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Our Ref
Your Ref

Date: 25 October 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, 02 November 2023 at 18:00** to transact the business set out on the attached agenda.

Yours faithfully,

Chief Executive

To:-

Labour Group

Councillor S Bambrick (Chair) and Councillor M Gee (Vice-Chair)
Councillors A Archer, J Carroll, S Harrison, A Haynes, I Hudson, J Jackson,
A Jones, J Jones, L Mulgrew, M Mulgrew, R Pearson, D Pegg, V Redfern, G Rhind,
D Shepherd, L Singh, K Storey, B Stuart, S Taylor, A Tilley, and N Tilley.

Conservative Group

Councillors N Atkin, D Corbin, M Fitzpatrick, M Ford, K Haines, A Kirke, J Lowe,
S Meghani, D Muller and P Watson.

Liberal Democrats

Councillors G Andrew and J Davies.

Non-Grouped

Councillor A Wheelton.



AGENDA

Open to Public and Press

- 1 Apologies.
- 2 To confirm the Open Minutes of the following Council Meetings:

14 September 2023 **6 - 14**
- 3 To receive any declarations of interest arising from any items on the Agenda
- 4 To receive any announcements from the Chair, Leader and Head of Paid Service.
- 5 To receive any questions by members of the public pursuant to Council Procedure Rule No. 10.
- 6 To receive any questions by Members of the Council pursuant to Council Procedure Rule No. 11.
- 7 To consider any notices of motion in order of which they have been received.
- 8 **COMMUNITY GOVERNANCE REVIEW – DRAKELOW, TERMS OF REFERENCE** **15 - 31**
- 9 **LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – ANNUAL REVIEW LETTER 2023 AND LGSCO UPDATE** **32 - 35**
- 10 **INDEPENDENT REMUNERATION PANEL** **36 - 38**
- 11 **EQUALITY, DIVERSITY AND INCLUSION ANNUAL REPORT 2022-23 AND DIVERSITY CALENDAR 2024** **39 - 54**
- 12 **ANNUAL REPORT 2022-23** **55 - 76**

13	MEMBER ICT PROTOCOL	77 - 122
14	To receive and consider the Open Minutes of the following Committee meetings:	
	Licensing and Appeals Sub-Committees 2019 - 2023	123 - 209
	Planning Committee 18 October 2022 - 08 August 2023	210 - 267
	Housing and Community Services Committee 09 March 2023	268 - 270
	Housing and Community Services Committee 25 April 2023	271 - 273
	Finance and Management Committee 27 April 2023	274 - 276
	Housing and Community Services Committee 01 June 2023	277 - 280
	Finance and Management Committee 08 June 2023	281 - 284
	Overview Scrutiny 14 June 2023	285 - 287
	Etwall JMC 05 July 2023	288 - 290
	Finance and Management Committee 20 July 2023	291 - 295
	Finance and Management Committee 24 August 2023	296 - 301
	Overview Scrutiny 30 August 2023	302 - 304

Etwall JMC 20 September 2023	305 - 307
Finance and Management Committee 05 October 2023	308 - 311
Overview and Scrutiny Committee 11 October 2023	312 - 315
15 To review the compositions of Committees, Sub-Committees and Working Panels.	
16 To review the compositions of Substitute Panels.	
17 To review representation on Outside Bodies.	
18 To review Member Champions.	
19 The Chairman may therefore move:- That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.	
20 To confirm the exempt minutes of the following Council meetings: 14 September 2023	
21 To receive any exempt questions by Members of the Council pursuant to Council Procedure Rule No. 11.	
22 To receive and consider the Exempt Minutes of the following Committee meetings: Licensing and Appeals Sub-Committees 2019 - 2023 Planning Committee 15 November 2022 Housing and Community Services Committee 5 January 2023 Housing and Community Services Committee 09 March 2023 Housing and Community Services Committee 25 April 2023	

Finance and Management Committee 27 April 2023
Housing and Community Services Committee 01 June 2023
Finance and Management Committee 08 June 2023
Etwall JMC 05 July 2023
Finance and Management Committee 20 July 2023
Finance and Management Committee 24 August 2023
Finance and Management Committee 05 October 2023

MINUTES of the COUNCIL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 14 September 2023
at 6.00pm

PRESENT:

Councillor S Bambrick (Chair) and Councillor M Gee (Vice-Chair) and Councillors A Archer, J Carroll, S Harrison, A Haynes, A Jones, J Jones, L Mulgrew, M Mulgrew, R Pearson, D Pegg, G Rhind, D Shepherd, L Singh, K Storey, B Stuart, S Taylor, and A Tilley.

Conservative Group

Councillors N Atkin, D Corbin, M Ford, K Haines, A Kirke, J Lowe, S Meghani, D Muller and P Watson.

Liberal Democrats

Councillors G Andrew and J Davies

Non-Grouped

Councillor A Wheelton

CL/46 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor I Hudson, Councillor V Redfern, Councillor Taylor and Cllr N Tilley (Labour Group) and Councillor M Fitzpatrick (Conservative Group)

CL/47 **TO CONFIRM THE OPEN MINUTES OF COUNCIL MEETINGS**

The Open Minutes of the Council Meeting held on the 22 June 2023 (CL/27 - CL/43) were approved as a true record and signed by the Chair.

CL/48 **DECLARATIONS OF INTEREST**

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

CL/49 **ANNOUNCEMENTS FROM THE CHAIR**

The Chair of South Derbyshire District Council addressed Council. The Chair reported that he had attended the Music in the park events, an event at Melbourne arts Centre, the awarding of the Green Flag to Cadley park, the ATC Freedom of the District Parade and the Derbyshire Scouts AGM.

CL/50 ANNOUNCEMENTS FROM THE LEADER

The Leader of South Derbyshire District Council attended the meeting and addressed Council. The Leader passed on his congratulations to the Council's officers for delivering the Swadlincote Live, love parks week and the Heritage Open Days. The Leader requested that the Chief Executive to pass on his thanks to his colleagues.

The Leader also reported that he had attended an event at Toyota and a meeting of the East Midlands Hydrogen Cluster. The Leader, Chief Executive and that the Head of Economic Development and Growth intended to attend future meetings. He commented that South Derbyshire would be at the heart of the initiative which will encourage investment into the District.

CL/51 ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE

The Chief Executive addressed Council and advised that Summons for Council meetings would be served electronically unless a Member requested a paper copy.

CL/52 QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

Council was informed that no questions had been received.

CL/53 QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

In accordance with Council Procedure Rule No.11 the Chair of Council invited Councillor Corbin to ask the Leader of the Council the following question:

"We are all aware of the precarious financial situation for several councils across the UK.

We have learned of financial difficulties for our neighbours in Derby City for example, and, most recently, we have heard about the Section 114 order issued by Birmingham who are effectively bankrupt. A shocking development for Europe's biggest local council.

Here in South Derbyshire, the current Medium Term Financial Plan shows that this council will run out of money in 4 years.

Whilst there are some questions to be answered on funding matters that lie outside of the control of SDDC, recent presentations to council of the MTFP were not accurate financial forecasts for this council, with approximately £1m in business rates not factored in.

We now have a new head of finance in place – whom, I believe has the potential to be a real asset to SDDC – and I understand Tracy Bingham is working on financial strategies for the council's future. As an aside, we also welcome the

finance department's new aspiration for preparing and presenting on financial matters in a clearer and simpler way.

The starting point for any new strategy, however, must be accurate and live financial data and proper financial forecasting.

So, with that mind, and in the spirit of empowering all councillors with a clearer understanding of this council's financial position, will the leader commit providing this and commit to a date by when we will have a correct, up-to-date, and accurate financial plan containing correct, accurate and live finance data?"

The Leader responded as follows-

General underlying financial sustainability issues

- For many councils underlying financial sustainability concerns have been mounting. The Local Government Association recently published its analysis which predicted significant budget gaps and called on the government to ensure councils have adequate resources.
- This would affect a substantial number of Councils nationally, particularly those with adult and children's social care responsibilities.
- The Leader of the Council assured Members, staff and the public that it was in a very strong and stable financial position. The Council had healthy level of reserves and no debt on the General Fund, both of which provided a sound platform to develop future interventions to manage spending within the Council's means.
- The current Medium Term Financial Plan, prepared in February of 2023, did predict ongoing budget gaps as was outlined in the annual report of the previous Section 151 Officer. It was noted that it was a forecast that without intervention, current expenditure would increase whilst central government funding decreased.

£1m business rates and in year plan

- Turning to Councillor's Corbin comment around recent presentations, the Leader of the Council thought that he might have been referring to a paragraph included in the Quarter 1 update to August's Finance and Management Committee which said that £1m more in business rates could be expected but that it would be reported in Quarter 2.
- As it stood, the finance team continue to analyse forecast business rates and there was no further update.
- It was note that it was an extremely complex area, complicated further by the Council's involvement in the Derbyshire Business Rates Pool – an excellent partnership which allows the Council to keep more of the rates in South Derbyshire, but which relies on the forecasting techniques of 10 other Councils also.

- The Leader informed Council that the Section 151 Officer had advised that they would not be revising this year's budget but would instead revise forecast outturn when relevant and certain data was available. It was confirmed that the Council's finances were already as accurate and live as possible, using proper financial forecasting techniques.

Future plan

- Looking ahead to next year and beyond, a future "correct, up-to-date and accurate financial plan" would be dependent on central governments' actions to take forward and implement a range of overdue fiscal policy matters, including fair funding, business rates reset and new homes bonus reform. Without this, it would be extremely difficult to plan effectively.
- Additionally, the Council needs central government to provide it with funding certainty through a multi-year settlement, instead of a one-year settlement approach, which leaves the Council relying on the judgement of officers to predict funding for the next year and beyond.
- Despite the difficulties in planning, the development of next year's budget had started and a report would be taken to each of the policy committees over the coming weeks - the first of these was to be Environmental and Development Services Committee.
- An initial draft budget and medium-term financial plan would be available by the end of November and was to be presented alongside an overarching strategy document to Council for final approval in February.
- So, the Council was on track for the financial plan to be as accurate and up to date as the current funding regime allowed and the Leader was happy to commit to providing the information by November, as was already the plan.

Empowering councillors

- Finally, and in the spirit of empowering all councillors with a clearer understanding, the Leader reminded all Members of the Financial Sustainability Workshop scheduled for next week.
- During the workshop, the Section 151 Officer (who has joined the Council as Strategic Director (Corporate Resources) [not the Head of Finance, who reports to the Strategic Director]) would be upskilling Members in all things related to the Council's ability to balance its books.
- The Leader urged Members to attend.

Councillor Corbin raised the following supplemental question:

Can we make sure the financial information be as accurate as possible. If the forecasts are positive, it would encourage the Council to be less prudent. Would it be possible to have an online dashboard that is updated on a month by month basis?

The Leader informed Council that he had noted Councillor Corbin's supplementary question and would discuss it with officers.

In accordance with Council Procedure Rule No.11 the Chair of Council invited Councillor Meghani to ask the Leader of the Council the following question:

“The South Derbyshire District Council website has an entire section dedicated to ‘Council & Democracy’, which includes information on all District Councillors and their respective contact details.

However, this section of the website is somewhat hidden away, as there is not a clear icon link on the homepage, allowing members of the public to quickly access information on Councillors.

Could the Leader of the Council please arrange for the South Derbyshire District Council website to be updated, so that information and contact details for District Councillors is easier to find on the website's homepage?”

The Leader thanked Councillor Meghani for his question and informed Council that officers had been instructed to implement this as soon as possible.

CL/54 **NOTICES OF MOTION IN ORDER OF WHICH THEY WERE RECEIVED**

In accordance with Council Procedure Rule No. 12, the Chair of Council invited Councillor A Wheelton to move the following motion:

“This Council formally declares an ecological emergency in response to the ongoing threat to wildlife and ecosystems.

The declaration recognises the essential role that nature plays and provides a statement of intent, to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees and resist the destruction of such habitats through a considered and sustainable local planning policy.

This motion will see the Council add ecological considerations, together with any implications, alongside those for climate, sustainability, and nature recovery in our new corporate plan as strategic priorities embedded within all areas of Council engagement.

The Council will continue to collaborate with our communities, businesses and other organisations, existing networks, and partnerships to improve ecological literacy, encourage greater biodiversity, increase local sustainable food production in order to protect food security, tree planting and management.”

The Leader seconded the motion stating that it was in line with the Labour Group's manifesto. He also commented that a Working Group should be established.

Councillor Corbin stated that the Conservative Group supported the principle but had concerns with the motion. He was concerned that the motion conflicted with planning policy and was pre-emptive. He considered that there were local initiatives and policies which rendered the motion unnecessary.

Councillor Ford stated he could not support the motion as it was not compatible with the County Council's actions.

Councillor Andrew indicated support for the motion and a willingness to take part in any Working Group.

Councillor Wheelton stated that it was statement on intent and thanked the Liberal Democrat and Labour Groups for their support and proposed a recorded vote.

RESOLVED:

The Council formally declared an ecological emergency in response to the ongoing threat to wildlife and ecosystems.

The declaration recognised the essential role that nature played and provided a statement of intent, to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees and resist the destruction of such habitats through a considered and sustainable local planning policy.

The motion would see the Council add ecological considerations, together with any implications, alongside those for climate, sustainability, and nature recovery in the Council's new corporate plan as strategic priorities embedded within all areas of Council engagement.

The Council would continue to collaborate with its communities, businesses and other organisations, existing networks, and partnerships to improve ecological literacy, encourage greater biodiversity, increase local sustainable food production in order to protect food security, tree planting and management.

A recorded vote was taken:

The Members who voted in favour of the above motion were:

Councillors S Bambrick, M Gee, G Andrew, A Archer, J Carroll, J Davies, S Harrison, A Haynes, A Jones, J Jones, L Mulgrew, M Mulgrew, R Pearson, D Pegg, G Rhind, D Shepherd, L Singh, K Storey, B Stuart, S Taylor, A Tilley, and A Wheelton

The Members who voted against the above motion were:

Councillors N Atkin, D Corbin, M Ford, K Haines, A Kirke, J Lowe, S Meghani, D Muller and P Watson.

CL/55 **PROTOCOL FOR THE USE OF INFORMATION TECHNOLOGY BY MEMBERS**

The Leader addressed Council and proposed that the item be deferred as it required further work. He further proposed that the matter be reported to Finance and Management Committee after a review by a cross party working group.

RESOLVED:

Council agreed to defer consideration of the Protocol for use of information technology for Members to a future meeting of Finance and Management Committee.

CL/56 **OPEN MINUTES:**

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

Committee	Date	Minutes Nos
Finance & Management	16.03.23	FM/130 – FM/144
Environmental & Development Services	02.03.23	EDS/67 – EDS/75
Environmental & Development Services	20.04.23	EDS/80 – EDS/89
Environmental & Development Services	30.05.23	EDS/01 – EDS/11
Environmental & Development Services	10.08.23	EDS/14 – EDS/22

Area Forum	Date	Minutes Nos
Newhall	24.01.23	N/A 15 – N/A 21
Melbourne	25.01.23	M/A 15 – M/A 21
Swadlincote	31.01.23	S/A 15 – S/A 20
Etwall	01.02.23	E/A 15 – E/A 21
Repton	14.02.23	R/A 13 – R/A 19
Linton	16.02.23	N/A 15 – N/A 21

Councillor A Jones asked whether voters had been deterred by the requirement to bring ID and what efforts the Council was making to increase participation.

The Head of Legal and Democratic Services informed Council that voters could apply for a voter ID certificate and Electoral Services was attempting to increase engagement and participation as per the Public Engagement Strategy.

Councillor Atkin commented that he was the Deputy Chair for the Melbourne Area Forum

Councillor Corbin asked that officers consider what can be done to increase attendance at Area Forum meetings.

RESOLVED:

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

CL/57 APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2023/24

Members reviewed the composition of Committees, Sub-Committees and Working Panels 2023/24.

RESOLVED:

***Licensing and Appeals Sub-Committee*
Councillor G Andrew to be appointed.**

CL/58 COMPOSITION OF SUBSTITUTE PANELS

Members reviewed the composition of the Substitute Panels 2023/24.

