

Date: 10 May 2023

Dear Councillor

Council

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Thursday, 18 May 2023** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,



Chief Executive

To:-

Labour Group

Councillor Bambrick (Vice-Chair) and
Councillors Archer, Carroll, Gee, Harrison, Haynes, Heath, Hudson, Jackson,
A Jones, J Jones, L Mulgrew, M Mulgrew, Pearson, Pegg, Rhind,
Shepherd, Singh, Storey, Stuart, Taylor, A Tilley, and N Tilley.

Conservative Group

Councillors Atkin, Corbin, Fitzpatrick, Ford, Haines, Kirke, Lowe, Muller and Watson.

Non-Grouped

Councillor Wheelton.

AGENDA

Open to Public and Press

- 1 Apologies.
- 2 To report the election of the following Members at the Elections held on 04 May 2023 **4 - 4**
- 3 To confirm the Open Minutes of the following Council Meeting held on 13 April 2023 **5 - 10**
- 4 To receive any declarations of interest arising from any items on the Agenda
- 5 To appoint the Leader of the Council for the ensuing year.
- 6 To appoint the Deputy Leader of the Council for the ensuing year.
- 7 To receive any announcements from the Chair, Leader and Head of Paid Service.
- 8 To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 9 To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 10 To consider any notices of motion in order of which they have been received.
- 11 ADOPTION OF MEMBERS' CODE OF CONDUCT **11 - 29**
- 12 ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022-23 **30 - 40**
- 13 TEMPORARY APPOINTMENT OF DISTRICT COUNCILLORS TO PARISH COUNCILS **41 - 43**
- 14 CYCLE OF MEETINGS 2022-23 **44 - 46**

16 To appoint Members to serve on Committees and Sub-Committees for the ensuing year (including Chairs and Vice-Chairs), in accordance with the allocation of seats to Groups and to appoint Members to Working Panels.

17 To appoint the Substitute Panels.

18 To appoint or submit nominations for representatives to serve on Outside Bodies.

19 To appoint Member Champions.

20 To appoint the Chairs of the following Area Forums: Etwell Area Forum; Linton Area Forum; Melbourne Area Forum; Newhall Area Forum, Repton Area Forum; Swadlincote Area Forum.

21 To appoint to the following Panels/Group: Employee Health and Safety Committee; Assets of Community Value Panel; Community Grants Panel and Local Plan Working Group.

22 The Chair 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.

23 To confirm the Exempt Minutes of the following Council Meeting held on:

13 April 2023

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

- (2) To report the election of the following Members at the Elections held on 04 May 2023:

Aston Ward

Neil Kenneth Atkin
Daniel Corbin
Peter Watson

Church Gresley Ward

Alan Steven Haynes
Gordon Edgar Rhind
Benjamin Stuart

Etwall Ward

Andrew William Kirke
David Colin Muller

Hatton Ward

Julie Jackson

Linton Ward

Daniel Arthur Pegg-Legg
Alistair Brian Tilley

Melbourne Ward

Jane Dunster Carroll
Martin Fitzpatrick

Midway Ward

Alan Mercer Jones
Louise Ann Mulgrew
Robert William Pearson

Newhall and Stanton Ward

Sarah Anne Harrison
Sean Andrew Bambrick
Kalila Fiona Storey

Repton Ward

Kerry Marie Haines
James Anthony Lowe

Seales Ward

Gareth Leslie Jones
Amy Wheelton

Stenson Ward

David Geoffrey Shepherd
Lakhvinder Pal Singh

Swadlincote Ward

Yvonne Nora Heath
Michael Edward Mulgrew
Neil Anthony Tilley

Willington and Findern Ward

Martyn Ford
Ian Mark Hudson

Woodville Ward

Angela Archer
Malcolm Arthur Gee
Stephen Taylor

MINUTES of the COUNCIL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way
on Wednesday, 13 April 2023
at 6:00pm

PRESENT:

Labour Group

Councillor Dunn (Chair) and Councillor Bambrick (Vice-Chair)
and Councillors Gee, Heath, L. Mulgrew, M Mulgrew, Pearson, Rhind,
Richards, Shepherd, Singh, Southerd, Stuart, Taylor and Tilley.

Conservative Group

Councillors Atkin, Bridgen, Brown, Corbin, Dawson, Fitzpatrick, Ford, Haines,
Hewlett, Muller, Patten, Redfern, Smith and Watson.

Independent Group

Councillor MacPherson

Non Grouped

Councillor Churchill and Councillor Wheelton

CL/138 **APOLOGIES**

Council was informed that apologies had been received from Councillor Pegg (Labour Group), Councillors Ackroyd, and Lemmon (Conservative Group) and Councillor Roberts (Independent Group).

CL/139 **THE OPEN MINUTES OF COUNCIL MEETINGS**

The Open Minutes of Council Meeting held on 22 February 2023 (CL/115 to CL/134) were approved as a true record and signed by the Chair of the Council.

CL/140 **DECLARATIONS OF INTEREST**

Council was informed that no Declarations of Interest had been received.

CL/141 **ANNOUNCEMENTS FROM THE CHAIR**

The Chair of the District Council addressed Members, acknowledged those Members that were standing down, and thanked them for their years of service. The Chair thanked all who had attended the Civic Dinner where £3,000 had been raised in charitable donation.

Council was informed of events that the Chair had recently attended, which included the opening of Coppice Side Supported Housing, the launch of 'Beat the Street' and the Toyota Exchange event at Burton and South Derbyshire College.

