultation' should have stated March 2019.

The Strategic Housing Manager updated the Committee on the interim Housing Strategy Action Plan and that the new three-year Health and Housing Strategy would be put to a future Committee next year, thus replacing the existing Housing Strategy 2016-2021.

Councillor Taylor sought clarification on the development responsibility to deliver and further strengthen the need for affordable housing to meet the Council's 30% requirement. The Strategic Housing Manager responded that the Affordable Housing S.P.D. and the Local Plan provides guidance in the delivery of affordable housing stating that negotiation of 30% affordable housing on every site, would continue to be pursued in order to get the best outcome for the Council, commuted sums in lieu of on-site provision to facilitate the delivery of affordable housing on an alternative site. An update was given on how many affordable homes so far this year (152) and last year (176) with a significant increase from 30 to 40 homes a year previous to last year.

RESOLVED:-

- 1.1 *The Committee approved the 12-month Interim Housing Strategy Action Plan and proposed timescales for delivery attached at Appendix 1 to the report, with the inclusion of two revised target dates of March 2019 for the completion of the New Priorities for 2018/19.***
- 1.2 *The Committee noted that a new three-year Health and Housing Strategy is to be compiled and brought back to the Committee for approval in Autumn 2019***
- 1.3 *The Committee approved that this report be referred to Finance and Management Committee to note the financial implications associated with the delivery of the actions contained within the revised Action Plan (although major new schemes and projects would be subject to future Committee approval).***

HCS/39 COUNCIL RESPONSE TO MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION ON SOCIAL HOUSING GREEN PAPER

The Strategic Housing Manager presented the report to Committee providing an overview of the proposals set out in the Social Housing Green Paper. The intention was to submit the Council's consultation response as set out in Appendix 1 by the deadline of 6 November.

Councillor Rhind welcomed the report expressing support for the Council's proposed response.

RESOLVED:-

The Committee endorsed the comments outlined in the report as the Council's response to the Ministry for Housing, Communities and Local Government (MHCLG) consultation on the Social Housing Green Paper.

HCS/40

COUNCIL RESPONSE TO MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION ON USE OF RIGHT TO BUY RECEIPTS

The Strategic Housing Manager presented the report to Committee highlighting details of the consultation and the Council's response to the nine questions based on the Council's current position on the use of Right to Buy receipts.

Councillor Richards sought clarification on the decline in the assets owned and questioned whether the Council could further assist in the housing crisis by building on land available. The Strategic Housing Manager responded in some cases the direct acquisition of stock for a nominal amount is more efficient, and review of land deals and commuted-sums on a case-by-case basis could assist in increasing stock numbers.

Clarification was sought on the use of solar panels being fitted on new build housing stock. The Strategic Housing Manager responded by explaining the specification standard of new homes and explained that energy systems add to the cost to which tenants ultimately pay back higher rent levels.

Councillor Mrs Coyle commented saying the Council is moving in the right direction. The Chairman responded by saying it was good to keep the Council's options open.

RESOLVED:-

The Committee endorsed the comments as the Council's response to the Ministry for Housing, Communities and Local Government (MHCLG) consultation on the use of Right to Buy (RTB) receipts to meet its extended deadline date of the 12 October 2018.

HCS/41

PLAYING PITCH STRATEGY

The Sport and Health Partnership Manager presented the report to Committee.

Councillor Watson acknowledged the work of the Sport and Health Partnership Manager and further commented that South Derbyshire should be proud of the sports facilities in the District.

Councillor Taylor commented that there was an omission in 3.3 of the Assessment Report and Burton Road, Woodville Recreation Ground provision is not included in the table. The Sport and Health Partnership Manager responded by saying that this omission would be added in the table. It was then realised that the Woodville site was in fact listed in the table.

Councillor Richards sought clarification on whether the Infinity Garden Village met the eligible criteria. The Sport and Health Partnership Manager responded that the Park Life Project was separate to the Infinity Garden Village.