RESOLVED:

***Licensing and Appeals Sub-Committee*
Councillor J Davies to be appointed.**

CL/59 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2023/24

Members reviewed the Outside Bodies representation list 2023/24

RESOLVED:

Council was informed that no amendments were made.

CL/60 APPOINTMENT OF MEMBER CHAMPIONS

Members reviewed the Representation of Member Champions.

RESOLVED:

Council was informed no amendments were to be made.

CL/61 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 22 June 2023 (CL/44 - CL/45) 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.

EAST MIDLANDS INVESTMENT ZONE

Council approved the recommendations in the report.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its Committees.

<i>Committee</i>	<i>Date</i>	<i>Minutes Nos</i>
<i>Finance & Management</i>	<i>16.03.23</i>	<i>FM/145 – FM/153</i>
<i>Environmental & Development Services</i>	<i>02.03.23</i>	<i>EDS/76 – EDS/79</i>
<i>Environmental & Development Services</i>	<i>20.04.23</i>	<i>EDS/90 – EDS/93</i>
<i>Environmental & Development Services</i>	<i>30.05.23</i>	<i>EDS/12 – EDS/13</i>

The meeting terminated at. 18:50 hours.

COUNCILLOR S BAMBRICK

CHAIR OF THE DISTRICT COUNCIL

REPORT TO:	FULL COUNCIL	AGENDA ITEM: 8
DATE OF MEETING:	02 NOVEMBER 2023	CATEGORY:
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP SANDHU Ardip.Sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	COMMUNITY GOVERNANCE REVIEW – DRAKELOW: TERMS OF REFERENCE	REF:
WARD(S) AFFECTED:	LINTON WARD	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 Members approve the Community Governance Review Terms of Reference, as detailed at **Appendix 1** to the Report.
- 1.2 Members delegate to the Monitoring Officer, in consultation with the Leader, any necessary amendment to the Terms of Reference, the review process and/or the timetable for the review.

2.0 Purpose of Report

- 2.1 To advise Members of the legal process whereby the Council can review and make changes to local governance arrangements within the whole or part of its District.

3.0 Detail

- 3.1 The Community Governance Review (CGR) has been instigated following the receipt of a valid petition from local electors in Drakelow and submitted by Drakelow Parish Meeting.
- 3.2 In accordance with the Local Government and Public Involvement in Health Act 2007, the Council is responsible for undertaking any review within its electoral area. In addition to the Terms of Reference, all decisions will be made by Full Council prior to any Reorganisation of Community Governance Order being made.
- 3.3 Local governance arrangements will be determined following a consultation. Details of the parties to be consulted are contained in the Terms of Reference document (Appendix 1).
- 3.4 A timetable detailing the actions required within the permitted twelve-month period is contained within the Terms of Reference document (Appendix 1). Following a period of consultation, recommendations will be presented to Council for agreement.

4.0 Financial Implications

4.1 Any financial implications relating to the CGR process are within budgetary provisions.

5.0 Corporate Implications

5.1 None arising directly from this report.

6.0 Community Implications

6.1 The Review and subsequent recommendations will determine the local governance arrangements for the Drakelow area; a place that is changing rapidly due to the regeneration of the former Drakelow Power Station site which includes the Dracon development of 2000 new homes.

7.0 Background Papers

Communities and Local Government / Local Government Boundary Commission for England Guidance on Community Governance Reviews.



COMMUNITY GOVERNANCE REVIEW OF DRAKELOW (PARISHED AREA) DRAFT TERMS OF REFERENCE

Introduction

On 2nd November 2023, South Derbyshire District Council (“the Council”) approved these Terms of Reference created for the purposes of undertaking a Community Governance Review of the Parished area of Drakelow.

A Community Governance Review (“the Review”) is a legal process whereby the District Council can review and make changes to local governance arrangements within the whole or part of its district.

These arrangements will be determined following consultation with local people and will aim to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

Legislation and Guidance

In undertaking the Review and implementing any outcome, the Council will be guided by the following legislation and guidance:-

- Part 4 of the Local Government and Public Involvement in Health Act 2007, as amended;
- The Legislative Reform (Community Governance Reviews) Order 2015 which amended and added to the 2007 Act;
- The relevant parts of the Local Government Act 1972;
- The Local Government (Parishes and Parish Councils) (England) Regulations 2008;
- The Local Government Finance (New Parishes) (England) Regulations 2008; and

- The Guidance on Community Governance Reviews issued jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England (March 2010) (“the Guidance”).

Aim of the Review

The District Council has received a valid petition signed by local electors from the Parished area of Drakelow (which is part of the District Ward of Linton). The petition requests that this Community Governance Review is undertaken and seeks the creation of a Parish Council for Drakelow covering the same area that is defined by the existing Parish Boundary and currently represented by a Parish Meeting. A Community Governance Review is the formal process through which the possible creation of a Parish Council is considered. A map which shows the current boundaries of the Parished area of Drakelow is set out at Appendix A.

In carrying out the Review, the Council aims to ensure that decisions affecting community governance within the area of the Review are reflective of the identities and interests of the community and are both effective and convenient.

Other important considerations are the impact on community cohesion, the size, population and boundaries of the area and what (if any) arrangements have already been made or could be made for the purposes of community representation or community engagement.

Present Structure of CGovernance in the Area

The District of South Derbyshire currently has 49 Parishes represented by 31 Parish councils and 18 Parish meetings. The whole of the current area of Drakelow is currently represented by a Parish Meeting which consists of the local government electors registered in the area. At the present time, Drakelow does not have elected Parish Councillors.

What will the Community Governance Review consider?

The Community Governance Review will consider:

- whether or not a Parish Council should be constituted or any alternative and, if so;
- what it should be named and the style that should be adopted,
- whether the area and boundaries should be altered to better reflect the local community,
- how many Parish Councillors there should be,
- whether there should be Parish Wards reflecting changes in the local community, and if so, what the Parish Wards should be named,
- the implementation dates and electoral arrangements that should apply.

Who is undertaking the Review?

The Council is responsible for undertaking any review within its electoral boundaries.

All interested persons and bodies have the opportunity to submit representations throughout the process for consideration by Full Council (a meeting of all South Derbyshire District Councillors) before any decisions are made.

Why is the Council undertaking the Review?

The Local Government and Public Involvement in Health Act 2007 transferred responsibility for Community Governance Reviews to principal councils. The District Council is undertaking this Review because it has received a valid petition submitted by local electors.

Why Constitute a Parish?

The Council recognises that all communities have individual local issues and any decisions made will reflect those issues and be in the best interests of the area concerned.

Government guidance states that the advantage of constituting an area as a Parish is that Parishes reflect distinctive and recognisable communities of interest with their own sense of identity. It further states that this identity and community lends strength and legitimacy to the Parish structure, creates a common interest in local affairs, encourages participation in elections, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense a civic values, responsibility and pride.

Boundaries

The petition seeks retention of the existing boundaries of the area currently represented by Drakelow Parish Meeting. If it is agreed to create a Parish Council for the Drakelow area; the District Council will attempt, as far as possible, to select boundaries that are, and are likely to remain, easily identifiable on the ground. Typically, these barriers will be either natural or man-made: they might include rivers or man-made features such as parks, railways, major roads – those barriers that oblige the residents of an affected area to have little in common with the remainder of an area.

Drakelow Parish is surrounded by the neighbouring parishes of Walton Upon Trent, Rosliston and Cauldwell and the non-parished urban area of Swadlincote. Additional neighbouring Parishes are located within the principal council area of East Staffordshire. These include Branston Parish Council and Stapenhill Parish Council.

Local Government Boundary Commission for England

In the event that the Community Governance Review leads to a change in any ward(s) boundaries in the District, this will be reviewed by the Local Government Boundary Commission for England.

What does a Parish Council do?

Parish Councils are the most local form of government. They may collect money from council tax payers (via the District Council) known as a 'precept', a separate charge which is added to, and collected along with, your existing Council Tax. These precept monies are required to be used to invest in the area to improve local services or facilities.

A Parish council has statutory powers which may be complimentary or over and above those already provided by South Derbyshire District Council. Any Parish council created as a result of a Community Governance Review would work with South Derbyshire District Council to agree which services it would like to be involved in delivering. A list of the powers and duties of Parish Councils is available at the following link:

<https://www.websitesforParishcouncils.co.uk/powers-of-Parish-councils/>

Parish Councils can take different forms but are usually made up of local people who stand for election as a Parish Councillor to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services and work to improve the quality of life in the area.

What sort of factors might be taken into account when looking at community identity?

There is no set list of factors; the following offers a few suggestions:

- Where do you think the boundary with the next Parish is or should be?
- Are there any natural physical boundaries, e.g. river, road, hill nearby?
- Are there any community groups or associations in the area which help to indicate where communities begin and end?
- Where are your key services, e.g. shops, doctors, pub, sports or social club?

Does changing a Parish boundary make any difference to the likelihood of development occurring on the edge of the settlements?

No. The criteria, and the legislation that sits behind it, for determining whether or not Parish boundaries should change bears no relation to the legislation that guides the determination of planning applications.

Alternative styles

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing Parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenants' associations or community associations, which may be more appropriate to some areas than Parish councils, or may provide stages building towards the creation of a Parish council.

The Council will be mindful of such other forms of community governance in its consideration of whether Parish governance is most appropriate in certain areas. However, the Council also notes that what sets Parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

With regard to the naming of Parishes, if required, the Council will endeavour to reflect existing local or historic place names and will give a strong presumption in favour of names proposed by local interest parties. The Council notes that Government considers that composite names of Parishes are rarely in the interests of effective and convenient local government and encourages avoidance of composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names. The Council will consider this when making any proposals regarding naming of Parishes.

Parishes may have alternative styles to 'Parish'. The alternative styles are 'community', 'neighbourhood' or 'village'. In addition, it should be noted that the style 'town' is still available to a Parish. However, for as long as the Parish has an 'alternative style', it will not also be able to have the status of a 'town' and vice versa. The use in these terms of reference to Parish does not preclude one of the alternative styles being adopted. The 'name' of a Parish refers to the geographical name of the area concerned, whereas its status or 'style' allows for that area to be known as a town, community, neighbourhood or village, rather than as a Parish. The status or style of the Parish will be reflected in the name of any council of the Parish.

In the event that a new Parish Council wishes to precept, how much would it charge?

As the precept will depend on the size of the Parish or community council, the services it provides and the number of properties across which it is spread, it is not possible to say how much a precept would be for an area which does not currently have a Parish or community council. Any new Parish or community council would be able to set its own precept level.

Where, as a result of an alteration to Parish boundaries, a property moves from one Parish to another, this may well have an impact on the overall level of Council Tax payable by occupants of that property, as the amount of precept levied by different Parish councils may vary. However, this is not a relevant factor when considering whether it is appropriate to change the community governance arrangements in a particular area.

The Council would aim to ensure that any new Parishes agreed should be viable and that the precept should enable them to promote the well-being of their residents and contribute to the provision of services in their areas. Based on the existing electorate in the Parished area of Drakelow (*645 electors* on Register in September 2023), the District Council may recommend the creation of either a Parish council or a Parish meeting. This applies to areas with between 151 to 999 local electors.

Council Size: How many Parish Councillors would there be?

There must not be fewer than five Councillors on a Parish council, but there is no maximum number. As guidance, the National Association of Local Councils (NALC) suggest the minimum number of Councillors for any Town or Parish should be 7 and the maximum 25. Ideally, the number of members on a Parish council should reflect the size of the Parish overall. If it is agreed to establish a new Parish or community council, one of the issues that will need to be decided is how many Councillors will be elected. Parish Councillors can be elected to represent the whole of the Parish area or smaller neighbourhoods within the area, called Parish wards. Any Councillors elected to the Parish or community council would be in addition to the existing local District Ward Councillors who are Members of South Derbyshire District Council. It is possible for the same people to be elected to the District Council and a Parish or community council.

As of September 2023, the Parished area of Drakelow had 645 electors but no Parish Councillors. South Derbyshire District has 49 Parished areas of which 31 are represented by Parish Councils and the remaining 18 are Parish Meetings. A list of the Parishes is provided at [Appendix B](#). This also identifies the number of Parish Councillors and the ratio of electors to Parish Councillors. For ease of local comparison, the electoral ratios for the neighbouring Parishes of Walton Upon Trent, Rosliston and Cauldwell are set out below:

Parish Name & Polling District	Electorate September 2023	Number of Parish Councillors	Electoral Ratio (ie. One Councillor per how many electors)
Drakelow (Parish Meeting) LTC	645	0	Not applicable
Walton Upon Trent (Parish Council) SLF	635	8	79.3
Rosliston (Parish Council) LTF	573	6	95
Cauldwell (Parish Meeting) LTB	81	0	Not applicable

Are Parish Councillors paid an allowance?

Parish Councillors are not usually paid an allowance, but may incur costs which can be reimbursed.

Electorate Forecasts

When considering any electoral arrangements arising as a result of this Review, the Council will consider any change in the number or distribution of electors which is

likely to occur within five years from commencement of this Review. This data is as follows:-

District Area	Polling District	Electorate September 2022	Electorate September 2023	Electorate September 2028
Drakelow	LTC	593	645	905

The above electorate forecasts have been developed by South Derbyshire District Council Electoral Services based on the assumption that the number of electors will increase at the same rate of increase as took place between September 2022 and September 2023. The increase between these dates was 52 additional electors in one year. In practice, the rate of increase could be higher and accelerate as new homes which have received planning consent are completed and become occupied. The Government's Guidance recommends that these forecasts should be made available widely at an early point in the review process; so that they are available to all who wish to submit representations.

Demographic Trends and Influences in the Area

Individual District Ward and Parish profile data is available using the following link: https://www.nomisweb.co.uk/sources/census_2021_pp

The local area report data that is currently available for the area of Drakelow is based on the 2011 census data, with Parish level profile information based on the 2021 census awaited.

Parish Warding & the Naming of Parish Council Wards

Parish warding is the division of a Parish Council area into appropriately sized wards for the purpose of electing Parish Councillors. Any Community Governance Review must examine the number and boundaries of Parish Wards, their names and the number of Councillors to be elected to each ward. In determining warding arrangements regard will be given to community ties in the area. Legislation requires that, in considering whether or not a Parish Council area should be divided into wards, the Council considers whether:

- (a) The number, or distribution of the local government electors for the area would make a single election of Parish Councillors impracticable or inconvenient; and
- (b) It is desirable that any area or areas of the Parish Council should be separately represented.

There is a need to consider not only the size of the electorate in the area but also their distribution within it. Warding arrangements should be clearly and readily understood by, and should have relevance for, the electorate in the Parish Council area. Parish Ward arrangements should have merit in themselves and, as well as meeting the two tests set out in legislation, they should also be in the interests of

effective and convenient local government and not be wasteful of a Parish Council's resources.

The District Council will endeavour to reflect existing local or historic place names when naming any Parish Council Wards and there will be a strong presumption in favour of names proposed by local interested parties.

Electoral Arrangements

The next programmed elections for all Parishes in South Derbyshire District will be held May 2027. If, following the Community Governance Review, an area is Parished, any amendments to Parish arrangements would come into existence from 1 April 2025. Elections would need to be held in May 2025 and the initial term of office would be for two years. Elections would then be held every fourth year thereafter.

Timetable for the Review

A timetable for the Review is shown below.

Action	Dates
Terms of Reference agreed by Full Council	2nd November 2023
Publication of Terms of Reference	3rd November 2023
Consultation process – Invitation of initial submissions & Public Meetings	3rd November 2024 to 26th January 2024
Last date for submissions	26th January 2024
Analysis/evaluation of submissions and preparation of draft recommendations	27th January 2024 to 16th February 2024
Draft recommendations agreed by Full Council	28th February 2024
Publication of draft recommendations	8th March 2024
Consultation on draft recommendations & Public Meetings	8th March 2024 to 3rd May 2024
Last date for submissions	3rd May 2024
Analysis/evaluation of submissions and preparation of final recommendations	4th May 2024 to 10th June 2024

Final recommendations agreed by Full Council	Date to be confirmed (anticipated July 2024)
Publication of final recommendations	Date to be confirmed (anticipated July 2024)
Preparation and publication of any Reorganisation of Community Governance Order	Date to be confirmed (anticipated August 2024)

This programme and timeline may be adjusted after representations have been received from local people in response to the initial public consultation. This will allow the Council a degree of flexibility in the interests of ensuring that it manages the review process efficiently. Any adjustments to the programme and timetable will be published on the Council's website.