Members addressed Council to acknowledge, and show appreciation for the work and service undertaken by the Leader and Deputy Leader of the Council and all retiring Council Members

The Deputy Leader thanked Members for their kind words wished the Council the very best for the future.

CL/142 **ANNOUNCEMENTS FROM THE LEADER**

The Leader of the Council addressed Council and thanked Members for their kind comments.

The Leader updated Members regarding Pension Credits and thanked Members and staff for attending the leaving reception for the recently retired Chief Executive.

CL/143 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/144 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council was informed that no questions had been received.

CL/145 **TO CONSIDER ANY NOTICES OF MOTION PURSUANT TO COUNCIL PROCEDURE RULE NO. 12**

Council was informed that no motions had been received.

CL/146 **APPOINTMENT OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE (SM01)**

The Monitoring Officer presented the report to Council highlighting the recommendation from the Recruitment and Selection Panel.

Councillor Richards sought clarity regarding the appointment of an interim Chief Executive.

Council was informed that due to the imminent start date of the appointed Chief Executive an interim Chief Executive would not be engaged.

RESOLVED:

- 1.1 Council approved the appointment of Dr Justin Ives in to the post of Chief Executive and Head of Paid Services (SM01) with effect from 2 May 2023.***

CL/147 EAST MIDLANDS FREEPORT UPDATE

The Monitoring Officer presented the report to Council summarising the update and advised Council that there would be further update reports.

Councillor Brown proposed a further recommendation that Council use all reasonable endeavours to safeguard local communities from potential adverse environmental impacts arising from the development

RESOLVED:

- 1.1 Council noted the report and the progress in relation to the East Midlands Freeport.**
- 1.2 Council pledged that the Council use all reasonable endeavours to safeguard local communities from potential adverse environmental impacts arising from the development.**

CL/148 PAY POLICY STATEMENT 2023-2024

The Head of Finance presented the report to Council and sought approval for the statutory requirement for publication of the Pay Policy Statement as attached as Appendix 1 to the report and noted the positive outcome regarding the 2022 pay rates.

RESOLVED:

- 1.1 Council approved the Pay Policy Statement for the financial year 2023/2024, as per Appendix 1 of the report, for publication.**

CL/149 LIST OF OUTSIDE BODIES

The Monitoring Officer presented the report to Council and sought approval of the updated list of Outside Bodies and recommendations within the report along with removal of the inactive, Rural Action Derbyshire.

RESOLVED:

- 1.1 Council considered and reviewed the list of appointments to Outside Bodies and subject to the recommendations below, approved the list of Outside Bodies to be appointed to for 2023/24.**
- 1.2 Council approved that the following inactive Outside Bodies be removed from the list:**
 - **Donnington Park Racing Circuit Liaison Committee**
 - **Elvaston Quarry Waste Disposal Site Liaison Committee**
 - **Pingle Artificial Turf Pitch Management Group**

- ***South Derbyshire Mental Health Association***CL/150 **DRAFT CYCLE OF MEETINGS 2023-24**

The Monitoring Officer presented the report to Council highlighting amended dates for Annual Council and Civic Council.

RESOLVED:***1.1 Council approved the Cycle of Meetings for 2023/24.***CL/151 **OPEN MINUTES:**

Council received and considered the open minutes of the following Committees.

Committee	Date	Minute No's
Planning Committee	03 May 2022	PL/145 – PL/159
Planning Committee	31 May 2022	PL/01 – PL/22
Planning Committee	28 June 2022	PL/23 – PL/33
Planning Committee	26 July 2022	PL/34 – PL/50
Environmental and Development Services	11 August 2022	EDS/10 – EDS/23
Finance and Management	25 August 2022	FM/32 – FM/46
Overview and Scrutiny	31 August 2022	OS/11 – OS/18
Environmental and Development Services	22 September 2022	EDS/24 – EDS/28
Finance and Management	06 October 2022	FM/52 – FM/58
Overview and Scrutiny	12 October 2022	OS/19 – OS/27
Environmental and Development Services	10 November 2022	EDS/32- EDS/41
Overview and Scrutiny	23 November 2022	OS/28 – OS/36
Finance and Management	24 November 2022	FM/66 – FM/84
Environmental and Development Services	03 January 2023	EDS/46 – EDS/53
Overview and Scrutiny	04 January 2023	OS/36 – OS/45
Housing and Community Services	05 January 2023	HCS/55 – HCS/63
Finance and Management	12 January 2023	FM/92 – FM/104
Environmental and Development Services	26 January 2023	EDS/54 – EDS/64
Housing and Community Services	02 February 2023	HCS/66 – HCS/75
Overview and Scrutiny	08 February 2023	OS/46 - OS/53
Finance and Management	09 February 2023	FM/113 – FM/125

RESOLVED:

That the Open Minutes of the following Committees and Area Forums were approved as a true record.

CL/152 **TO REVIEW THE COMPOSITIONS OF COMMITTEE, SUB-COMMITTEES AND WORKING PANELS**

The Members reviewed the composition of Committees, Sub-Committees and Working Panels 2022-23.

RESOLVED:

Council was informed no amendments were to be made

CL/153 **TO REVIEW THE COMPOSITIONS OF THE SUBSTITUTE PANELS**

The Members reviewed the composition of the composition of Committees, Sub-Committees and Working Panels.

RESOLVED:

Environmental and Development Services Committee

Councillor Dawson to replace Councillor Ford

Housing and Community Services Committee

Councillor Ford to replace Councillor Dawson

CL/154 **TO REVIEW THE REPRESENTATION ON OUTSIDE BODIES**

Members reviewed the Outside Bodies representation list.