RESOLVED:-

- 1.1 The Committee approved the adoption and implementation of the updated Playing Pitch Strategy for the District.***
- 1.2 The Committee was informed of the Football Association (FA) Parklife Hub Project.***
- 1.3 The Committee was informed of the Local Football Facility Plan.***

HCS/42 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Service Delivery) brought to the attention of the Committee an anomaly with Housing Strategy Report, the date was revised to March 2019.

Councillor Richards passed on his congratulations to Councillor Dr Coyle on achieving her PhD.

RESOLVED:-

The Committee considered and approved the updated Committee Work Programme with a revised date of 7th March 2019 for the delivery of the Allocations Policy and Choice-Based Lettings report.

HCS/43 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

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

MINUTES

The Exempt Minutes of the Meeting held on 23rd August 2018 were received.

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

The Committee was informed that no questions had been received.

The Meeting terminated at 6.35pm.

COUNCILLOR P SMITH

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

11th October 2018

PRESENT:-

Conservative Group

Councillor Harrison (Chairman) and Councillors Ford, Billings, Mrs Coe, Dr Coyle, Hewlett, Murray, Watson and MacPherson

Labour Group

Councillors Rhind, Richards, Southerd and Taylor

FM/69 **APOLOGIES**

Apologies were received from Councillor Smith (Conservative Group) substituted by Councillor MacPherson

FM/70 **MINUTES**

The Open Minutes of the Meetings held on 26th July 2018 and 30th August 2018 were taken as read, approved as a true record and signed by the Chairman.

FM/71 **DECLARATIONS OF INTEREST**

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

FM/72 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

FM/73 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

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

FM/74 **REPORTS OF OVERVIEW AND SCRUTINY COMMITTEE**

The Committee was informed that no reports had been received.

MATTERS DELEGATED TO COMMITTEE

FM/75 MODERN SLAVERY STATEMENT AND MODERN SLAVERY REFERRAL PROCEDURE

The Communities Manager presented the report to Committee, highlighting that in accordance with Section 54 of the Modern Slavery Act 2018 the Council is required to have a Modern Slavery Statement. The Communities Manager confirmed that all Council employees will be provided with the guidance.

RESOLVED:

The Committee approved the new Modern Day Slavery Statement and Referral Procedure - Guidance for Employees Document.

FM/76 UPDATE TO THE FINANCIAL STRATEGY 2018/19

The Strategic Director (Corporate Resources) presented the report to Committee, highlighting that there had been little change since the last review other than terminology and a change to the funding streams. A review had been undertaken to ensure that the Strategy remains in line with the Corporate Plan.

RESOLVED:

1.1 The Committee approved the Financial Strategy in Appendix 1 to the report for 2018/19.

1.2 The Committee approved that an annual review of the Strategy is undertaken and any significant changes are reported to this Committee.

FM/77 REVIEW and PROPOSED USE OF EARMARKED RESERVES

The Strategic Director (Corporate Resources) presented the report to Committee. Members raised questions regarding the Earmarked Reserves, which were clarified by the Strategic Director.

RESOLVED:

1.1 The Committee approved the Planning Services Reserve be earmarked for capital investment to develop a corporate mapping and geographical information system.

1.2 The Committee approved that the Corporate Services Innovation Fund be transferred to the ICT Reserve.

1.3 The Committee approved the residual amount on the Play Equipment Reserve be transferred to the Leisure Maintenance Reserve.

1.4 The Committee approved that amounts set-aside for matters arising from the Localism Act 2011 be transferred to the General Fund Reserve as detailed in the Report.

FM/78 UPDATE TO THE MEDIUM TERM FINANCIAL POSITION

The Strategic Director (Corporate Resources) presented the report, outlining the changes to affect the Council's medium-term financial position, highlighting the Growth provision, the increase in the New Homes Bonus, the retention of Business Rates, income from Industrial Units, Funding for Disability Grants and provisions for Waste and Recycling due to potential increases in recycling costs.