Consultation

The Council has a duty under the Local Government and Public Involvement in Health Act 2007 to consult with the local government electors in the area under review and any other interested person or body. Throughout the process all representations will be taken into account before decisions are made.

The Council will:-

- Publish a release in the local press informing residents of the Review and inviting responses;
- Publish information on the Council's website;
- Consult with the residents of the area subject to the Review;
- Consult with the South Derbyshire District Councillors for the area subject to the Review (Linton Ward) and the neighbouring areas (Newhall & Stanton, Church Gresley and Seales Wards);
- Consult with the Derbyshire County Councillors for the Drakelow area (Linton and Swadlincote South Electoral Division) and the neighbouring area (Swadlincote North);
- Consult with the Member of Parliament for the District;
- Consult with Derbyshire County Council;
- Consult with East Staffordshire Council;
- Consult with any neighbouring Parish Councils (Walton Upon Trent and Rosliston Parish Councils and Cauldwell Parish Meeting in South Derbyshire and Branston Parish Council and Stapenhill Parish Council in East Staffordshire) and community representative groups (Linton Area Forum); and

- Consult with any other person or body which appears to the District Council to have an interest in the Review (Derbyshire Association of Local Councils, Countryside Partnership (Developer), VitalEnergi (Waste Plant), Eon (proposed Solar Farm), East Midlands Airport and Water Supplier for Drakelow.

The initial consultation period will end on 26th January 2024. Any representations must be received by that date or they may not be considered when the options are prepared for Full Council.

There will then be a further opportunity for people to comment on the draft proposals before the final decision is made.

The Council recognises that the development of strong, sustainable communities depends on residents' active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

The Council welcomes all representations from any persons or bodies with a local interest who may wish to comment or make proposals on any aspect of the matters under review.

Level of Support from Local Electors

The District Council would expect there to be a minimum number of responses from local electors in Drakelow to trigger a draft recommendation for changes to the existing Parish arrangements. This number would be **5%** of the electors involved (33 local electors from Drakelow). A greater level of support would be expected for such a draft recommendation to be made a final recommendation. This number would be **10%** of the electors involved (65 local electors from Drakelow). If more than one option is supported at the draft or final recommendation stage; then the support from the local electorate for those options will be measured against one another to determine whether the trigger point has been achieved.

Please send any representations to:-

- drakelowcgr@southderbyshire.gov.uk or
- South Derbyshire District Council
Legal and Democratic Services Section
Community Governance Review
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

If you have any queries relating to the Review, please contact us by e-mail at democraticservices@southderbyshire.gov.uk or by telephone on 01283 595722 / 01283 595848.

Further information about the Review is available on the Council's website below:-

Insert link

Completion of the Review

The Council will clearly publish the outcome of decisions taken as a result of the review and the reasons behind those decisions, so as to conduct the process transparently, making local people and other interested parties aware of the decisions reached. Press releases will be issued at key points as detailed in the above timetable and key documents will be on deposit at the Council's offices.

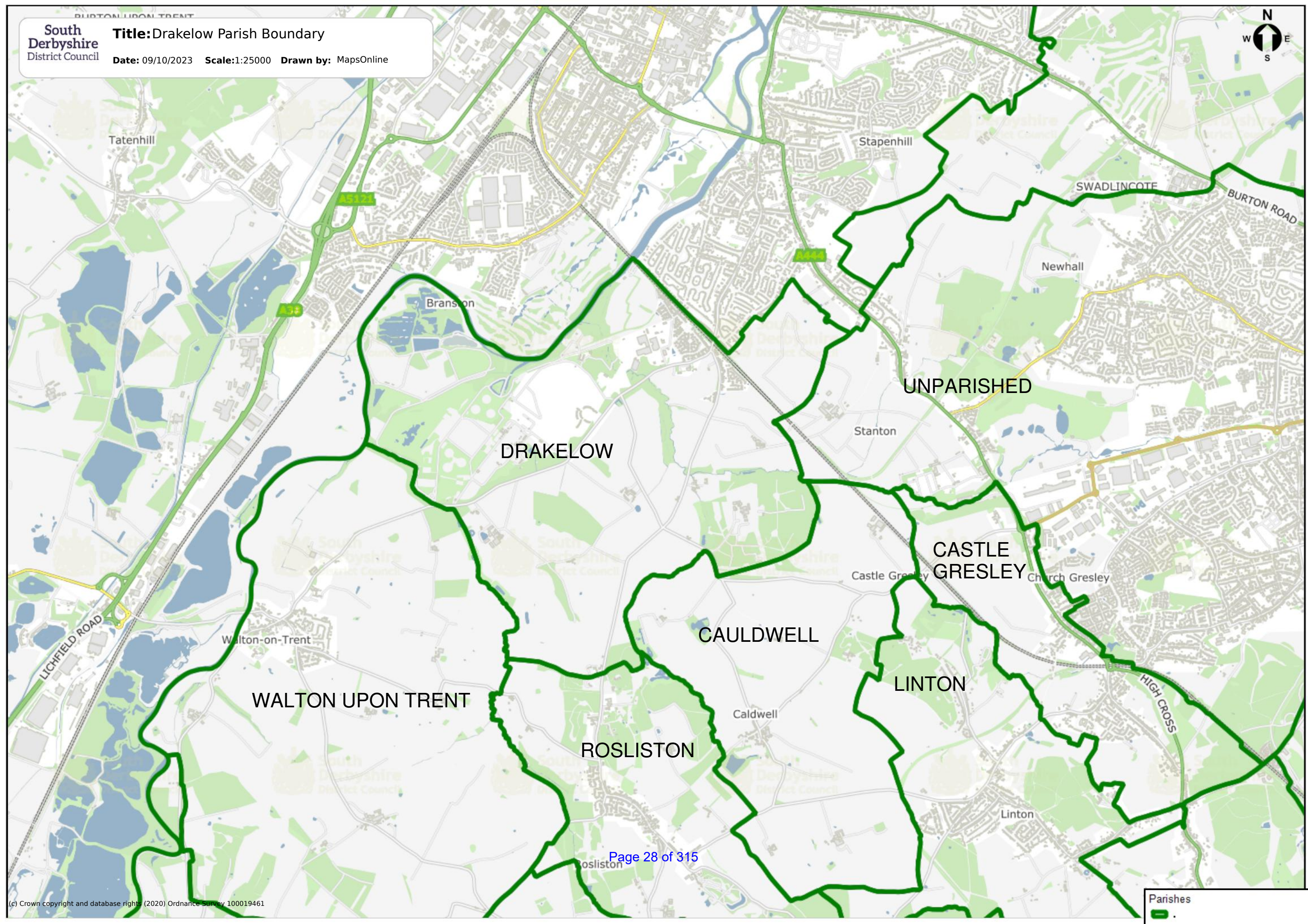
Order and commencement

In the event of a Reorganisation of Community Governance Order being made, the provisions of such an Order will take effect from 1st April 2025 for financial and administrative purposes, depending upon the outcome of the Review.

Date of Publication of these Terms of Reference

3rd November 2023

(HF/LCSA/18/10/23 Working Draft)



Parishes

<u>Parish Councils</u>	<u>Parish Seats (2023)</u>		<u>Electorate Full for September 2023 Register</u>		<u>Electorate Ratio</u> <small>(Electorate / Seats)</small>	
ASTON-ON-TRENT	9		1,434		159	
BARROW-ON-TRENT	6		446		74	
BRETBY	7		668		95	
BURNASTON	6		1,147		191	
CASTLE GRESLEY	8		1,474		184	
CHURCH BROUGHTON	6		439		73	
COTON-IN-THE-ELMS	7		680		97	
DALBURY LEES	5		197		39	
EGGINTON	7		456		65	
ELVASTON	Boulton Moor Ward: 3	Total: 9	Boulton Moor Ward (ASD): 1,000	Total: 2,437	271	
	Rural Ward: 6		Rural Ward (ASC): 1,437			
ETWALL	12		2,349		196	
FINDERN	10		Findern North (WFB1): 1,713	Total: 3,017	302	
			Findern (WFB2): 1,304			
FOSTON & SCROPTON	6		470		78	
HARTSHORNE	Hartshorne & Goseley Ward: 9	Total: 15	Hartshorne (MWE): 1,267	Total: 3,083	206	
	Lower Midway Ward: 6		Hartshorne (WVA): 919			
			Hartshorne (WVB): 897			
HATTON	Lower Midway Ward: 6				Total: 2,356	147
	Central Ward: 2		Central (HNC): 485			
	Heathway Ward: 1		Heathway (HND): 203			
	Hoon Ward: 1		Hoon (HNE): 193			
	North Ward: 1		North (HLD): 179			
	School Ward: 2		School (HNB): 722			

	South Ward: 1	South (HNF): 329		
	Yew Tree Ward: 1	Yew Tree (HNA): 245		
HILTON	9	6,204		689
LINTON	11	LTD: 1,649	Total: 2,020	184
		LTE: 371		
MELBOURNE	15	MLA: 2,172	Total: 4,067	271
		MLB: 1,895		
NETHERSEAL	7	705		101
NEWTON SOLNEY	7	666		95
OVERSEAL	10	261		26
REPTON	11	RTG: 1,941	Total: 2,116	192
		RTH: 175		
ROSLISTON	6	573		96
SHARDLOW AND GREAT WILNE	8	953		119
SMISBY	5	217		43
STENSON FIELDS	11	ASB1 (East): 3	Total: 3,870	351
		STA: 3,009		
		STB1 (West): 858		
TICKNALL	6	510		85
WALTON-ON-TRENT	8	635		79
WESTON-ON-TRENT	7	1,211		173
WILLINGTON	11	2,641		240
WOODVILLE	11	WVC: 2,081	Total: 4,054	369
		WVD: 1,973		

<u>Parish Meetings</u>	<u>Electorate Full for September 2023 Register</u>
BARTON BLOUNT	54
BEARWARDCOTE	24
CALKE	19
CATTON	36
CAULDWELL	81
DRAKELOW	645
FOREMARKE	61
HOON	40
INGLEBY	77
LULLINGTON	106
MARSTON-ON-DOVE	26
OSLESTON AND THURVASTON	261
RADBOURNE	1,197
STANTON-BY-BRIDGE	211
SUTTON-ON-THE-HILL	114
SWARKESTONE	996
TRUSLEY	44
TWYFORD AND STENSON	149

REPORT TO:	COUNCIL	AGENDA ITEM: 09
DATE OF MEETING:	02 NOVEMBER 2023	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DR JUSTIN IVES CHIEF EXECUTIVE	DOC:
SUBJECT:	LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – ANNUAL REVIEW LETTER 2023 AND LGSCO UPDATE	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 To accept the Local Government and Social Care Ombudsman's Annual Review Letter 2023.

2.0 Purpose of Report

- 2.1 This report will provide Members with a summary of complaints made to the Local Government and Social Care Ombudsman ("LGSCO") against this Authority during the year 2022/23.
- 2.2 It will also provide an update on developments in the Local Government and Social Care Ombudsman service.

3.0 Detail

- 3.1 On 19 July 2023, the Council received the Annual Review Letter for the period 2022/23 and a summary of statistics on complaints.
- 3.2 The Ombudsman's Office made decisions on 7 complaints about this Council in 2022/23. Of these complaints, 4 were closed after initial enquiries, 1 was referred back for local resolution, 1 was investigated but not upheld and 1 was upheld.
- 3.3 The LGSCO does not give detailed information about the statistics and, therefore, in order to provide some background information for Members, the Council's Ombudsman Link Officer has produced a table of complaint decisions, which is attached at **Annexe 'A'**. This gives a breakdown of the type of complaints received and a summary of the decisions.

LGSCO Developments

- 3.4 The end of this reporting year saw the retirement of Michael King as Local Government Ombudsman. Paul Najsarek was appointed as Interim Ombudsman in April 2023.

Complaint statistics

- 3.5 This year, the Ombudsman service has continued to place the focus on outcomes of complaints and what can be learned from them. It wants to provide the most insightful information it can and therefore has made several changes over recent years to improve the data captured and reported. The statistics are focused on the following three key areas:
- 3.6 Complaints upheld – Complaints are upheld when some form of fault is found in the authority's actions, including where the authority has accepted fault before an investigation is commenced. The Ombudsman has reviewed its processes over the past two years, and one outcome of this is that it is now more selective about the complaints that it considers in detail, prioritising those where it is in the public interest to investigate. The Ombudsman states that the average uphold rate for all investigations has increased as a result, and cautions against comparing this year's uphold rate against previous years for this reason.
- 3.7 Compliance with recommendations – The Ombudsman recommends ways for authorities to put things right when faults have caused injustice and monitors compliance with recommendations. Failure to comply is rare and a compliance rate below 100% would be cause for concern. In the 12 months to 31 March 2023, 1 recommendation was made to this Authority. This has been satisfied, making this Council's compliance rate 100%.
- 3.8 Satisfactory remedies provided by the Authority – The Ombudsman wants to encourage early resolution of complaints and credit authorities that have a positive and open approach to resolving complaints. Cases are recognised where an authority has taken steps to put things right before the complaint came to them.
- 3.9 The LGSCO compares the three key annual statistics for the Authority with similar types of authorities to work out an average level of performance. They do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils and London Boroughs. Further information on this Council's performance can be found at: [South Derbyshire District Council - Local Government and Social Care Ombudsman](#)
- 3.10 Supporting complaint and service improvement - The LGSCO is continuing to work to develop a joint handling code in partnership with the Housing Ombudsman Service. The intention of this is to consolidate and simplify the guidance given.

4.0 Financial Implications

- 4.1 None directly arising from this report.

5.0 Corporate Implications

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

6.0 Community Implications

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

7.0 Conclusion

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

8.0 Background Papers

Annual Review Letter 2023 from the Local Government and Social Care Ombudsman

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINT DECISIONS 2022/23

Category	Summary of Decision	Decision			
		Closed after initial enquiries	Not Upheld	Referred back for local resolution	Upheld
Planning & Development	Complaint about the Council's decision to grant planning permission without properly considering drainage and highway issues. After investigating this complaint, the Ombudsman found no fault in the Council's decision making process.		✓		
Planning & Development	Complaint regarding a delay in determining a planning application. The Ombudsman decided not to investigate the complaint as it believed it would have been reasonable for the complainant to appeal to the Planning Inspectorate.	✓			
Environmental Services & Public Protection & Regulation	Complaint regarding missed assisted refuse collections/returns and related service failure. The Ombudsman upheld this complaint, finding fault by the Council. The remedies awarded to resolve the injustice caused were an apology, payment of £250 and agreement for ongoing monitoring. The Ombudsman has confirmed the remedy is now complete and satisfied.				✓
Corporate & Other Services	Complaint relating to an employment or personnel matter. No further details were made available in relation to this complaint and the Ombudsman confirmed that such matters are excluded from its jurisdiction under Sch 5/5A Local Government Act 1974.	✓			
Corporate & Other Services	Complaint about the conduct of a local election. The Ombudsman's decision was not to investigate the complaint as the actions of the Returning Officer are outside of its jurisdiction.	✓			
Corporate & Other Services	No record held of this complaint and no further details available from the Ombudsman. The only information provided states it was a premature decision and that advice was given.			✓	
Environmental Services & Public Protection & Regulation	Complaint in relation to the Council's decision to issue a premises licence. The Ombudsman decided not to investigate the complaint as it considered it reasonable for the complainant to pursue the connected claim for loss of income in the courts.	✓			

REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	02 NOVEMBER 2023	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ARDIP SANDHU Ardip.Sandhu@southderbyshire.gov.uk	DOC:
SUBJECT:	INDEPENDENT REMUNERATION PANEL	REF:
WARD(S) AFFECTED:	ALL	

1.0 Recommendations

- 1.1 That Richard Penn be appointed Chairman of the Independent Remuneration Panel to make recommendations to the Council on Members' Allowances.
- 1.2 That the Chief Executive be authorised to appoint two further members from the local community to serve on the Panel.
- 1.3 That the Members of the Panel be paid any agreed fees and expenses incurred by them in carrying out their duties.
- 1.4 That the Terms of Reference for the Panel, as detailed in the report, be approved.