RESOLVED:

Council was informed no amendments were to be made.

CL/155 **TO REVIEW MEMBER CHAMPIONS**

Members reviewed the Representation of Member Champions.

RESOLVED:

Council was informed no amendments were to be made.

CL/156 **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.

THE EXEMPT MINUTES OF COUNCIL MEETINGS

The Exempt Minutes of the Council Meeting held on the 22 February 2023 (CL135-CL137) were received.

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.

Committee	Date	Minute No's
Finance and Management	25 August 2022	FM/47 – FM/52
Environmental & Development Services	22 September 2022	EDS/29 – EDS/31
Finance and Management	06 October 2022	FM/60 – FM/65
Environmental & Development Services	10 November 2022	EDS/ 42- EDS/45
Finance & Management	24 November 2022	FM/85 – FM/90
Finance and Management	12 January 2023	FM/105 – FM/112
Environmental and Development Services	26 January 2023	EDS/65 – EDS/66
Housing and Community Services	02 February 2023	HCS/76 – HCS/79
Finance and Management	09 February 2023	FM/126 – FM/129

The meeting terminated at hours.18:45 hours.

COUNCILLOR P DUNN

CHAIR OF THE DISTRICT COUNCIL

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	18 MAY 2023	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP SANDHU Ardip.Sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	ADOPTION OF MEMBERS' CODE OF CONDUCT	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Council adopts the Local Government Association's (LGA) Model Councillor Code of Conduct ('the Code') (attached as Appendix 1) and its associated documents.
- 1.2 To delegate to the Monitoring Officer, the review of the role, re-appointment and/or recruitment of future Independent Persons.

2.0 Purpose of Report

- 2.1 To ensure all Members are aware of the new Model Code (and associated documentation) produced by the LGA.
- 2.2 To allow consideration of the role of Independent Persons and a review of any future arrangements.

3.0 Executive Summary

- 3.1 The Local Government Association has developed the Model Councillor Code of Conduct in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.
- 3.2 The Model Code is a template for local authorities to adopt in whole and/or with local amendments. The associated Guidance is aimed to assist understanding and consistency of approach towards the Code. The LGA have advised they will undertake an annual review of the Code to ensure it continues to be fit for purpose, incorporating advance in technology, social media, and amendments to legislation. The LGA can offer support, training, and mediation to Councils on the application of the Code and the National Association of Local Councils (NALC) can offer advice and support to Town and Parish Councils.

- 3.3 A copy of the Model Code has been sent to all Parish Councils within the District. Parish Councils have been encouraged to adopt the Model Code of Conduct at their Annual General Meeting's.
- 3.4 The Monitoring Officer attends a quarterly meeting of Derbyshire Monitoring Officers. It is hoped the Derbyshire authorities will maintain consistency in local arrangements, regarding the Members Code of Conduct.
- 3.5 Section 27 of the Localism Act 2011 requires that the arrangements under which decisions on allegations that a Member has breached the Code of Conduct must include provision for the appointment of at least one Independent Person. The views of the Independent Person must be sought and taken into account before a decision is taken on an allegation that the Monitoring Officer has decided to investigate. The Council currently has two Independent Persons

4.0 Detail

Members Code of Conduct

- 4.1 The Localism Act 2011 requires all Councils to have a local Member Code of Conduct. The Council's previous Code was adopted on 28th June 2012, with an implementation date of 1st July 2012. The regime approved in 2012 has continued unchanged and it is now necessary to review and confirm it remains fit for purpose.
- 4.2 The Committee for Standards in Public Life (CSPL) in its January 2020 report into Local Government Ethical Standards included a best practice recommendation for local authorities to adopt a Code of Conduct and recommended it be based on a model to be produced by the LGA. This sat alongside other recommendations, including some to Government that required primary legislation.
- 4.3 The LGA produced a draft Code of Conduct in December 2020, followed by updates in January 2021 and May 2021. There remained some issues with the Model Code of Conduct, including its definitions and application, leading the LGA to commission Guidance to be drafted to assist the process. Hoey Ainscough Associates assisted with drafting the Guidance. The purpose of the Guidance is to help understanding and consistency of the approach towards the Code. The LGA will also undertake annual review of this Guidance.

Independent Persons

- 4.4 The role of Independent Person has no specified term, the role has importance in the process for dealing with allegations of misconduct by Members; and the various requirements for independence that those must ensure when being appointed. It is considered challenging to recruit suitable volunteers to serve as Independent Persons. Due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. These include a Member, co-opted Member or officer of the authority, a relative or close friend of a person who is a Member of co-opted members or officer of the authority, and a person may not be appointed as an Independent Person if at any time during the 5 years ending with the appointment, the person was a Member, co-opted Member, or officer of the authority.
- 4.5 There is legal requirement for at least one Independent Person. The Localism Act 2011 requires appointment to be approved by the majority of Members of the Council. Furthermore, Independent Persons must be appointed through a process of public advertisement and application.

5.0 Financial Implications

5.1 None arising directly from this report.

6.0 Corporate Implications

6.0 The revised Members Code of Conduct will make changes to the expected standards of conduct for Elected Members. The LGA's Model Code of Conduct and Guidance provide a good foundation for commencing review of current processes and procedures.

7.0 Community Implications

7.1 The Council's Members Code of Conduct plays a vital role in promoting and maintaining the highest standards of conduct by Councillors of South Derbyshire District Council and all the Parishes in its area.