RESOLVED:

The Committee approved the following:

- 1.1 The updated Medium-term Financial Plan to 2024 on the General Fund and to 2029 on the Housing Revenue Account as detailed in the report and summarised in Appendix 1 and Appendix 2 to the report.*
- 1.2 That the risks and assumptions detailed in the report for the General Fund and Housing Revenue Account be noted and that the Council continues its cautious approach to maintain financial stability ahead of the Government's Spending Review in 2019/20.*
- 1.3 That this strategy be reviewed half-yearly to ensure that potential budget deficits are addressed at the earliest opportunity.*
- 1.4 That efficiencies and budget savings continue to be pursued where opportunities arise to sustain the current financial position.*
- 1.5 That the financial projections provide the basis for planning and for setting the Base Budget for the General Fund and HRA for 2019/20.*
- 1.6 That the Council supports an application to the Government as part of the Derbyshire Pool to pilot 75% Business Rates Retention for 2019/20.*
- 1.7 That an update on progress of the Pilot be provided at the next Committee meeting on 29th November 2018.*
- 1.8 That any additional New Homes Bonus received above the level forecast is earmarked for future growth and transferred to the Growth Provision.*
- 1.9 That the Government's Technical Consultation regarding Social Housing Rents from 2020/21 as detailed in the report be noted.*

FM/79 ANNUAL TRAINING REPORT 2017/18 AND PRIORITIES FOR 2018/19

The Strategic Director (Corporate Resources) presented the report, highlighting that there was an increase in attendance at Mandatory Courses

however due to employee absence it was not 100%. Further mandatory training would be provided in areas such as Safeguarding, Data Security and Equality and Diversity.

RESOLVED:

1.1 The Committee approved the priority areas for training and development during 2018/19, which are linked to the delivery of the key priorities of the Council's Corporate Plan.

1.2 The Committee noted the range of training activities and actions provided during 2017/18.

FM/80 **POTENTIALLY VIOLENT PERSONS POLICY**

The Strategic Director (Corporate Resources) presented the report to the Committee, highlighting the responsibility to protect employees at work under the Health and Safety at Work Act 1974, and providing additional protection in terms of having a Corporate Register of persons and/or properties where incidents of violence or threatening behaviour has been encountered.

Members raised queries relating to protection being provided to them and accessing the Corporate register, which were clarified by the Chief Executive and the Strategic Director.

RESOLVED:

The Committee approved the Potentially Violent Persons Policy (Appendix 1 to the report) as part of the Council's Health and Safety Management framework.

FM/81 **UPDATED HOUSING STRATEGY ACTION PLAN 2018/19**

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

RESOLVED:

1.1 Following approval by Housing and Community Services Committee, the Committee approved the 12 month interim Housing Strategy Action Plan and proposed timescales for delivery attached as Appendix 1 to the report.

1.2 The Committee noted that a new three-year Health and Housing Strategy is to be compiled and brought back to Members for approval in Autumn 2019.

FM/82 **COMMITTEE WORK PROGRAMME**

RESOLVED:

The Committee considered and approved the updated work programme.

FM/83 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

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

MINUTES

The Exempt Minutes of the Meeting held on 26th July 2018 and 30th August 2018 were received.

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

The Committee was informed that no questions had been received.

FORMER TENANT ARREARS/ TEMPORARY ACCOMMODATION DEBT WRITE-OFF (Paragraph 3)

The Committee approved the recommendations in the report.

STAFFING – CUSTOMER SERVICES (Paragraph 1)

The Committee approved the recommendations in the report.

STAFFING: REVENUES, BENEFITS AND CUSTOMER SERVICES FEEDBACK FROM CONSULTATION WITH STAFF AND TRADE UNIONS (Paragraph 1)

The Committee approved the recommendations in the report.

The meeting terminated at 6.55pm.

COUNCILLOR J HARRISON

CHAIRMAN