2.0 Purpose of Report

- 2.1 To consider arrangements for an Independent Remuneration Panel to make recommendations to the Council on Members' Allowances.

3.0 Detail

- 3.1 The Council is required to undertake a review of its Members' Allowances scheme by an Independent Remuneration Panel under the four-year rule, as required by The Local Authorities (Members' Allowances) (England) Regulations 2003.
- 3.2 Independent Remuneration Panels have previously met in 2001, 2003, 2007, 2011, 2015, 2016 and 2020 to make recommendations to the Council on Members' Allowances.
- 3.3 It is proposed the Chairman of the Panel is Richard Penn. Mr Penn has forty years' experience within the public sector. In January 2008 Mr Penn was appointed by the

Minister of Local Government as the Chair of the Independent Remuneration Panel for Wales. This Panel sets the remuneration for all elected and co-opted Members of local authorities in Wales.

3.4 It is recommended Mr Penn is assisted by two members of the local community to achieve a degree of local accountability, with the two appointments delegated to the Chief Executive.

3.5 It is recommended that the following Terms of Reference be given to the Panel:-

- To make recommendations on the amount of Basic Allowance that should be payable to Members and the expenses it includes;
- To make recommendations on the categories of Members who should receive a Special Responsibility Allowance and the amount of such an allowance;
- To make recommendations on the amount of Co-optees allowances, where applicable;
- To make recommendations on travel and subsistence allowances;
- To make recommendations on the amount of Childcare and Dependent Carers' Allowances;
- To make recommendations on whether the allowances should continue to be adjusted in line with the average pay increases negotiated through the National Joint Committee for Local Government Employees or with reference to any other index or none;
- To make recommendations on the implementation date for the new Scheme of Allowances;
- To make recommendations on the Civic Allowances;
- To make recommendations on additional expenses received by Members;
- To make recommendations on any other matters which the Panel considers necessary.

4.0 Financial Implications

4.1 The expenses of the Independent Remuneration Panel will need to be met by the Council.

4.2 Panel members may claim expenses, including travel and subsistence.

5.0 Corporate Implications

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

6.0 Community Implications

6.1 None.

7.0 Background Papers

The Local Authorities (Members' Allowances) (England) Regulations 2003

REPORT TO:	FULL COUNCIL	AGENDA ITEM: 11
DATE OF MEETING:	2 NOVEMBER 2023	CATEGORY: DELEGATED
REPORT FROM:	LEADERSHIP TEAM	OPEN DOC:
MEMBERS' CONTACT POINT: SUBJECT:	Dr JUSTIN IVES (EXT. 5700) EQUALITY, DIVERSITY AND INCLUSION ANNUAL REPORT 2022-23 AND DIVERSITY CALENDAR 2024	
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Council approves the Council's Equality, Diversity and Inclusion annual report for 2022/23 (**Appendix A**) and the Diversity Calendar for 2024 (**Appendix B**).

2.0 Purpose of Report

- 2.1 To present the Equality, Diversity and Inclusion annual report 2022/23 that showcases and highlights the activity carried out by the Council and its partners in 2022/23 (**Appendix A**).
- 2.2 To approve the Diversity Calendar 2024 of events and festivals to be recognised and supported by the Council (**Appendix B**).

3.0 Detail

- 3.1 Equality, diversity and inclusion is at the heart of the Council's activity to ensure customers, residents and staff are treated fairly and have equal and fair access to the services it provides.
- 3.2 Following extensive consultation with residents and stakeholders in autumn 2020, the Council approved the Council's Equality, Diversity, and Inclusion Strategy 2021-25 along with a four year action plan. Each year, an annual report is produced to highlight and showcase the work completed by the Council and its partners during 2022/23 (**Appendix A**) and to meet our statutory duties under the Equality Act 2010.
- 3.3 The action plan has five high level objectives that are:
 - 1. Encourage and enable a skilled and diverse workforce to build a culture of equality and inclusion in everything we do.
 - 2. Demonstrate inclusive leadership, partnership and a clear organisational commitment to being a leader in equality, diversity, and inclusion in the District.
 - 3. Involve and enable our diverse communities to play an active role in society and put the resident's voice at the heart of decision-making.
 - 4. Deliver responsive services and customer care that is accessible and inclusive to individual's needs and respects cultural differences.
 - 5. Understand our diverse communities and embed that understanding in how we shape policy and practice across the Council.

- 3.4 The Action Plan continues to be implemented and we are making good progress which is reported to the EDI Steering Group on a quarterly basis.

There were some areas where we need to make further progress that included;

- Design and implement an annual employee survey which is now being completed in November 2023.
- Using an industry recognised equality index to assess achievements and progress in LGBTQ+ inclusion. This has been considered by the EDI Steering Group and a proposal for this will be put before Leadership Team and the Equality, Diversity, and Inclusion Steering Group in 2023/24.
- Collate and maintain data on equality, diversity and inclusion as a shared resource available on the Council's internal and external web pages. This continues to be progressed and enriched with information from the Office of National Statistics (ONS) Census data which is being released in stages and our website will be updated as and when we receive additional data.

Overview of Equality, Diversity and Inclusion Annual Report 2022/23

- 3.5 The report has been developed from information collated from across the Council, partners and updates given on a quarterly basis against the action plan. This gives a very clear insight into the work being completed to embed equality, diversity and inclusion at the heart of everything we do.
- 3.6 Significant progress continues to be made against our five equality objectives but more importantly work continues to consider the different needs and aspirations of our community and other groups or individuals that we interact with. Whilst the Equality Act 2010 provides a framework to support and protect individuals under nine stated protected characteristics, we evidence in the report the work also completed to support the most vulnerable in the community through the provision of advice, support and going further to reach people who may need our support.
- 3.7 Over the past three years, worldwide and national events have really exposed people to different challenges and the Council, with its partners, continue to provide a vital link and supporting network for people to access support or information they need. It is accepted that we need to do more and working with the Equality, Diversity and Inclusion Steering Group to monitor and support the delivery of our key objectives and actions, the Council is well placed to deliver this vital and important work.

Diversity Calendar 2024

- 3.8 A key objective from the action plan is to update and approve our Diversity Calendar 2024 (**Appendix B**). This provides a framework for the Council to commemorate events relating to the characteristics that are not only protected by the Equality Act 2010 (age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) but also other significant national events recognising historic events or supporting ongoing causes.
- 3.9 Each event on the Calendar will be supported by the Council with information on its website, social media campaigns or where appropriate the display of approved materials such as posters or other resources.
- 3.10 All events will be monitored and a review completed on the response from customers and residents. The Calendar will be reviewed and updated on an annual basis and be subject to approval of the Council.

4.0 Financial and Corporate Implications

- 4.1 None arising from the report.

5.0 Community Implications

- 5.1 The Annual Report 2022/23 (**Appendix A**) highlights the work completed by the Council and its partners in supporting our community with different events, support and other actions to make our services more inclusive and accessible. As a public sector body we have statutory duties to comply with and this report evidence how we are working towards and achieving our duties.
- 5.2 This report will be made available on our website and our customers, residents and partners can continue to see the progress we are making and some of the actions we will be undertaking in the next 12 months.

6.0 Conclusions

- 6.1 The Council has made considerable progress over the year following the approval of the Equality, Diversity, and Inclusion Strategy 2021-25 and Action Plan. With the support from all service areas and partners, this progress will continue to be sustained over the coming year with work completed in the areas referenced in the action plan 2023/24.
- 6.2 It is apparent that the needs of the Council's customers and residents will change over the coming year, especially around issues arising from the recovery from the pandemic and the financial hardship has impacted on residents in the District. It is important that the Council continues to provide support either directly or with partners to help and support people and in particular making the Council services as fair and accessible as possible to make South Derbyshire a great place to live, visit and invest.

7.0 Background papers

- 7.1 Equality, Diversity and Inclusion Strategy 2021-25 and Action Plan.



South
Derbyshire
District Council

Equality, diversity and inclusion annual report

2022/23

www.southderbyshire.gov.uk



Foreword

Equality is a core value of the council and underpins the way in which we deliver services to our community.

We are committed to ensure our customers, residents and staff are treated fairly and equitably by the council; giving people the opportunity to be who they are and achieve the successes they aspire to.

Our equality, diversity and inclusion annual report highlights our work over the past 12 months, both to deliver our statutory duties and to meet the aims we have set ourselves through our equality objectives for 2021-2025.

It provides an insight into our achievements and also reflects on the areas where more work is required to address inequality, discrimination, and exclusion.

The last 12 months have been challenging but we are proud of the work we have achieved to make South Derbyshire a place of choice for people to live, visit and invest.

We have taken action to promote understanding, celebrate diversity, tackle prejudice and remove or minimise disadvantage.

Our Equality, Diversity and Inclusion Strategy clearly sets out our ongoing commitment to equality, what we are looking to achieve and other arrangements for embedding equality, diversity and inclusion into everything we do now and in the future.

We will continue to work with partners to make this a reality. In the last year, the council appointed an Equality, Diversity and Inclusion Officer to put resource into supporting this work.

We are aware that more work is required to achieve our goals. This annual report continues our journey to demonstrate the various ways we have shaped our services, identified new ways of working or reached out to different parts of our community to further our commitment to placing equality, diversity and inclusion at the heart of everything we do.



Dr Justin Ives
Chief Executive



Councillor Robert Pearson
Council Leader

Introduction

All public sector organisations and local authorities have a legal obligation to evidence how they are meeting their statutory duties under the Public Sector Equality Duty.

The report outlines progress against our equality objectives and our Equality, Diversity and Inclusion Action Plan 2021-2025.

Legislative context

The Duty requires public bodies in the exercise of their functions to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
 - Set and publish equality objectives, at least every four years
 - Publish information to show their compliance with the Equality Duty, at least annually.
- Having “due regard” to the need to advance equality of opportunity involves:
- Removing or minimising disadvantages suffered by people
 - Taking steps to meet the needs of people that are different from others
 - Encouraging people to participate in public life or activity in which participation is low.

The Equality Act 2010 protects people from discrimination, harassment and victimisation on the basis of their protected characteristics. Each individual has some of the protected characteristics e.g. sex or age, so the Act protects everyone. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion/ Belief
- Sex
- Sexual orientation
- Marriage and civil partnership.

The steps involved in meeting the needs of disabled people also involve making reasonable adjustments to ensure they are not disadvantaged compared to non-disabled people. This can involve making changes for staff to ensure they can attend work and for customers to make sure they can access our services.

Supporting our communities

The pandemic and the resultant financial crisis has identified wider inequalities experienced by groups within South Derbyshire. We are fully committed to reducing these inequalities and improving the life of all residents.

We continue to work in partnership with different Government, public health, third sector and community groups to coordinate and provide support for the community.



This work has included:

- Safe and Sound, a charity to eradicate child exploitation has visited parks and open spaces around Swadlincote and Newhall for the past 12 months supported by officers. Over 100 young people have benefitted from this work which will continue to make parks safer and more attractive
- The Council worked with South Derbyshire CVS to run a scheme which provides free security assessments and installs items such as spyholes, window alarms, door chains and bolts and locks
- We have provided sessions for people who are looking to build their confidence and self-esteem in a calm, friendly and supportive environment whilst working with nature and learning gardening skills which included adults with learning disabilities
- We supported the CVS Foodbank and the Connect South Derbyshire charity to set up placed based networks within Hilton, Etwall, Egginton and Hatton and supported the Warm Hub work in seven warm spaces
- A dementia and carers event delivered in Hilton supported those living with dementia and related illnesses
- A pop-up cafe has been provided in Etwall and board game evening targeting isolated individuals which was delivered in Hatton
- We have developed an activity brochure for adults to keep them active for longer
- We have promoted the South Derbyshire Youth LGBT+ group by circulating flyers with our partners, in schools and on social media
- We completed a refurbishment of disabled toilets in the Civic Offices, Willington and Ticknall
- We installed accessible parking bays in the public car park in Hatton
- We painted handrails at Greenbank Leisure Centre for visually impaired users
- The resurfacing of the Delph pedestrianised area included removing trip hazards for vulnerable users.

The Public Health and Private Sector Housing team have supported homeowners and private landlords to improve housing conditions, improve domestic energy efficiency and ensure that legal standards are being met in all private rented homes.

The Team have also supported homeowners in the district to make their houses safe as well as making sure that landlords are keeping rented houses fit to live in.

The team receives referrals from agencies such as social services, Derbyshire Fire and Rescue and hospital discharge teams in Derby and Burton to help vulnerable and disabled people living in poor housing conditions.



Encourage and enable a skilled and diverse workforce, to build a culture of equality, diversity and inclusion in everything we do

During 2022/23, we have:

- Provided different training events for our staff and councillors in equality, diversity and inclusion including training in the completion of Equality Impact Assessments. This training is being extended to our partners
- Delivered training in the use of the corporate equality monitoring categories to provide for a consistent approach in the collation and use of equality data
- Promoted apprenticeship opportunities across the Council and provided work experience opportunities for young people and students
- Enriched our learning resources with the development of eLearning resources and supporting materials for managers and staff to use at any time
- Continued to develop our approach to flexible working and supported this with the provision of training and equipment for staff working at different locations, including those that need specialist equipment



- Increased the number of trained mental health first aiders in the workplace that includes staff working in front line occupations
- Completed and published our Gender Pay report that showed a mean gender pay gap of 0% - all men and women across the Council earning the same average wage
- Published our Annual Workforce profile that provides a breakdown of our workforce by a number of different equality categories that informs where we are in developing a workforce that is representative of our community
- We have taken positive action to promote the Access to Work scheme that enables financial or other support for current or future employees. For more information, see www.southderbyshire.gov.uk/access-to-work.
- We continue to attend careers events, job fairs and other events to promote employment and training opportunities in South Derbyshire
- We progressed our Supporting Aspirations action plan to support disadvantaged young people in South Derbyshire people to realise their aspirations
- Corporate safeguarding training has been developed as an e-learning resource.

Demonstrate inclusive leadership, partnership, and a clear organisational commitment to being a leader in equality, diversity and inclusion

We are committed to leading on the equalities agenda in South Derbyshire. We consulted on our action plan for 2022/23 with representatives from the Equality, Diversity and Inclusion Steering Group, Leadership Team, Heads of Service and trade unions. This plan has been continually monitored through the year and 90 per cent of actions were achieved with an updated set of actions developed for 2023/24.



Our achievements include

- Holding Equality, Diversity and Inclusion Steering Group meetings with a wide membership of voluntary, community and faith-based groups as well as trade unions, Elected Members, employees and senior council officers
- We are a key partner in the South Derbyshire Community Safety Partnership, a multi-agency group that works to reduce crime and the fear of crime, signposting people to available support
- Introducing an Equality Impact Assessment framework that allows us to assess opportunities and risks when new policies, strategies and decisions are made
- We promoted Hate Crime Awareness Week and supported the 16 Days of Action Domestic Abuse Campaign
- We have developed a diversity calendar of events marking key festivals and days/weeks of action
- Work has also been carried out to promote the help and support available for people and employees suffering with physical and mental health issues, particularly in campaigns for Mental Health Awareness Week.

South Derbyshire Place

We are a key partner of South Derbyshire Place bringing together the NHS, social care and the voluntary organisations in healthcare settings: in hospital, a clinic, a care home or the community.

We have worked in partnership with Swadlincote Primary Care Networks to set up a GP-Led home visiting service for the housebound, including those in local care homes. This has reduced the likelihood of people needing to be admitted to hospital or a decline in their condition.

Since February 2023, we have run an enhanced falls recovery service offering a live response for individuals in our area who have had a fall at home or elsewhere. Our responders from CareLink have received training in first aid and can assess the person who has fallen and provide observations to healthcare professionals. This has reduced the number of people who have had to go to hospital after a fall.