8.0 Legal Implications

8.1 Under the Localism Act 2011 all Council's must adopt a Code of Conduct. The Code should set out the conduct that is expected of Members and co-opted Members when acting in that capacity. The Code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Councils must also ensure their Code includes appropriate provisions about declaring pecuniary and other interests.

9.0 Background Papers

Members Code of Conduct

Local Government Association Model Code of Conduct - [Local Government Association Model Councillor Code of Conduct 2020](#)

Code of Conduct Guidance - [Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association](#)

Local Government and Housing Act 1989

Monitoring Officer Protocol

SOUTH DERBYSHIRE DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT

ADOPTED AT ANNUAL COUNCIL - 18 MAY 2023



Definitions

For the purposes of this Code of Conduct, a “Councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- (a) is a member of any committee or sub-committee of the authority, or;
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county Councils, district Councils, London borough Councils, parish Councils, town Councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.



In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including:

at face-to-face meetings

- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.



Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor officer protocol.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.



The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information:

a. given to me in confidence by anyone

b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am required by law to do so;

iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

1. reasonable and in the public interest; and



2. made in good faith and in compliance with the reasonable requirements of the local authority; and

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.



7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse Council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others: a. act in accordance with the local authority's requirements; and b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.



Protecting your reputation and the reputation of the local authority

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be)



offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.



Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests



6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which **affects** –
a. your own financial interest or well-being;
b. a financial interest or well-being of a relative or close associate; or
c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**
you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

8. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being: a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.



Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Subject Description Employment, office, trade, profession or vocation Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.



Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You must register as an Other Registerable Interest :</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) <p>of which you are a member or in a position of general control or management.</p>
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Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes

Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Council's website and available in Council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.



Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish Councillor towards a clerk should be made by the chair or by the parish Council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish Councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.



REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 12
DATE OF MEETING:	19 MAY 2023	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES 01283 59 5848/5722 democraticservices@southderbyshire.gov.uk	DOC:
SUBJECT:	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022-23	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: N/A

1.0 Recommendation

1.1 That Council receives the Annual Report of the Overview and Scrutiny Committee for 2022-23.

2.0 Purpose of Report

2.1 To submit the Annual Report of the Overview and Scrutiny Committee for 2022-23.

3.0 Detail

3.1 A copy of the Overview and Scrutiny Committee's Annual Report for 2022-23 is attached at Annexe A.

4.0 Financial / Corporate / Community Implications

4.1 None.

5.0 Background Papers

5.1 Annual Report 2022-23.

Overview and Scrutiny Committee Annual Report 2022/23

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 - 1.5 Meetings
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 - 2.2 Setting the Committee Work Programme
3. Challenges for 2023/24

Acknowledgements

I am pleased to present this year's Overview and Scrutiny Annual Report, which contains information about the Committee's activity over the past year.

It has been a demanding year for the Council which continues to face challenges in delivering services to the residents of South Derbyshire. The Overview and Scrutiny Committee has been tasked with analysing and monitoring services in order to provide constructive feedback to increase efficiency as well as, where possible, reduce costs.

This Annual Report demonstrates the wide range of issues that have been considered within the scrutiny process and providing committee members the opportunity to select areas to review. It has also been noted that the Overview and Scrutiny Committee's interest in a number of work programme areas has inspired action aimed at improving key services elsewhere in the Council's democratic structure.

The Overview and Scrutiny Committee recognises and appreciates the valuable contributions that Elected Members, Officers and representatives of organisations have made towards its work, and acknowledges that without this support and co-operation, it could not fulfil its aim to improve services for the benefit of South Derbyshire residents.

Councillor Sean Bambrick
Chair of the Overview & Scrutiny Committee

1. **Background**

1.1 **Purpose of the Report**

This is the Annual Report to Council from Overview and Scrutiny, as required by Article 6 of the Council's Constitution.

Overview and Scrutiny plays an important part in local government decision-making and is a principal way of achieving open, democratic accountability for the provision of public services. The aim of Overview and Scrutiny is to improve public services and quality of life for local residents. Its main value is in holding the Council and other service providers to account, monitoring performance and in its capacity to inform and influence the actions of the Council and its partners. Overview and Scrutiny is a legal requirement, introduced by the Local Government Act 2000, extended in later legislation, and consolidated in the Localism Act of 2011. Overview and Scrutiny allows Councillors to examine, question and evaluate various functions of the Council and other providers of public services on behalf of the public in an open and effective way.

The report outlines how the Overview and Scrutiny Committee has discharged its functions during the municipal year 2022/23 and details the current position and outcomes of its activities.

1.2 **Composition of Overview and Scrutiny Committee**

From May 2022 until September 2022, the Committee consisted of eight Members: three Members of the Labour Group, four Members of the Conservative Group and one Member of the Independent Group in accordance with the political balance of the Council.

For the period of May 2022 to September 2022, the following Members were appointed to the Committee:

Labour Group

Councillor Bambrick (Chair), Councillor Stuart (Vice-Chair) and Councillor Gee.

Conservative Group

Councillor Atkin, Councillor Hewlett, Councillor Muller and Councillor Smith.

Independent Group

Councillor MacPherson

From October 2022 until November 2022, the Committee consisted of eight Members: four Members of the Labour Group and four Members of the Conservative Group in accordance with the political balance of the Council.

For the period of October 2022, the following Members were appointed to the Committee:

Labour Group

Councillor Bambrick (Chair), Councillor Stuart (Vice-Chair)
Councillor Gee and Councillor L Mulgrew.

Conservative Group

Councillor Atkin, Councillor Corbin, Councillor Hewlett and Councillor Muller.