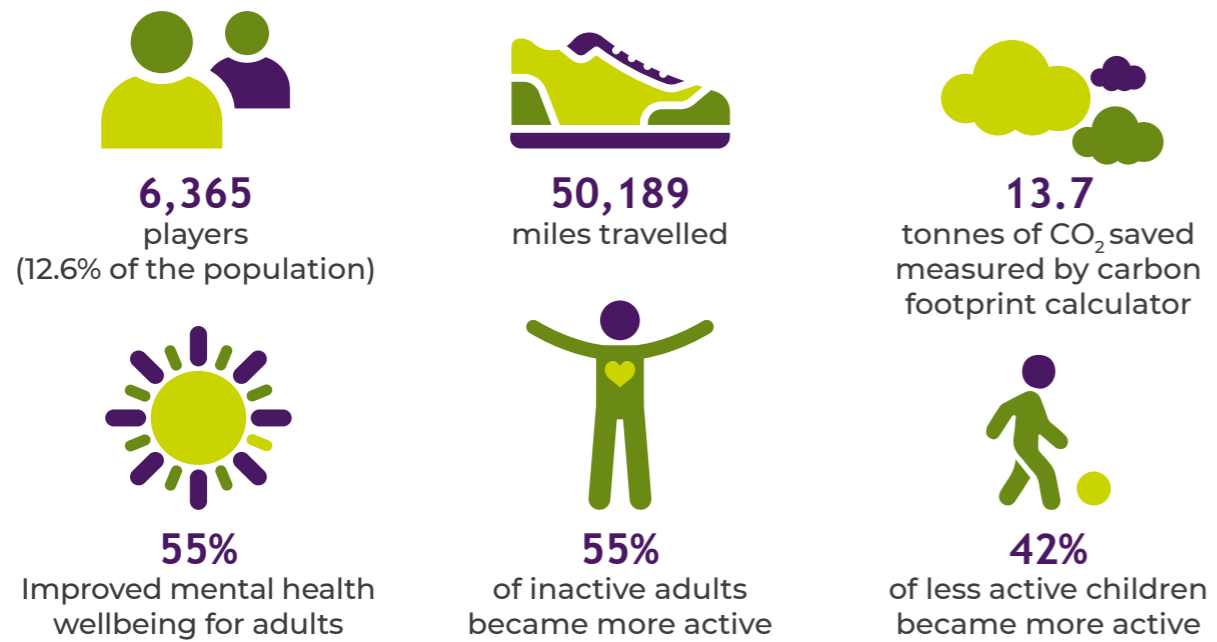


Beat the street¹

Place members have also worked to address childhood obesity.

We ran the Beat the Street campaign in South Derbyshire to encourage families to take more exercise.

The headline results are as follows:



¹Beat the Street Swadlincote Post-game report 2023

Donna's Story

“

My partner and I saw the post on Facebook and thought it was a great idea. It's helped me to get out there and exercise even if the weather isn't great. I've struggled with my mental health in the past and have found exercise to be a big help. Having this game makes a run/walk a bit more fun.

I love that the game is so inclusive, with participants across the lifespan taking part. My mum is in her late 60's and my youngest has just turned two. They both thoroughly enjoy taking part at their own pace, and both have seen great increases in their fitness and endurance levels.

”

Registration data was collected from people at the start of the game, providing audience insight into who was taking part; their age, gender and postcodes. 3,370 people completed an optional survey on their ethnicity, physical activity levels, long term conditions, disability and mental wellbeing.

The games over proportionately engaged those from:

- ethnically diverse communities
- disabled communities
- deprived communities.



Involve and enable our diverse communities to play an active role in society and put the resident's voice at the heart of decision-making

We continue to implement the Equality, Diversity and Inclusion Strategy and action plan.

Both documents are on our website and regularly updated to provide people with details of our work, to celebrate our achievements and set clear targets to embed equality, diversity and inclusion into our services.

We continued to deliver a broad range of cultural and other events that enabled local groups of people and/volunteers to participate in activities that promote equality, diversity and inclusion.

Examples include:

- Modernising internal processes to allow residents to join the housing register and view and express an interest in vacant council homes along with progressing work to enable direct online access to housing rent accounts and repair ordering
- Supporting the distribution of new funding and grants schemes that included a multi-agency welfare group to support tenants and other residents through the on-line Universal Credit process to minimise delays in processing claims
- Supporting the Safer Homes and Sanctuary Scheme services to improve home security for victims of crime and domestic abuse
- Completing a review of our public buildings ensure that they are accessible to all and have plans in place to further develop these facilities working with community groups and users
- Continuing to offer an assisted bin collection service for residents
- Making better use of technology to enable access to our services which includes making more of our services available online including allowing people to request and pay for council services
- Recognising that digital exclusion remains a barrier for some people in the community, we provide information in different formats such as printed media, noticeboards and holding area forums across the district.



Legal and Democratic Services - Elections

Reducing barriers that prevent people from exercising their democratic right to vote is a key objective of the council's elections team.

The following items have been put in place to encourage people to be able to vote:

- Pencil comfort grips
- Visually impaired devices to aid voting
- Large ballot papers
- Magnifying glasses
- Arrangements for private removal of face coverings for Voter ID check
- Pictorial guides on how to vote
- Ensuring all polling stations have ramps.

Deliver responsive services and customer care that is accessible and inclusive to individual's needs and respects cultural differences.

The events over the past three years have really focussed our work on how we can better support people in our community. We have had to adapt to recognise the challenges facing people in our community to deliver responsible and accessible services.

A summary of activities during 2022/23 include:

- A range of events for young people aged 11-16 that include activities on inclusion and celebrating differences. On average about 50 young people attended per week
- The Summer Playschemes had 5,606 participants and it has been identified that the provision of additional specialist equipment will make activities more inclusive and can be accessed in a safe and enjoyable environment
- Continue to develop an approach with partners to use community programmes to reduce social isolation and improve mental health
- The Environmental Education Project provide a range of nature-based activities to engage with a diverse group of users across the district and wider catchment area. One of the visits with a local school was filmed by the Forest Education Network. The videos are available to watch here: [Forest Education Network \(England\) - Royal Forestry Society \(rfs.org.uk\)](https://www.foresteducationnetwork.org.uk/)
- Over 400 people attended Liberation Day which is targeted at those aged over 60 to provide support and information for them to continue to live independently and provide an opportunity to meet other people and reduce isolation
- The Festival of Leisure attracted thousands of people to experience different activities to support their physical and mental health and wellbeing
- The "We are undefeatable campaign" was promoted to support people living with long-term health conditions to be regularly, physically active
- A community network group has been established in Hilton and has repurposed an SDDC community building to be used and run by the community network group
- The Get Active project benefitted older adults which included a walking programme along with chair-based exercise with walk leaders being trained to support people with Parkinsons disease
- The Environmental Education Project team has weekly conservation and site maintenance volunteering opportunities which provide alternative fitness development. The sessions include people of all ages, allowing for intergenerational skill sharing particularly between newly retired adults and young people trying to develop their skills for a career in conservation.



Understand our diverse communities and embed that understanding in how we shape policy and practice across the Council.

We are committed to using our insight of our community to support the continued development of the services we deliver, either directly or in partnership.

In addition to this, we have established resources on our website that provides details on:

- How our community profiles compare nationally and regionally
- Details of different community groups that are established and can be used for engagement activities
- Our corporate Equality, Diversity and Inclusion Steering Group includes network of groups and the South Derbyshire CVS which enables us to nurture and build collaborative and mutually beneficial relationships.

Further examples of different services where we have worked to develop our understanding of our diverse communities include:

- The Housing Solutions Team take positive action to identify and support vulnerable people with applications for council housing
- The South Derbyshire Health and Wellbeing Group have supported the CVS Foodbank which has contributed to financial inclusion
- New Community Grant Application Process was successfully developed which provided additional weighting given to projects in more deprived areas. Also, additional questions on the environment, safeguarding impact and involved groups from different backgrounds
- The Council has progressed the completion of Equality Impact Assessments on new projects, policies and procedures to assess the impact on different groups of people and take action to progress opportunities to further equality and minimise any risks to people who may be disadvantaged.

South Derbyshire CVS

The council supports social projects through including:

- Social livez Project: offering support for adults with diverse abilities providing activities including practising the five ways to wellbeing, crafts and cooking lessons. This has grown from five to more than 50 people taking part and has recently moved to Midway Community Centre to offer more space for their activities
- Swadlincote Collective Hub: Providing support for young people in Swadlincote including LGBT+ youth group and holiday clubs offering a safe space for young people during school holiday with activities to promote health and wellbeing.

We have recognised and raised awareness of diversity by supporting;

- Holocaust Memorial Day
- LGBTQ+ History Month including a video by the LGBTQ+ representative on the Equality, Diversity and Inclusion Steering Group
- International Women's Day
- Ramadan and held an awareness session for staff
- National Apprentice Week.



Looking ahead

We are making good progress but there is still much more to do. Working with our Equality, Diversity and Inclusion Steering Group and other stakeholders and partners, we will continue to build on the progress we have made this year.

Some of our upcoming projects and initiatives include:

- Launching the Customer Access Strategy to listen and learn from our residents and customers
- Using Equality Impact Assessments to support the decision-making process that takes account of any opportunities to progress equality, diversity and inclusion and assess the risk of negative impacts on different groups
- Introduce the voluntary use of pronouns for work related correspondence by officers, supported by awareness and access to supporting materials for our customers
- Providing sign language training for staff who deal with customers
- Adopt an Equality, Diversity and Inclusion Policy
- Continue to develop our internal training and learning resources to raise awareness of the workforce in relation to our equality commitments
- Review our schedule of festivals and events that will be recognised and supported in 2024/25 using various communication channels
- Continuing to build partnership working with external partners to advance equality, diversity and inclusion in South Derbyshire
- Continuing to work with partners to address the challenges faced by parts of community in terms of isolation and digital exclusion
- Working with communities to deliver services that are based on current data and research around the needs of our communities for example: financial hardship, food poverty, health inequalities, protection from hate-crime, disabilities, social mobility, education and older people and carers
- Working with schools, colleges and academic centres to progress key actions under the Supporting Aspirations project for improving the social mobility of young people
- Supporting initiatives to support carers with South Derbyshire CVS and partners
- Working in partnership to deliver the volunteer development programme with a range of activities including supporting LGBTQ+ young people and safeguarding
- Review access to our parks and open spaces to ensure they are inclusive to all users and identify improvements
- Support the development of more fully accessible off-road routes
- Review access to the Council Offices for mobility users – both staff and customers
- Use census data and online resources to inform our services. Ward profiles will accurately be updated to reflect the new communities the Council serves
- We will continue to work with a range of partners, including statutory bodies to address issues around community safety and addressing hate crime
- We will continue to improve workplace equality and diversity through the delivery of the People Strategy with a refreshed focus on apprenticeships and entry level roles to develop a talent pool of young employees.

Obtaining alternative versions of this document

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General enquiries: Call 01283 595795 or visit www.southderbyshire.gov.uk/contact

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如果你需要这份文件的中文翻译，或者需要传译员的帮助，请联系我们。这些数据也备有大字体印本、盲人点字和录音带，欢迎索取。

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またこの情報は、ご要望により大きなプリント、点字版、また音声形式でも承っております。

यदि आपको ये दस्तावेज किसी दूसरी भाषा में चाहिये, या किसी टुभाषिये की सेवाओं की जरूरत है तो हमें सम्पर्क करने की कृपया करें। ये जानकारी माँग करने पर बड़े अक्षरों, ब्रेल या आडिओ के रूप में भी उपलब्ध करवाई जा सकती है।

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ਮੰਗ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਉ ਦੇ ਰੂਪ ਵਿਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہوں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ، بریل یا آڈیو فارمیٹ میں بھی دستیاب ہیں۔

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This report can also be viewed on our website www.southderbyshire.gov.uk



Appendix B

Diversity Calendar 2024

January

16 Holocaust Memorial Day

February – LGBT+ History Month

7 Apprentice and work experience week (focusing on young people)

March

8 International Women's Day

21 International Day of the Elimination of Racial Discrimination

28 World Autism Acceptance week

31 International Trans Day of Visibility

April

22 Stephen Lawrence Day

26 Lesbian Visibility Day

May

TBA Liberation Day

2 Deaf Awareness Week

9 Mental Health Awareness Week

15 Dementia Awareness Week

17 (IDAHOBIT) International Day against Homophobia, Biphobia and Transphobia

21 Armed Forces Day

24 Pan sexual Visibility Day

June

Pride Month

3 Platinum Jubilee of Queen Elizabeth II

22 UK Windrush Day

July

14 International Non Binary Day

September

TBA Derbyshire and Derbyshire Pride event

23 Bi Visibility Day

25 National Inclusion Week

October – Black History Month

1 international Day of Older People

25 Care Leavers Week

TBA Hate Crime Awareness Week

TBA Wear Red Day – show racism the red card

November

TBA Inter Faith Week

12 International Men's Day

13 Remembrance Sunday - commemoration of those who have lost their lives in the First World War and subsequent conflicts

13 Transgender Awareness Week

22 Disability History Month

25 Carers Rights Day

December

1 World Aids Day (red ribbon)

2 International Day of abolition of slavery

3 International Day of People with Disabilities

TBA – Date to be advised and will be added to the calendar one announced.

REPORT TO:	FULL COUNCIL	AGENDA ITEM: 12
DATE OF MEETING:	02 NOVEMBER 2022	CATEGORY: DELEGATED
REPORT FROM:	LEADERSHIP TEAM	OPEN
MEMBERS' CONTACT POINT:	DR JUSTIN IVES justin.ives@southderbyshire.gov.uk	DOC:
SUBJECT:	ANNUAL REPORT 2022/23	
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

1.1 To approve, for publication, the annual report for 2022/23. This is attached in Appendix A.

2.0 Purpose of Report

2.1 To inform councillors of the annual report; this summarises how the council works, what has been achieved during the financial year and the council's financial performance.

3.0 Detail

3.1 The annual report presents information for residents and key stakeholders of the council's performance over the preceding year.

3.2 This year's annual report has particular reference to events held in 2022/23 and the council's response to the death of Queen Elizabeth II in September 2022.

3.3 The annual report 2022/23 demonstrates the work carried out by the council as well as achievements in partnership with other organisations. In the document it can be seen that:

- The themes of the Corporate Plan 2020-24 guide and the work carried out by the council. This is shown by including sections for each of the key themes, Our Environment, Our People, Our Future
- There continues to be a high level of achievement as a result of the ongoing commitment to partnership working with a wide range of public, private and voluntary sector organisations
- The council is responsive to the needs and expectations of residents and communities. This is demonstrated by the activity the year on key policy documents across all services
- South Derbyshire is 'a great place to invest' – shown by the opening of Bob Wheeler House encouraging small and medium-sized businesses to invest in the district.

- 3.4 It is important to continue to inform the residents, businesses and partners of the work that has been completed, as well as plans for the future. The annual report demonstrates the vision of ‘making South Derbyshire a great place to live, visit and invest’.

4.0 Financial Implications

- 4.1 None

5.0 Corporate Implications

- 5.1 This annual report is built around the themes of the Corporate Plan 2020-2024 – Our Environment, Our People, our Future. It includes a summary of the Council’s financial performance for 2022/23.

6.0 Community Implications

- 6.1 This report enables a better understanding of services delivered by the council, what has been achieved, what the Council provides in partnership and how it spends money raised in Council Tax. This promotes the work of the council and enhances its reputation.

7.0 Conclusions

- 7.1 The annual report is built on the strong outcomes that have been achieved during 2022/23. All services have contributed to this annual report through their actions in delivering customer-focused services to residents, tenants and stakeholders.
- 7.2 The draft annual report is available to view at Appendix A.