From November 2022 until May 2023, the Committee consisted of eight Members: four Members of the Labour Group and four Members of the Conservative Group in accordance with the political balance of the Council.

For the period of November 2022 to May 2023, the following Members were appointed to the Committee:

Labour Group

Councillor Bambrick (Chair), Councillor Stuart Councillor (Vice-Chair) and
Councillor Gee and Councillor L Mulgrew

Conservative Group

Councillors Ackroyd, Councillor Atkin, Councillor Hewlett and Councillor Muller.

1.3 Main Purposes of Overview and Scrutiny Committee

The main purposes of the Committee are as follows:

- (a) Write reports and/or make recommendations to Council, Policy Committees or Area Forums in connection with the formulation of policy and the discharge of any functions.
- (b) Consider any matter affecting the District or its residents.
- (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- (d) Exercise the Call-In procedure in respect of decisions made, but not yet implemented, by any Policy Committee or Area Forum.
- (e) Oversee the appropriate processes and report findings to the relevant Policy Committee.

1.4 Functions of Overview and Scrutiny Committee

- (a) Holding the Council and its statutory partners to account in the public interest, enabling transparent and effective decision-making. This includes the power to 'call-in' a decision made by any policy committee that has not yet been implemented. (See 1.6)

- (b) Supporting effective policies and initiatives, which have a beneficial impact on the community through policy review and development.
- (c) Contributing to continuous improvement in services through monitoring quarterly departmental performance reports and the implementation of improvement plans.
- (d) Having a positive impact on the work and outcomes of external agencies and providers of public services.
- (e) Aiding Councillors in engaging with their communities and playing the role of community representatives and leaders.

1.5 Meetings

The Overview and Scrutiny Committee usually meets every six weeks, on Wednesday evenings at the Council's Civic Offices. In order to engage on a more direct level with residents, meetings can also be taken out into the community. Meetings are held in Open session unless there are Exempt items for consideration by the Committee. Additional task groups can be set-up to undertake work on the Committee's behalf, which usually happens when there is a need to review a topic in greater depth.

1.6 Call-In of Policy Committee Decisions

The Overview and Scrutiny Committee has the power to determine 'call-in' requests of any policy committee decision made but not implemented. During the year 2022/23 the Committee was not required to deal with any 'called in' decisions or requests from Policy Committees for specific investigations.

1.7 Member Requests

Any Member of the Council is able to request an item, relevant to the functions of the Committee, to be included in the Work Programme for review. During the 2022/23 municipal year the Chair and Members requested that an area of the budget be added to the Work Programme.

2. Specific Areas of Activity

2.1 The Annual Report

In April 2023, the Chair and Vice-Chair considered the draft Annual Report for the 2022/23 municipal year, which looks at each of the priorities in turn and provides an overview of some of the outcomes achieved by the Committee and how it has discharged its function throughout the year.

2.2 Setting the Committee Work Programme

In August 2022 the Committee outlined suggestions and agreed possible issues to form the basis of its Work Programme during the remainder of the municipal year. Members considered a range of potential areas for the Committee to review and the specific focus of their attention.

The key areas identified were:

- (a) Regulation of Investigatory Powers Act (RIPA) 2000
- (b) Housing Repairs and Maintenance Contractor
- (c) Housing Re-Lets and Void Properties
- (d) Digital Derbyshire
- (e) East Midlands Airport Update
- (f) Overview of the Public Realm Works in Swadlincote Town Centre and Leisure Provisions in Swadlincote
- (g) Planning Service Delivery Update
- (h) Flexible Working Policy Review
- (i) Agency Costs and Vacant Posts
- (j) GP Surgeries / Appointments
- (k) Land Charges
- (l) Budget

A short summary of the Committee's work during the year is set out below.

(a) Regulation of Investigatory Powers Act 2000 (RIPA)

The Committee has a standing function to monitor the Council's use of Regulation of Investigatory Powers (RIPA) on a quarterly basis, following the Council's Inspection by the Office of Surveillance Commissioners. The Committee noted the Council's use of Regulation of Investigatory Powers Act 2000 Policy and Guidance during the municipal year 2022/23

(b) Housing Repairs and Maintenance Contractor

In October 2022 Novus representatives made a presentation to the Committee on performance, contract information and customer satisfaction reports. The Committee received the information and followed up with questions for the representatives. Members requested additional information regarding complaints.

(c) Housing Re-Lets and Void Properties

The Head of Housing presented the report highlighting the forward plan for empty properties and the targets for re-letting each property and issues that had contributed to delays in the reletting of properties.

Members enquired about common reasons why tenancies were terminated, waiting list times, the demand for each type of property and alternative housing available for people on the waiting list. The Head of Housing informed the Committee that the main reasons tenancies were terminated were due to the

death of the occupant, downsizing and tenants moving into alternative supported accommodation. It was noted that waiting list were being managed in accordance with preference of housing type and location.

Members sought clarity about the re-letting plan and how the Council compared with other authorities, the Right to Buy scheme and valuations, staffing levels in the Housing team and energy saving improvements.

The Head of Housing advised the Committee that the re-letting plan would be shared with Members. It was noted that other authorities had better results, however, circumstances were different and in the case of North-West Leicestershire for different local authorities. The Head of Housing informed the Committee that properties sold through the Right to Buy scheme were valued by independent Estate Agents and that there were approximately 20 applications per year. The Committee was also advised that the staffing situation was improving with project inspectors and a Fire and Building Safety person being recruited for the Repairs team and that energy saving improvements were undertaken whilst the tenant was in-situ.

(d) Digital Derbyshire

The Chief Executive attended the 15 June meeting and addressed the Committee and advised that the Strategic Director (Corporate Resources) had made contact with the County Council and invited Digital Derbyshire to attend a Committee meeting to update Members.

(e) East Midlands Airport Update

In November 2022 representatives from East Midland's Airport attended a Committee meeting and delivered a presentation that included, the economic activity of the airport, community engagement and consultation, the impact of Covid-19, the Noise Action Plan 2019-2023 and sound installation grants/schemes.

Members raised questions regarding flight volumes compared to pre-Covid 19, business plans in relation to the Freeport, consultation with communities, night flights and noise monitoring.

It was confirmed that flight volumes compared to pre pandemic were at 40% for passenger flights and freight had increased, that the Sustainable Development Plan projections would be reviewed in relation to the Freeport but it was too early to say how the volume of night flights would increase, that consultation is carried out via the Airport's website and regular community work and that mobile noise monitors were used to monitor noise in various locations.

(f) Overview of the Public Realm Works in Swadlincote Town Centre and Leisure Provisions in Swadlincote

The Chief Executive attended the 15 June 2022 and the 31 August 2022 meetings and delivered verbal updates outlining timelines and the works to be carried out in Swadlincote Town Centre.

At the 15 June 2022 Committee meeting the Head of Property Services shared an artist's impression of proposed improvements for the Market Hall on Midland Road and outlined the key changes and noted that the expected completion date for improvement works to be spring 2023.

(g) Planning Service Delivery Update

The Committee was informed that the Planning Service Delivery Update was subject to reports presented at Environmental and Community Services on 10 November 2022 and Finance and Management Committee on 24 November 2022.

(h) Flexible Working Policy Review

The Committee was informed that the Flexible Working Policy Review was subject to a report presented at Finance and Management Committee on 12 January 2023.

(i) Agency Costs and Vacant Posts

In January 2023 the Strategic Director (Corporate Resources) presented the report to the Committee indicating that the position shown was in September 2022 and that the latest figures for December 2022 were that vacant posts had reduced from 70 to 61 and the number of agency staff was down from 57 to 55.

Members queried if any posts were shared with other authorities and if there was a general trend in staffing levels among other authorities, and if salary levels were benchmarked with other councils and the private sector.

The Strategic Director (Corporate Resources) informed the Committee that a shared service existed with Lichfield District Council for Land Charges, that there was a general shortage of personnel in the public sector and that salary levels were compared with other authorities including unitary authorities, private companies and housing associations, noting that other terms and conditions were also taken into consideration such as flexible working.

(j) GP Surgeries / Appointments

The Committee was advised that contact had been made with the local Health Service and invited a representative to attend a Committee meeting.

(k) Land Charges

The Chief Executive attended the 15 June 2022 and 31 August 2022 meeting and gave a verbal update, regarding progress and noted that funding had been received to assist with recruitment costs and that a task force would be put in place to complete the work required for the transfer of Land Charges.

(I) Budget

The Strategic Director (Corporate Resources) presented the report to the Committee giving an overview of the budgets for 2023-24 and outlined the proposed Council Tax levels and rent increase were outlined.

The Strategic Director (Corporate Resources) summarised cost pressures and mitigation measures and updated the Committee regarding the Medium-Term Financial Plan.

Members raised queries regarding investments, pension contributions, and asset reduction. The Strategic Director informed the Committee that interest accrued was used to offset debts and that the Council strived to get the best return on investments and invested as safely as it could. The Strategic Director informed the Committee that the pension fund was independently revalued every 3 years. It was explained that asset reduction had been considered and many assets had been passed across to Parishes which reduced liabilities for the Council.

3 Challenges for 2023-24

- To build on, and update, the achievements of Overview and Scrutiny.
- To ensure that Overview and Scrutiny continues to make a positive contribution to the development of policy and the continuous improvement of the Council's operations.
- To continue to ensure the Overview and Scrutiny work programme reflects concerns of service users, community and the public.
- To continue to ensure Overview and Scrutiny works with the community and key partners to respond to local concerns.
- To continue to ensure that the work of Overview and Scrutiny has a positive effect on decision-makers and provides evidence that it has made a real difference.
- To ensure Overview and Scrutiny takes a more active, appropriate role in respect of the work of the Policy Committees and their decisions.
- To balance the focus of the Overview and Scrutiny Committee both inward on existing and proposed Council services, and outward to other areas of the community and partner organisations.
- To build on the existing scoping procedure to make it more robust, to ensure the original scope is used as a point of reference for each work programme item and a tool to measure progress and the value being added by the committee as it completes its work.

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 13
DATE OF MEETING:	18 MAY 2023	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP SANDHU ardip.sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	TEMPORARY APPOINTMENT OF DISTRICT COUNCILLORS TO PARISH COUNCILS - DALBURY LEES PARISH COUNCIL AND STENSON FIELDS PARISH COUNCIL	REF: AC
WARD(S) AFFECTED:	ETWALL, WILLINGTON AND FINDERN AND STENSON	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That the Chief Executive be authorised to appoint District Councillors to Dalbury Lees Parish Council and Stenson Fields Parish Council, in accordance with the procedure set out in Appendix 1 to this report.
- 1.2 The Chief Executive to report any such appointments to the next meeting of Council.

2.0 Purpose of Report

- 2.1 To ensure Dalbury Lees Parish Council and Stenson Fields Parish Council can continue to operate as both are inquorate following the 2023 Parish Council elections.