South Derbyshire District Council

Annual Report 2022/23

Our Environment | Our People | Our Future

www.southderbyshire.gov.uk

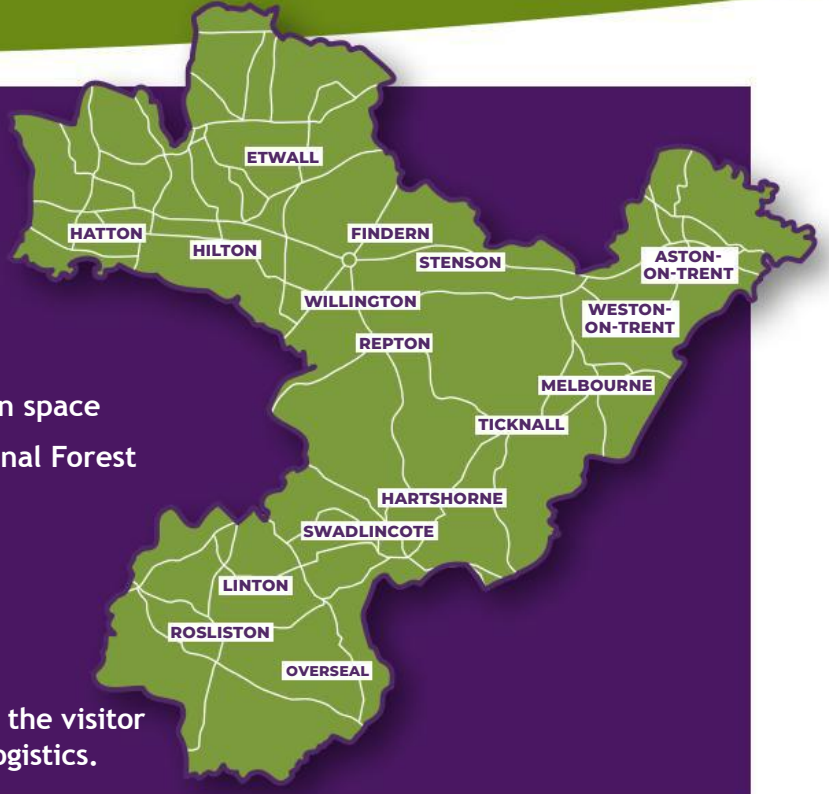
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South
Derbyshire
District Council

About South Derbyshire

- Over 107,200 people live in South Derbyshire
- Fastest growing population in the county
- South Derbyshire covers over 100 square miles
- Over 2,392 hectares of green space
- Contains a third of the National Forest
- Home to 3,800 businesses
- Total number of employee jobs: 31,471
- Key sectors include transport equipment manufacturing, construction, food and drink, the visitor economy and transport and logistics.



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यदि आपको ये दस्तावेज किसी दूसरी भाषा में चाहिये, या किसी दुभाषिये की सेवाओं की जरूरत है तो हमें सम्पर्क करने की कृपया करें। ये जानकारी माँग करने पर बड़े अक्षरों, ब्रेल या आडिओ के रूप में भी उपलब्ध करवाई जा सकती है।

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ਮੰਗ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਓ ਦੇ ਰੂਪ ਵਿਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।





































اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہوں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے

رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ برائیل یا آڈیو میں دستیاب ہیں۔

Your councillors by ward

as at September 2023

■ Conservative
 ■ Labour
 ■ Liberal Democrats
 Independent

Aston-on-Trent  Neil Atkin			Church Gresley  Daniel Corbin			 Peter Watson		Etwall  Alan Haynes			 Gordon Rhind		 Ben Stuart		 Andrew Kirke		 David Muller	
Hatton  Julie Jackson		Hilton  Grahame Andrew		 Jayne Davies		 Sundip Meghani		Linton  Daniel Pegg		 Alistair Tilley		Melbourne  Jane Carroll		 Martin Fitzpatrick				
Midway  Alan Jones			 Louise Mulgrew		 Dr Robert Pearson		Newhall and Stanton  Sean Bambrick			 Sarah Harrison		 Kalila Storey		Repton  Kerry Haines		 James Lowe		
Seales  Gareth Jones		 Amy Wheelton		Stenson  David Shepherd		 Lakhvinder Pal Singh		Swadlincote  Mick Mulgrew		 Vonnie Redfern		 Neil Tilley						
Willington and Findern  Martyn Ford			 Ian Hudson		Woodville  Angela Archer		 Malcolm Gee		 Stephen Taylor									

Introduction

Welcome to the council's annual report for 2022/23.

This report gives only a flavour of some of the activity we have carried out in the past year. It shows how we have carefully spent the funds we receive and the progress we have made against the ambitions in the third year of our four-year Corporate Plan which runs until March 2024.

In listing our achievements during the past year, we are proud to once again say we have continued to provide excellent public services to the people of South Derbyshire and have also continued to forge our plans for an ambitious future for the district.

Following the lifting of lockdown restrictions, we have been able to host a series of popular events during the summer including Liberation Day, Festival of Leisure and Music in the Park events. We were also able to hold a Christmas lights event for the first time since 2019. All of these were well attended and are thanks to the efforts of our staff in organising them and keeping people safe on the day.

The autumn also saw the district mark the death of Queen Elizabeth II and the accession of King Charles III. Thousands came to see the King's proclamation in Swadlincote Town Centre and sign books of condolence.

During the last year, we have continued to support vulnerable members of our communities, helped prevent local people from falling into homelessness, provided good quality housing, worked with the police and other partners to reduce crime and anti-social behaviour.

We have provided opportunities for our residents to lead healthier, more active lifestyles, increased the number of award-winning parks, been recognised for our commitment to the environment and continued to clean the streets and provide waste and recycling services.

Following the retirement of the council's chief executive, Frank McArdle in March and the local elections held in May 2023, we now have a new leadership team and political leadership.

We are proud of all the work that has been carried out so far and we are looking to build on this in the future.

The coming year is an exciting one where we will develop a new four-year Corporate Plan, effective from April 2024.

Despite the change in leadership, we remain committed to ensuring the needs of our staff, residents and communities are recognised and responded to.

We will continue to ensure that our services are delivered to the highest standards and that we provide value for money for our residents.

We are also committed to the regeneration of the district with exciting new projects in Swadlincote Town Centre as well as the investment in the East Midlands Freeport which will offer employment opportunities for local people as well as supply chain opportunities for local businesses.

We are excited about the future for South Derbyshire and its people and we hope you will share in this and help us build a prosperous future for us all.



Dr Justin Ives
Chief Executive



Councillor Robert Pearson
Council Leader

How your money provides vital services

When you pay your Council Tax, we keep only nine per cent to fund vital services including bin collections, street cleaning, maintaining award-winning parks and open spaces, environmental protection, customer services including revenues and benefits, economic development, markets, planning, town centre events and tourism.

Full details of spending and budgets is available at: www.southderbyshire.gov.uk/spending-and-budgets.

You may also wish to read our service plans with details of our priorities for 2023/24. You can read these at: www.southderbyshire.gov.uk/performance.



The council's income

The council's total income for 2023/23 was 56.9m, a decrease from 58.9m in 2021/22.

11.27m	Government grants
0.77m	Other grants
14.61m	Fees and charges
0.86m	Interest
12.88m	Housing rents
16.27m	Local taxation
0.24m	COVID-19 Government grants
56.90m	Total



The council's expenditure

The council's revenue account shows the cost of running our services. In 2022/23, the council spent £58.16m on delivering services, an increase on the £51.97m in 2021/22.

11.15 m	Housing benefits
13.73m	Housing-related services
11.06m	Support services
7.54m	Environmental and regulatory services
6.12m	Culture and community services
5.99m	Planning and development
1.85m	Highways and transport
0.71m	Corporate and democratic core
0.01m	Grants issued to the public - COVID-19
-1.26m	Surplus

What the council spent on land and property

The council's capital account sets out the money spent on buying and improving land and property. In 2022/23, we spent 6.48m on land and property assets.

1.23m	Property and other assets
2.46m	Council house improvements
0.00m	Council house new build
1.06m	Private sector housing renewal
1.35m	Culture and community schemes
0.38m	Environmental and development schemes
6.48m	Expenditure

The council's balance sheet: 31 March 2023

At the end of the financial year, the council draws up a balance sheet that shows how much land and businesses are worth, what the council owes others, what others owe the council and how much the council has.

REVENUE RESERVES AND BALANCES		NET ASSETS	
26.26	General balances	Value of land and property	181.45
117.32	Unusable reserves	Liquid assets	69.47
11.51	Capital reserves	Less money owed to us	-68.49
27.34	Earmarked reserves		
182.43	Net worth		

Statement from the Strategic Director (Corporate Resources)



In 2022/23, the council achieved a deficit of 1.26 million. This deficit was met from reserves which had been set aside to meet expected demand for services in future years due to the expected increase in South Derbyshire's population.

The councils' financial position remains strong with a good level of reserves to fund commitments in the medium-term. Similar to many councils, we are experiencing additional costs of rising energy and fuel prices, together with the uncertainty of future Government funding.

However, the council's strong and stable ongoing position means it remains well-equipped to face any downturn in its finances.

Tracy Bingham
Strategic Director (Corporate Resources)

Key events and achievements 2022/23

April

- Electric car charging points installed in Melbourne, Hilton and Hatton
- New dipping pond launched at Rosliston Forestry Centre with several partners
- Promotional campaign for Melbourne launched
- Trial for hydrogen-powered refuse vehicles agreed

May

- Launch of Jubilee-themed town centre trail
- Opening of Swadlincote Innovation Centre at Bob Wheeler House
- Liberation day event held
- Work begins at Cadley Park

June

- Plans submitted for redevelopment of Swadlincote Town Centre
- Festival of Leisure event takes place

July

- Summer wildlife activities launched
- Energy rebate scheme launched
- Music in the Park events held
- Council retains three Green Flag Awards for parks

August

- Rosliston Forestry Centre included in national promotional campaign
- Plans approved for transformation of Swadlincote Town Centre

September

- Books of condolence opened for Queen Elizabeth II
- Proclamation of King Charles III held in Swadlincote Town Centre

October

- Local Plan consultation opens
- New play area opens in Newhall

November

- Remembrance Sunday parade and service held
- Swadlincote Christmas lights event takes place

December

- Christmas events held in Swadlincote Town Centre
- Energy efficiency works begin in council homes

2023

January

- Work begins on the Delph in Swadlincote

February

- Event held to mark 25 years of partnership with Toyota City

March

- Beat the Street campaign launched in South Derbyshire
- New affordable housing for Newhall
- New gulley tanker named following competition



Our Environment

New urban park opened

The year saw the construction and opening of Cadley Park, the new urban park in Swadlincote.

The former Cadley Colliery site off William Nadin Way was transformed into the new park and includes newly-created wildflower meadows, network of footpaths and cycle tracks. It was named Cadley Park to reflect the history and heritage of the site's former colliery.

The £1 million investment in the new park was funded by money received by developers and council funds with a Sport England grant for the pump track - with support from British Cycling

Each of our three Green Flag Award-winning parks (Swadlincote Woodlands, Maurice Lea Memorial Park

in Church Gresley and Eureka Park in Swadlincote) retained the prestigious awards. This saw images of the three parks used by the national charity Keep Britain Tidy on their website and social media channels.

Redevelopment of Swadlincote Town Centre

Work also began on the redevelopment of Swadlincote Town Centre with a multi-functional event space being created on the site of the former covered market in Midland Road.

Events such as theatre and performance, specialist markets and open-air cinema can take place on the site, which can also be used for free car parking.

590
fly tipping
incidents recorded



86%
of new homes
meet water
efficiency
targets



395kgs
(per head of population)
of household
waste collected



43%
(estimate)
of collected
waste recycled
and composted

The plans also include work to be carried out to clear the former Sabine's Yard site off Belmont Street and demolish the former Bank House building off Midland Road. This will allow the creation of a pocket park with a small wildflower meadow, a picnic lawn, trees, a play area and a considerable amount of free public parking at the northern part of the site.

A further 63 additional free public car parking spaces will be provided on the site of the former Bank House building. However, the five large trees on the approach from Civic Way will remain and be protected.

New electric vehicle charging points

The year also saw us install 24 new electric vehicle charging points in Melbourne, Hilton and Hatton. These charging points were installed following successful bids for funding from the Office for Zero Emissions Vehicles and brings the total number of charging points in council car parks to 42.

The funding is aimed at providing residents with easily accessible charge

points so they can recharge vehicles when they are not at home. The additional benefit of having them in public car parks is that other people can use them when residents are not.

New vehicles introduced

We also began a £700,000 trial of two new refuse vehicles and close collaboration and support with ULEMco, BOC and Toyota Motor Manufacturing (UK) Ltd.

The trial is testing the performance efficiency of these new hydrogen/diesel refuse vehicles which includes a temporary base for a mobile hydrogen refuelling point at the council's depot. This is a vital step for the Council to cut carbon emissions and to help meet our commitment to become carbon neutral by 2030.

The autumn also saw us take delivery of a new £160,000 vehicle to more efficiently clean the gullies of debris such as fallen leaves. We held a competition to name the new vehicle which saw scores of entries and saw the name 'Gulliver' chosen.



Our People

Energy efficiency works for vulnerable tenants

2022/23 saw work including new energy efficient windows and doors installed in the council's sheltered and general needs housing stock with energy efficiency measures under the first wave of the Social Housing Decarbonisation Fund programme.

This is a £1.6 million co-funded project between the Department of Business and Industrial Strategy and the council.

When the Government announced a £150 energy rebate for people living in homes in Council Tax bands A to D in response to the cost of living crisis, we worked to allow people to apply for the rebate and put systems in place to allow for the payments to be made quickly.

Promote health and wellbeing

We have worked hard to provide activities to promote health and wellbeing for people of all ages, including regular sessions in local schools and playschemes during the summer holidays. We also work with elderly and vulnerable tenants providing chair-based exercise sessions to keep them active longer.

We also continue to provide regular sessions at Rosliston Forestry Centre including a series of wildlife activity sessions during the summer holidays. We signed a new lease for Rosliston Forestry Centre during the year to show our commitment to providing these facilities for local people and visitors. The centre remains a popular attraction and featured in a national advertising campaign in the summer.



52,685
social media
followers



198
interventions
to prevent
fuel poverty

182

homelessness
cases prevented



89.29%

of Planned Maintenance
Housing programme delivered



25,856
customers
interacted
digitally as a
first choice

[Page 68 of 315](#)

Equality, diversity and inclusion

We remain committed to the principles of equality, diversity and inclusion.

We adopted a new diversity calendar recognising key dates. This included producing videos with personal stories for Black History Month and also LGBT+ History Month in February.

Our Disabled Facilities Grants scheme continues to provide adaption works for elderly and disabled householders to remain safe, secure and protected in their own homes including installing of walk-in showers, stairlifts, ramped access facilities and specialist equipment such as person hoists.

Tackling anti-social behaviour

We continue to work with Derbyshire Constabulary and others through the South Derbyshire Community Safety Partnership to keep our residents safe.

Although the number of reports of anti-social behaviour has not changed substantially, we are working to take action quicker with 175 formal interventions compared to 95 in 2019/20.

We have continued to support national campaigns such as Hate Crime Awareness Week in October and Days of Action for Domestic Abuse in November.

Success of events

During the year we welcomed thousands of people into our town centres and parks with some events held again for the first time since 2019.

Successful events we have held included: Liberation Day, aimed at people aged 60 and over in South Derbyshire, the Festival of Leisure, Music in the Park, Remembrance Sunday parade and service and Christmas Lights switch-on event.

See pages 16-17 for a more in-depth look at these events and stunning images.



Our Future

New innovation centre opens its doors

May 2022 saw the opening of Swadlincote Innovation Centre at Bob Wheeler House, named after the former council chair by his wife, South Derbyshire MP, Heather Wheeler.

The innovation centre is a significant investment in the local economy, offering budding entrepreneurs and small businesses affordable premises, with access to facilities and support in the early stages of their business journey.

Bob Wheeler House is handily located on the George Holmes Business Park just off the A444 in Swadlincote and boasts modern office suites, a bookable meeting room with boardroom-style facilities, free on-site car parking and shared facilities.

For more information, visit:
www.swadlincoteinnovationcentre.co.uk.

Solidarity with Ukraine

During the year, we worked to support Derbyshire County Council in providing support for refugees displaced as a result of the Ukraine conflict.

We have worked to help find and inspect homes for people forced to flee their homes and administered Government grants for people who have taken in refugees.

In addition to the regular job fairs and events held in the district, The South Derbyshire Business Advice Service hosted an event for Ukrainian refugees interested in starting their own business.

Support was available from business support agencies and people attending had the opportunity to network with other members of the Ukrainian community and find out more about running a business in South Derbyshire.

Planning referendum held in Melbourne

The majority of residents in Melbourne voted that the council should adopt a Neighbourhood Development Plan for the town in a referendum held in July.

The Local Plan gives people a greater say in the types of development that will and will not be allowed in Melbourne and Kings Newton.

Similar Neighbourhood Development Plans are already in place in Hilton, Marston on Dove and Hoon; Willington and Etwall.



83%

of planning applications determined within statutory period



Improvements to digital services

We continue to make improvements to our digital services to make it easier for our customers to contact and interact with us.

During the year, work was carried out to develop a platform for housing tenants which makes it easier for them to pay their rent, report repairs and anti-social behaviour.