3.0 Detail

- 3.1 A Parish Council must be quorate in order to operate. A quorate is one third of its membership, but no less than three.
- 3.2 Section 91(1) of the Local Government Act 1972 provides that the Principal Authority, in this case the Council, can make an Order to appoint a sufficient number of Parish Councillors on a temporary basis to the Parish Council, until such time as the vacancies on the Parish Council have been filled by election.
- 3.3 The procedure at Appendix 1 outlines the process to ensure Parish Councils can continue to operate until vacancies are appointed by way of the electoral process. The procedure is only to be used where the Parish Council cannot continue its business until it is quorate.
- 3.4 South Derbyshire has 31 Parish Councils. Elections to Parish Councils take place every four years alongside the elections to the District Council.

- 3.5 Following the recent election, no Parish Councillors were nominated to Dalbury Lees Parish Council. The Parish Council has 5 seats and therefore requires 3 members to be quorate.
- 3.6 Stenson Fields Parish Council has 11 seats and 3 Parish Councillors have been elected to it. The Parish Council requires 4 members to be quorate.
- 3.7 The procedure at Appendix 1 proposes that all District Ward Members that cover the area of the parish are appointed as temporary Parish Councillor. This should mean that there are sufficient persons available to ensure that the Parish Council becomes quorate.
- 3.8 It is proposed to appoint Cllrs Martyn Ford, Ian Hudson, Andrew Kirke and David Muller (the District Councillors of the Willington and Findern Ward [as a consequence no Councillors being returned after the abandonment of the Hilton Ward Poll] and District Councillors of the Etwall Ward) to Dalbury Lees Parish Council and Cllrs David Shepherd and Lakhvinder Singh (the District Councillors of the Stenson Ward) to Stenson Fields Parish Council.
- 3.9 All temporary appointments will end either when permanent Parish Councillors are appointed sufficient to make the Parish Council quorate, or after six months beginning from the date of the Order, whichever is the earlier.

4.0 Financial Implications

- 4.1 There are no financial implications arising directly from this report.

5.0 Corporate Implications

- 5.1 To ensure continuation of local democracy.

6.0 Community Implications

- 6.1 To ensure that Parish Councils can continue to operate having become inquorate.

7.0 Background Papers

- 7.1 Procedure for making temporary appointments to Parish Councils.

APPENDIX 1

Procedure for making temporary appointments to Parish Councils

This procedure allows South Derbyshire District Council to make an Order to appoint persons to Parish Councils in accordance with section 91 of the Local Government Act 1972.

1. The Parish Clerk advises the Council that the Parish Council is unable to operate due to being inquorate.
2. Elections verifies the number of seats on the Parish Council.
3. All District Ward Members for the area in which the parish is located will be offered the temporary appointment of Parish Councillor until such time as the vacancies are filled by election.
4. For parishes falling into two different district Wards the District Ward Members applicable to the parish ward(s) where the vacancies have arisen will all be approached.
5. Where the relevant Ward Members are unable to be appointed and the Parish Council remains inquorate the Chief Executive, in consultation with the Leader will consider the way forward which may involve adjacent District Ward Members.
6. All appointments must be made by Order under Section 91(1) of the Local Government Act 1972.
7. A report detailing the action taken will be submitted to the next Council meeting.
8. In accordance with section 91(3) of the Local Government Act 1972 the Chief Executive will forward two copies of the Order to the Secretary of State. A copy for information will also be sent to the Clerk of the Parish Council.
9. The Order will stipulate the names of the appointed persons and the latest date their appointment will expire.

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 14
DATE OF MEETING:	19 MAY 2021	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP SANDHU (ext.5715) Ardip.sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	CYCLE OF MEETINGS 2022/23	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

1.1 That, in accordance with Council Procedure Rule No. 1.1 (g) of the Council's Constitution, the cycle of Council and Committee meetings for 2022/23 (**Appendix A** to this report) be approved.

2.0 Purpose of Report/Detail

2.1 To consider the cycle of Council and Committee meetings for 2022/23 attached at **Appendix A**.

3.0 Financial Implications

3.1 None.

4.0 Corporate Implications

4.1 None.

5.0 Community Implications

5.1 None.

6.0 Background Papers

6.1 None.

COMMITTEE AND COUNCIL MEETINGS 2023-24

Committee	Day	Date
ANNUAL COUNCIL	Thursday	18.05.23
CIVIC COUNCIL	Thursday	25.05.23
Environmental & Development Services	Tuesday	30.05.23
Housing & Community Services	Thursday	01.06.23
Planning	Tuesday	06.06.23
Finance & Management	Thursday	08.06.23
Overview & Scrutiny	Wednesday	14.06.23
Audit Sub-Committee	Wednesday	21.06.23
COUNCIL	Thursday	22.06.23
Planning	Tuesday	27.06.23
Etwall JMC	Wednesday	05.07.23
Finance and Management (Special)	Thursday	20.07.23
Planning	Tuesday	25.07.23
Environmental & Development Services	Thursday	10.08.23
Housing & Community Services	Thursday	17.08.23
Planning	Tuesday	22.08.23
Finance & Management	Thursday	24.08.23
Overview & Scrutiny	Wednesday	30.08.23
Audit Sub-Committee	Wednesday	06.09.23
COUNCIL	Thursday	14.09.23
Planning	Tuesday	19.09.23
Etwall JMC	Wednesday	20.09.23
Environmental & Development Services	Thursday	21.09.23
Housing & Community Services	Thursday	28.09.23
Finance & Management	Thursday	05.10.23
Overview & Scrutiny	Wednesday	11.10.23
Planning	Tuesday	17.10.23
Audit Sub-Committee (Special) –	Wednesday	18.10.23
Finance & Management (Special) -	Thursday	19.10.23
COUNCIL	Thursday	02.11.23
Environmental & Development Services	Thursday	09.11.23
Planning	Tuesday	14.11.23
Housing & Community Services	Thursday	16.11.23
Overview & Scrutiny	Wednesday	22.11.23
Finance & Management	Thursday	23.11.23
Audit Sub-Committee	Wednesday	06.12.23
Planning	Tuesday	12.12.23
Environmental & Development Services (Special - Budget)	Thursday	04.01.24
Housing & Community Services (Special – Budget)	Monday	08.01.24
Planning	Tuesday	09.01.24
Etwall JMC	Wednesday	10.01.24
Finance & Management (Special – Budget)	Thursday	11.01.24
Overview & Scrutiny (Special – Budget)	Wednesday	17.01.24
COUNCIL	Thursday	18.01.24