New Visitor Information Centre

We opened a new visitor information centre in Swadlincote Tow Centre. The new centre supports the work of the Visit South Derbyshire website and offers a one-stop shop in a central location for people to find out more about events in the district and provides information about accommodation and services in the district.

During the year, we also worked with a local social media influencer to promote the businesses and attractions in Melbourne Town Centre. This used funding the council received from the Welcome Back Fund which we received to help encourage people to use local high street businesses and services following the COVID-19 pandemic.

To find out more, visit:
www.visitsouthderbyshire.co.uk.



Return of spectacular events programme

With the lifting of all lockdown restrictions, 2022/23 saw several events return to South Derbyshire for the first time since 2019.



A specially-themed Liberation Day event was held in May to celebrate the Platinum Jubilee of Queen Elizabeth II. Derbyshire Lord-Lieutenant, Elizabeth Fothergill attended the event which saw the launch of the Jubilee flag which flew at the Civic Offices in Swadlincote during the Jubilee celebrations.

This was the first time the event, open to all South Derbyshire residents aged 60 and over, had been held in person since 2019 and offered a free afternoon of live entertainment and valuable information. The council provided free transport to the event, exclusive goodie bags and refreshment vouchers.

The Platinum Jubilee was also marked with an augmented reality trail in Swadlincote Town Centre, alongside family-friendly entertainment, and exhibiting local artists and crafters.

The extremely popular Festival of Leisure returned for the first time since 2019 with a successful two-day event held at Maurice Lea Memorial Park in Church Gresley.

Lots of local community groups and organisations took part entertaining visitors, including G's Studio and Crown Kick Boxing, professional stunt and display shows involving gundogs, motorcycles, sheepdogs, ducks, bikes and horses.

There were also performances from the Rolls Royce Derby Brass Band and the Woodville Whirlwinds Women's Institute served refreshments. People also took part in traditional village games – such as three legged and sack races.

The free-to-attend festival also included traditional stalls, fairground rides, inflatable fun and a Jubilee street party picnic area.

The Music in the Park events also returned. The free events saw performances including Uttoxeter Town Brass Band, Caribbean Steel Band and Proms in the Park event including performances from local singer Sophie Dangerfield and Newhall Brass Band with their traditional prom favourites.

November saw South Derbyshire's remembrance parade return for the first time since 2019.

The Royal British Legion and the 1211 (Swadlincote and District) Squadron ATC together with other uniformed groups and members of the public, paraded through the town.

A commemoration took place outside the gates of Eureka Parks followed by the playing of the The Last Post and two-minute silence, prayers, and wreath-laying.

Also in November, thousands of people flocked to Swadlincote Town Centre for the Christmas lights switch-on event also held for the first time in three years.

Special guest Callum Worker and two of his Miles for Smiles colleagues assisted the council's chair in switching on the lights.

The evening also included fairground rides, Rolls Royce Band performing Christmas carols and the Rotary Club of Swadlincote with Santa and his sleigh as well as entertainment.

This was followed by a series of events held each weekend in the run-up to Christmas bringing people into Swadlincote Town Centre and supporting local businesses.



South Derbyshire remembers Queen Elizabeth II

With the lifting of all lockdown restrictions, 2022/23 saw several events return to South Derbyshire for the first time since 2019.

Books of condolence were made available to sign at the Civic Offices in Swadincote, Etwall Leisure Centre and Melbourne Assembly Rooms.

A special area was made available at the Diana, Princess of Wales Memorial Garden in Swadlincote for people to lay flowers in the Queen's memory. As well as flowers, Paddington Bear toys and jars of orange marmalade were left echoing Her Majesty's sketch with the bear from Peru at her Platinum Jubilee in the summer.

A ceremony was also held at Swadlincote Town Hall where the then council chair, Councillor Paul Dunn, formally proclaimed the accession of King Charles III to a large crowd who had gathered to witness the historic occasion.

To ensure all of these events ran smoothly, a group of council employees from different service areas worked together to ensure buildings were open, flags lowered and raised, books of condolence prepared and publicised.

A special event was also held in March at Rosliston Foresty Centre where we dedicated trees as part of the Queen's Green Canopy, an initiative to plant trees across the Commonwealth to mark the late Queen's Platinum Jubilee.

Trees were also planted and dedicated to mark the accession of King Charles III.



Things to look out for in 2023/24

- We will continue to provide apprenticeships and help local people develop skills to help them in the job market

- We will continue to make it easier, quicker and simpler to access council services digitally, saving you time



- We will provide community events for residents and visitors

- We will ensure our tenants live in comfortable homes with modern, energy efficient facilities



- We will continue to support local businesses and look to create local supply chain opportunities

- We will invest in leisure facilities in South Derbyshire.





South
Derbyshire
District Council

www.southderbyshire.gov.uk

-  @southderbyshiredc
-  @SDDC
-  @southderbyshiredc
-  @south-derbyshire-dc



REPORT TO:	FULL COUNCIL	AGENDA ITEM: 13
DATE OF MEETING:	02 NOVEMBER 2023	CATEGORY: DELEGATED
REPORT FROM:	MONITORING OFFICER	OPEN DOC:
MEMBERS' CONTACT POINT:	ANTHONY BAXTER (EXT. 5712)	
SUBJECT:	MEMBER ICT PROTOCOL	
WARD (S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

- 1.1 That Council approves and adopts the Members ICT Protocol at **Appendix 1** to form part of the Council's Constitution.

2.0 Purpose of the Report

- 2.1 To review and adopt the refreshed member ICT protocol. To raise awareness of the newly created GDPR Handbook for elected members.

3.0 Detail

- 3.1 The current Member ICT Protocol is outdated. A new version has been drafted to refresh operational inconsistencies and reflect modern working practices. The protocol has been reviewed to ensure it aligns with responsibilities outlined in the Data Protection Act 2018 and guidance from the Information Commissioners Office (ICO).

The main changes to the document are listed below;

- Description on roles and clarification on when the ICT Protocol applies including clarification of responsibilities when using non-council devices and email addresses for Elected Members conducting casework.
- Additional of Identity Management section, including offer for corporate smartphone to all Elected Members.
- General updates renaming legacy software.
- Updated guidance on working practices such as the use of equipment in meetings, process in emergency situations and printing procedures.

- Updated appendix A in line with the current corporate security profile
- Updated appendix B to reflect their nature as guidelines for use.
- Included a new appendix C to provide information security classification.
- Removal of appendix D 'cover sheet' for signing.

3.2 The changes to the protocol have been informed by feedback from Elected Members. A cross-party working group reviewed the initial draft of the protocol and convened to discuss their findings. As a result, additional clarity has been provided regarding roles and responsibilities in relation to data controllers, personal use and data deletion. Where possible content has been streamlined and the group were also able to ask questions to the Head of Business Change and ICT about the meaning or inclusion of certain working practices. The group provided a very useful and productive assessment of the protocol and have been a welcome addition to the development of a Member document.

3.3 Introduction of corporate smartphones is a notable change. Elected Members will be able to request a corporate smartphone to access their SDDC emails, MS Teams, OneDrive, SharePoint Intranet and Identity Management. A personal device can be used for identity management if preferred, however the other functions will only be available on the corporate smartphone.

3.4 The new protocol also provides clarity on what IT and Data Protection working practices are relevant for each of the three roles performed by an Elected Member. These roles are also documented in the newly composed GDPR Handbook which is an information document to support training and development.

3.5 Appendix A (Password composition) represents best practice guidelines and should followed at all times, though it is recognised that some systems may be unable to support some of the recommended guidelines, due to technical limitations. The guidelines are in place for account credentials that do not enforce a specific combination by default.

3.6 Appendix B (Internet and Email guidelines) represents advice and guidance for effective use of those technologies.

3.7 Appendix C (Information Classification) gives guidance on the categories of information used by His Majesty's Government and the Government Security Classifications Policy.

4.0 Financial and Implications

None directly.

5.0 Corporate Implications

5.1 Employment Implications

None directly.

5.2 Legal Implications

None directly.

5.3 Corporate Plan Implications

None directly.

5.4 Risk Impact

The member ICT Protocol outlines security measures and acceptable use of technology to reduce the risk of unauthorised access to Council networks and data.

6.0 Community Impact

6.1 Consultation

None required.

6.2 Equality and Diversity Impact

Not applicable in the context of the report.

6.3 Social Value Impact

Not applicable in the context of the report.

6.4 Environmental Sustainability

Not applicable in the context of the report.

PROTOCOL FOR THE USE OF INFORMATION TECHNOLOGY BY MEMBERS OF SOUTH DERBYSHIRE DISTRICT COUNCIL

Version: 2.2

Date: September 2023



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Version Control

Version	Description of version	Effective Date
1.5	Updated to reflect new ICT equipment, member requirements and best practice	April 2018
2.1	Updated to reflect current working practices and guidance	May 2023
2.2	Updated to reflect feedback from cross-party working group	September 2013

Approvals

Approved by	Date

Associated Documentation

Description of Documentation
Elected Member Data Protection Handbook

1.0 Introduction

The SDDC Member ICT Protocol is a document to govern Member use of Information Technology and is not intended to restrict you in carrying out your normal Council activities.

This policy relates to the use of ICT equipment, software and communication network when undertaking official Council duties only.

South Derbyshire District Council provides Members with ICT equipment to reduce costs and improve productivity and digital adoption should be the primary channel of business, as it is with Officers.

The ICT Protocol, which follows, exists for a number of reasons, the most important of which are:-

- To protect the Authority and its Members from prosecution. This can involve Data Protection, software usage, security and virus issues.
- To protect the assets owned by the Authority. These assets include not only software and hardware but also data.
- To standardise the working environment. This will allow every computer to operate the same, wherever you are located.
- To streamline ICT equipment procedures, giving users a faster response to faults.
- To enable Members to carry out their duties safely and more effectively.

In order for access to be granted to the Councils ICT infrastructure a Member must understand and accept this protocol.

Any breach of the Protocol may amount to a breach of the Members' Code of Conduct. In addition, any breach could lead to the equipment being recovered by the Council.

If you require clarification of any issue about the use of ICT, please contact ICT Services on 01283 387500, who will be more than happy to assist.

The Protocol will be monitored and reviewed periodically to consider any appropriate amendments necessary.

All other South Derbyshire District Council District Council codes, guidelines and policies apply in addition to the ICT Protocol

2.0 The role of the Member

- 1) They will act as a member of the Council undertaking official council business, for example, as member of a committee or sub-committee. As defined in the 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;
- 2) They will represent the residents of their ward, for example, when undertaking casework.
- 3) They will represent a political party, particularly at election time.

Members will process personal data for different purposes depending on which of the above roles they are undertaking. This policy only applies when the elected member acting in the capacity outlined in point one above.

Who is accountable for the personal data, and therefore what devices and communication channels to use, when undertaking these roles?

Official Council duties

When a Member collects, uses and stores personal data when undertaking official Council duties such as attending a Committee, the Council is the Data Controller and is accountable for ensuring that the data processed by the Member is used in the right way. The Council will do this by providing Members with training, awareness, policies, procedures and guidance so that they know how to handle personal data properly and lawfully.

Undertaking Casework

When a Member collects, uses and stores personal data when undertaking casework, the Member is the Data Controller. The Member is accountable for the data they process as they will determine the means and purpose of processing and must ensure that it is used in the right way. If the Member chooses to use ICT equipment provided by SDDC for their casework they remain the data controller for the lifecycle of the data, however the Council will also be a data controller for data stored on our network and as such will secure its network to prevent data loss. If data breach has occurred from a data loss relating to SDDC networks the Council will report the incident to the ICO

It is assumed by the Council that Elected Members undertaking casework are responsible for knowing and abiding by the data protection principles.

Representing a Political Party

When representing a political party, for example when campaigning at election time, the political party is the Data Controller and is accountable for ensuring that the data processed by the Member is used in the right way. The Political Party may do this by providing its Members with appropriate training, awareness, policies, procedures and guidance.

Segregation of Duties & Personal Data

Data protection legislation requires that you have a very clear specified purpose for collecting and using personal data.

Once collected for a specific purpose, personal data cannot generally be used for any other purpose unless:

- the new purpose is compatible with the original, (or)
- you get the consent of the individual to use their data for another purpose,(or)
- you are required to use the information in another way by law (e.g. reporting a safeguarding concern).

For Members, the purpose for processing the personal data is linked directly to the role they are undertaking. For example, when representing a constituent, any personal data collected and used is for the specific purpose of dealing with the enquiry or complaint, and must not be used for any other purpose, e.g. political campaigning.

It is therefore important that Members segregate any personal data held for different purposes and roles.

As a Member of the Council

- Councillors may have access to, and process, personal information in the same way as employees e.g. Committee Reports. In this case it is the Council rather than the Councillor that is the Data Controller.
- Council is responsible for ensuring compliance.
- Data Breaches Must be reported to the Councils DPO within 72 Hours.

As a representative of the residents of their ward (Casework)

- When Councillors represent residents of their ward, they are processing personal information in their own right. E.g. using personal information to timetable a surgery appointment or take forward complaints made by local residents.
- It is the Councillor rather than the Council that is the Data Controller.
- The Councillor is responsible for ensuring compliance and reporting any data breaches to the ICO unless the data breach has occurred from a data loss relating to SDDC networks in which case the Council will report the incident to the ICO

As a representative of a political party

- When acting on behalf of a political party, for instance as an office holder, Councillors are entitled to rely upon the registration made by the party to determine how and why personal information is used. It is the Party rather than the Councillor that is the Data Controller.
- The Party is responsible for ensuring compliance. Data breaches should be reported to the Parties DPO.
- If a prospective Councillor is not part of a political party but campaigning to be an independent councillor for a particular ward, the candidate is the Data Controller.

2.0 Access to Authority ICT Systems

This policy relates to the use of ICT equipment, software and communication network when undertaking official Council duties.

In order to gain access to the SDDC systems, such as outlook, OneDrive, SharePoint and exempt information in CMIS it is necessary to have a valid username and password. Your username and password, also known as credentials, will be provided by a representative of ICT.

The password generated and assigned to a user account will follow strict protocol on its composition as documented later in this protocol and recommended by the National Cyber Security Centre.

Access to the Council's network away from Council buildings can only be gained through the use of Virtual Private Network (VPN). In order to access the VPN, users must authenticate through Multi Factor Authentication (MFA). The process of MFA involves a secondary device which a code or prompt can be sent to validate identity. This process is called Identity Management.

Members can choose to have a corporate smartphone to conduct this process or can use their personal device if preferred. Members are encouraged to request a corporate smartphone as this gives secure access to Council services, such as emails, documents and the intranet from any location.

No official council business is conducted through Identity Management and it is recognised that use of a personal device to conduct this is a choice of flexibility and does not amount to using a personal device to conduct official council business.

Your password will need to be changed upon first logon, equally there will be specific requirements as to the composition of your chosen password for security purposes. The password (Active Directory) will need to be changed every 60 days.

Any equipment provided by the Council must not be used for illegal purposes or in any way which could bring the Council into disrepute and must not be used to operate a private business.

The Council Member must not allow any unauthorised person to access the Council's systems using their network credentials or equipment and must keep all passwords secure. For more information on good practice on password control, please refer to Appendix A.

It should be noted that anything stored locally on Council equipment, explicitly, not on the network drives or OneDrive is not backed up by the Council. Members must only save documents to their U drive or OneDrive. Saving files to the desktop is prohibited.

3.0 Hardware Issued by the Authority

All ICT equipment, applications and data belong to and remain the property of the Council.

ICT equipment will be expected to be used for all democratic work, including use at Council meetings and reading/annotating agendas, reports, minutes and accessing SDDC emails.

The Member will take all reasonable steps to ensure ICT equipment is kept secure and protected from theft/damage. Particular care should be taken with regard to ensure ICT equipment is not left on view in cars or on public transport etc.

The Member will grant access to ICT equipment to any authorised employee or agent of the Council at reasonable times for the purpose of service, repair or audit.

If a Member ceases to be a Member of the Council, all equipment must be returned to the Council within 10 working days.

The storage or processing of personal data (e.g. details of names and addresses) may be unlawful in certain circumstances, advice is available from the Data Protection Officer or the Elected Member Data Protection Handbook.