COMMITTEE AND COUNCIL MEETINGS 2023-24

Environmental & Development Services	Thursday	25.01.24
Housing & Community Services	Thursday	01.02.24
Planning	Tuesday	06.02.24
Overview & Scrutiny	Wednesday	14.02.24
Finance & Management	Thursday	15.02.24
COUNCIL	Wednesday	28.02.24
Environmental & Development Services	Thursday	29.02.24
Planning	Tuesday	05.03.24
Audit Sub-Committee	Wednesday	06.03.24
Housing & Community Services	Thursday	07.03.24
Finance & Management	Thursday	14.03.24
Overview & Scrutiny	Wednesday	27.03.24
Planning	Tuesday	02.04.24
COUNCIL	Thursday	11.04.24
Environmental & Development Services	Thursday	18.04.24
Housing & Community Services	Tuesday	23.04.24
Etwall JMC	Wednesday	24.04.24
Finance & Management	Thursday	25.04.24
Planning	Tuesday	30.04.24
ANNUAL COUNCIL	Thursday	16.05.24
CIVIC COUNCIL	Thursday	23.05.24

REPORT TO:	ANNUAL COUNCIL	AGENDA ITEM: 15
DATE OF MEETING:	18 MAY 2023	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP SANDHU Ardip.Sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	POLITICAL PROPORTIONALITY	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Council approves and adopts the recommended allocation of seats to the Political Groups and Non-Grouped Members for the municipal year 2023/24.
- 1.2 That the Council allocates seats between the Political Groups and Non-Grouped Members as set out at Annexe 'A' and invites Group Leaders and Non-Grouped Members to make nominations to fill the seats.

2.0 Purpose of Report

- 2.1 To consider the Council's political proportionality for the municipal year 2023/24.

3.0 Detail

- 3.1 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government and Housing Act 1989 ("the Act") (specifically subsections (3) to (5) as modified by The Local Government (Committees and Political Groups) Regulations 1990 ("the Regs")). A Political Group is defined as being constituted by at least two Members who have advised the proper officer of the local authority in writing that they wish to be treated as a Political Group.
- 3.2 The political composition of the Council is as follows:-
 - Labour Group 23
 - Conservative Group 9
 - Non-Grouped 1
 - Vacant 3
- 3.3 The Council is required to review the representation of the different political groups on Committees and Sub-Committees at, or as soon as practicable after, the Annual Meeting of the Council; or where notice is received of a change in the composition of Political Groups.

3.4 The principles of determination are as follows:-

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

3.5 The total number of Committee seats on the District Council for allocation is 98. After calculating the proportionality for the two Groups, the Non-Grouped Member, and the 3 vacancies this gives 63 seats to the Labour Group, 24 seats to the Conservative Group, 3 seats to the Non-Grouped Member, and leaves 8 seats vacant, as indicated on the schedule attached at Annexe 'A'.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

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

6.0 Community Implications

6.1 None.

7.0 Background Papers

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

Annexe 'A'

Political Proportionality 2023/24

Committee	Membership	Labour Group	Conservative Group	Non - Grouped	Vacant
Finance & Management	13	8 (8.3)	4 (3.3)	0 (0.4)	1 (1.1)
Environmental & Development Services	13	8 (8.3)	3 (3.3)	1 (0.4)	1 (1.1)
Housing & Community Services	13	9 (8.3)	3 (3.3)	0 (0.4)	1 (1.1)
Planning	13	8 (8.3)	3 (3.3)	1 (0.4)	1 (1.1)
Licensing & Appeals	15	10 (9.6)	4 (3.8)	0 (0.4)	1 (1.2)
Overview & Scrutiny	8	5 (5.1)	2 (2)	0 (0.2)	1 (0.7)
Standards	6	4 (3.8)	1 (1.5)	0 (0.2)	1 (0.5)
Joint Consultative	5	3 (3.2)	1 (1.3)	0 (0.1)	1 (0.4)
Etwall JMC	3	2 (1.9)	1 (0.8)	0 (0.1)	0 (0.2)
Audit Sub	5	3 (3.2)	1 (1.5)	1 (0.1)	0 (0.4)
Heritage Grants Sub	4	3 (2.6)	1 (1)	0 (0.1)	0 (0.3)
Seats available for allocation	98	63 (62.6)	24 (24.5)	3 (2.7)	8 (8.2)
Total number of seats on Council	36 (100%)	23 (63.9%)	9 (25%)	1 (2.8%)	3 (8.3%)