Malfunctions with the ICT equipment should be reported to the ICT Service desk on 01283 387500. Under no circumstances should arrangements be organised for third party repairs to be undertaken.

Members should only use the following number to report or seek help for technical issues (01283 387500). This number is monitored continuously through operating hours. Members should not contact any officer on another number unless they have arranged this separately. This is in place to ensure Members receive a standardised and auditable service on each interaction.

In the event of damage to any part of the equipment, you should inform the ICT Service Desk immediately on (01283 387500).

In the event of theft or loss of ICT equipment the Member must report the incident to the Police to obtain a crime reference/lost property number and then provide this information to the ICT Service Desk on (01283 387500).

In respect of hardware issued for external connection to the Authority, the Council will insure and keep insured the hardware concerned.

In the event of the installed virus protection software discovering a virus on the hardware, you should follow the virus procedure as laid out below:-

Reporting the Action on Finding a Virus

- If a Member suspects a virus is affecting the operation of software and/or hardware, they shall switch off the hardware affected. Phone the ICT Service Desk immediately, who will advise what action to take.
- Do not try to ignore the fact that a virus may be affecting your files – it will not clear itself and will continue to infect other software files/hardware, and potentially other users of the network.

4.0 Internet Usage and External E-Mail

Any Member accessing the Internet for search/browsing or e-mail must ensure they adhere to the following rules:

- Do not access any websites that could be construed as unfit, obscene or would otherwise be considered as inappropriate for a Member of the Council. Websites visited by any user (Member or officer) when connected to the Council server are recorded, monitored and will be available for audit, if necessary.
- If you accidentally enter any area which could be construed as unfit, obscene or inappropriate you must leave it immediately and inform the ICT Service Desk. Be aware that your computer records which sites you have accessed.
- Care must be taken when downloading files via the Internet. Computer viruses may be contained in files and/or e-mails and can severely damage the operation of the laptop. If the installed virus protection software detects any viruses, please follow the instructions on the previous page.
- If you receive unsolicited e-mail (e.g. junk or chain mail), do not forward such items to other recipients.
- Never leave the computer unattended whilst you are using the Internet. The session will be your responsibility. It should also be noted, the computer should not be left switched on and unattended for security purposes.
- E-mail guidelines and Internet guidelines are attached at Appendices B and C respectively.

5.0 Use and Care of the Equipment

All ICT equipment and system access supplied to you is primarily for your use relating to official Council duties.

Examples include:-

- Communicating with officers, other Members, MPs, government officials, partner organisations and where appropriate members of the public.
- Dealing with official Council correspondence.
- Communicating and obtaining information in support of approved personal training and development activities.
- Viewing and obtaining material for discussion by a political group on the Council, as long as that relates to the work of the Council and not the political party.
- Formulating policy and the decision-making process of the Council or other organisation on which you have been formally appointed to represent the Council.

5.1 Use for Party Political Purposes/Party Political Publicity

Under the Members' Code of Conduct, there is an absolute restriction on Members using, or authorising the use by others, the resources of the Council ('resources' includes land, premises and any equipment such as PCs, laptops, copiers, scanners, printers, paper and software and the time, skills and help of anyone employed by the Council) for political purposes.

There is also a clear statutory ban on the use of Council property for any purpose connected with party political publicity, either at election time or at any other time. Publicity is defined as any communication, in whatever form, addressed to the public at large or to a section of the public. This will include press releases and letters to the media.

At election time there are also detailed restrictions on the use of Council property for other party political purposes as well as publicity. The safest course is to avoid the use of Council ICT equipment for any purely party political purpose at any time.

This includes all the work you do in connection with:-

- Constituency party meetings, Ward party meetings etc. or communications to party members collectively in their capacity as party members.
- Processing names and addresses of your constituents for electioneering purposes.

5.2 Personal and Casework Use.

As explained in section 2 of this policy, Members typically have three roles. It is important to distinguish between these roles to ensure compliance with Council policy. It is strongly recommended when undertaking casework to use @southderbyshire.gov.uk communication channel and corporate device.

Members are permitted to communicate with the Council in relation to their casework on personal email addresses however it must be noted the risk for data in transit and the sharing of data collected in this capacity is the responsibility of the Member not the Council.

If a Member uses personal email accounts to conduct casework they are the sole data controller and will be responsible for reporting any data incidents to the ICO. If a Member uses their @southderbyshire.gov.uk email account the Council will at that point become an independent data controller with responsibility to keep data collected by the Member safe on the Council's network.

The use of personal email addresses (or third party addresses such as a work account) is strictly prohibited in relation to the sharing or discussion of internal affairs, such as confidential information, Council documents or any communication not intended for the public domain and you should use your South Derbyshire email account as your primary channel for these purposes.

The ICT equipment or services may be used for personal or casework purposes provided that:-

- It is not detrimental to corporate interests
- It does not cause any disruption, disturbance, inconvenience or degradation of the service
- It does not interfere with the work of the Council
- It does not involve unacceptable use of the Council's system
- The setup of the equipment and connection is not changed in any way

5.3 Examples of unacceptable use

- Breach of confidentiality
- Breach of security rules/guidelines, e.g. breaking through security controls
- Representing values which are contrary to any Council policy
- Promoting any private or personal interests such as selling personal possessions, property or promoting a social activity not related to the Council
- Deliberate accessing or attempting to access, viewing, downloading, displaying, printing or distributing from the internet of what is considered to be material likely to incite criminal behaviour
- Using or transmitting abusive, defamatory, libellous, profane or offensive language
- The importation of computer viruses and similar software through unauthorised downloading of files and programmes from external sources
- Running software that is not approved by the Council
- Loading software applications directly onto any of the Council's systems without approval
- Knowingly causing congestion and disruption of networks and systems
- Deliberate accessing or attempting to access, viewing, downloading, displaying, printing or distributing of what is considered to be offensive, obscene, sexually explicit or pornographic from the internet
- Sending e-mail messages and/or attachments that cause offence or are considered to be harassment on the grounds of gender, race, ethnic or national origin, disability, family status, age, religious belief, class or sexuality. Examples are messages that contain sexual innuendoes, racially biased jokes or obscene language.
- Using mobile data cards for personal use
- The use of proxy sites.

This is not an exhaustive list.

5.4 Monitoring of Communications

You need to be aware that the Council has the capability to monitor all use of the internet and intranet and logs and retains the records.

The reason that monitoring takes place is to ensure that the standards and rules set by the Council and legislation are complied with. This is also in place in relation to managing data security incidents.

We record or monitor:-

- Details of websites visited or attempted to be visited
- Pages accessed
- Files downloaded
- Graphic images examined
- Any file attachments (e.g. pictures or word documents)

The Council has the capability to monitor, log and retain e-mail correspondence.

Any potential viruses within e-mail and internet traffic passing through or outside the Council's systems are scanned for.

5.5 General Issues

Any messages or information you send to someone outside the Council, or statements that reflect on the Council (this is either in a personal capacity or on business use through an electronic network such as on-line services or the internet) wherever appropriate you must make it clear that the views expressed are personal and may not necessarily reflect those of South Derbyshire District Council.

You must not use anonymous mailing services to conceal your identity when mailing through the internet, falsify e-mails to make them appear to originate from someone else.

5.6 Care of the Equipment

Members are required to take all reasonable care of the Authority's equipment. Members should not eat, drink or smoke over the equipment.

Lending ICT equipment to any third party is strictly forbidden

Members should never attempt to delete software packages from ICT equipment. It should be noted that these will be updated or changed over time and ICT can do this remotely.

Members can only connect their ICT equipment to their home or third party Wi-Fi networks when using the Corporate VPN.

Do not subject the ICT equipment to extreme heat, cold or moisture (do not store in vehicles).

When carrying ICT equipment in a vehicle or on public transport every effort should be made to keep the device secure i.e. do not leave on display.

The whereabouts of the ICT equipment should be known at all times. It is the users responsibility to keep their equipment safe and secure.

One charger will be issued with each item of ICT equipment. If lost Members will be expected to replace these at their own cost.

5.7 Strictly forbidden Activity

Illegal installation transmission of copyright materials.

Members are not allowed to send, access, upload, download, or distribute offensive, profane, threatening, pornographic, obscene, or sexually explicit materials. Downloading other browsers is not permitted. Proxy sites are also prohibited.

Use of South Derbyshire District Council District Council's internet/E-mail accounts for financial or commercial gain or for any illegal activity.

5.8 Malfunction of Equipment

Malfunction or any other technical problem with ICT equipment should be reported to the ICT service desk 5705 (01283 387500), under no circumstances should repairs be organised without consultation with ICT.

5.9 Cameras

Members must use good judgement to ensure the camera will not be used to take inappropriate, illicit or sexually explicit photographs or videos, nor will it be used to embarrass anyone in any way.

If a Member would like to use a camera in meeting for photos or videos they should raise their intent with the meeting chair.

5.10 Social Media

ICT equipment provided to Members should not be used to access personal social media sites such as Facebook and Twitter. It is however permissible for Members to use equipment provided for social media for legitimate and official council business reasons such as communicating with residents or maintaining SDDC corporate sites. It is recommended that Members have separate social media accounts for personal and professional use.

5.11 Excessive Usage

ICT equipment cannot be used abroad without configuration changes. To use equipment abroad please contact the ICT service desk within 14 days of departure. Please note, to minimise security risk it is recommended not to use equipment abroad if the need isn't urgent or necessary.

Cellular data is provided to meet the business needs of the Council and appropriate usage tariffs will be selected accordingly.

The Council provides a mobile data contract which pools access to cellular network across the organisation. Each connection (sim card) is monitored for excessive use and proactive reporting is in place to stop any accidental connections incurring large overspends.

Wi-Fi connections should be used wherever possible to avoid additional usage charges. The Civic Offices (in Council Chamber & Members room) Wi-Fi will be preconfigured and equipment can easily be setup for home Wi-Fi or where this is provided in other locations such as Cafés, hotels. If assistance is required please contact ICT Services on 01283 387500.

5.12 Malicious Use/Vandalism

Any attempt to destroy hardware, software or data is forbidden. Defacing of ICT equipment, including the SDDC ID tag, in any way is prohibited (stickers, markers, etc.).

5.13 Printing

Members are only permitted to print out documents on the Council's network using a Council printer. These are located at Civic Office, Rosliston Forestry Centre, Oaklands and The Depot. This control is in place to safeguard against data loss through printing from the SDDC network to devices outside our network. Members can send a print job to a corporate printer via the laptop even if they are not at one of these locations. The job will only be released to print when the Member scans their badge on the top of the printer.

Members can also request Officers of the Council to print documents in relation to Committee meetings if they are unable to do so beforehand.

5.14 Microsoft Teams

The Council uses Microsoft Teams as its main collaboration tool. It is a communications tool which can also be used for joint working on documents and allows other collaborative functions such as task management.

Teams does not replace email in the case of formal communication of conducting business and a record of chat history is not kept. Members are encouraged to make use of Teams when contacting relevant and appropriate Officers as this in most cases is the fastest way to get a response given the complete integration of Teams in modern working practices.

5.15 Emergency Situations

In an emergency situation, the Chief Executive or other senior officer in the Council may issue an exemption to parts of this policy when responding to a major incident. This is likely to involve a balanced approach to risk and reward on any given situation and will be communicated widely at the relevant time.

6.0 The Law

6.1 Data Protection

All Officers and Members when conducting Council duties are responsible for complying with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 including any consequential data protection legislation as updated, amended or replaced from time to time which concerns the direct use of personal data, whether that information is held in electronic or paper-based form.

The Council has a statutory requirement to report Personal Data breaches to the Information Commissioners Office ("ICO") within 72 hours of becoming aware of the breach. Members must therefore report a breach (or any suspected breach) without undue delay to the Council's Monitoring Officer and Data Protection Officer. If the breach is likely to result in a high risk of adversely affecting the individual's right and freedoms, the Data Protection Officer will inform the individual.

The GDPR applies to Personal Data, meaning any information relating to an identifiable person who can be directly or indirectly identified, such as the name, identification number, location data or online identifier. It also applies to sensitive personal data such as genetic data and biometric data. For more information around Data Protection, please see the Elected Members Data Protection Handbook.

You should ensure that the Personal Data held for Council purposes should not be used for political purposes.

You should be aware that the unauthorised processing or disclosure of such data is prohibited under the GDPR, you are responsible for ensuring that there is no such unauthorised disclosure of data. If the Council fails to abide by the GDPR, it could be prosecuted and fined up to 20 million Euros (17 million pounds) or up to 4 per cent of the Council's turnover. The GDPR also imposes legal liability if you are responsible for a breach. In addition, the Council or the individual officers may be liable to pay compensation to any individual who has suffered material or non-material damage as a result of such a breach.

6.2 Computer Misuse

The Computer Misuse Act 1990 covers unauthorised or malicious use of any computer system. It is the law used to prosecute hackers and people who write and distribute computer viruses deliberately.

It is a criminal offence to access, or attempt to access, any computer system you are not authorised to access. This law protects against employees and members of the public who deliberately cause damage to systems and data. The Act also makes it illegal for a person to deliberately delete data or sabotage systems to the detriment of the Council.

6.3 Harassment

You can commit harassment either by using e-mail or send a harassing message to someone or by downloading and distributing material from the Internet which constitutes harassment because it creates an intimidatory working environment. Harassment and discrimination are unlawful under the Protection from Harassment Act 1997 and the Equality Act 2000. As with any form of harassment under the anti-discrimination legislation, the intention of the parties is irrelevant. The problem with e-mail is that, with the lack of visual clues, offence may be caused where none was intended.

6.4 Obscene Material

Publishing legally 'obscene' material is a criminal offence under the Obscene Publications Acts 1959 and 1964. This includes electronic storing and/or transmitting obscene materials that would tend to deprave and corrupt or paedophilic material.

6.5 Defamation or false statements

The liability for defamation or false statements applies to electronic communication just as it does to more traditional forms of communication. Anyone who e-mails a libellous or false e-mail message or posts such a message on the Internet will be responsible for it and liable for any damage in accordance with the Defamation Act 2013 for causing or likely to cause serious harm to the reputation of the victim.

In addition to the liability of the individual who made the libellous or false statement, the Council may also be held liable. This could be either under the normal principles of:-

- Indirect liability because the Council is considered responsible - known as 'vicarious liability'; or
- Direct liability as a publisher because of providing the link to the Internet and e-mail system.

An untrue statement that damages the reputation of a person or company by causing people to think worse of them will generally be defamatory. Similarly, a false statement intended to cause damage to a person or their economic interests can bring a claim for damages.

Do not put anything on an e-mail or an attachment, which you would not put in a normal letter on Council headed paper. Treat e-mail as you would a postcard going through the open post.

6.6 Copyright

Although any material placed on the Internet or in public discussion areas is generally available, the originator still has moral and, possibly, legal rights over it. You should not copy it without acknowledging the original source and, where appropriate, gaining their permission. This applies even if you modify the content to some extent. Please note that any official material placed on a website is subject to copyright laws.

Copyright laws are different for each piece of software. In general, the copyright to every piece of software run on a system is owned by whichever company or person wrote it. The Council has a legal duty to make sure sufficient licences of the correct type are present to cover the use of all software. You must be aware of these issues and make sure that the Council has correct licences for any software you are using.

6.7 Contracts

Electronic communication, such as e-mail, is generally regarded as an informal means of communication but it is, nevertheless, capable of creating or varying a contract in just the same way as a written letter. You should be careful not to create or vary a contract accidentally, always seek advice from the Legal department if you believe you are being requested to act on behalf of the Council and sign an electronic document.

6.8 Disclaimer

Despite putting confidential disclaimers and, where appropriate, personal disclaimers, on external communications, there is still nevertheless a legal connection to the Council. Always remember that any statement you make may still be construed as representing the Council.

7. Responsibilities

Violation of the Acceptable Use Policy may be subject to but not limited to; action under the Member Code of Conduct, repossession, removal of content.

7.1 Member

Violation of the Member ICT Policy may be subject to but not limited to; action under the Member Code of Conduct, repossession, removal of content.

- All material viewed and stored on ICT Equipment must be in accordance with the ICT protocol and values of South Derbyshire District Council.
- Users must exercise the same prohibited uses as the use of South Derbyshire District Council computers, corporate mobile devices and laptops.

7.2 Corporate ICT

- Provide SDDC supplied ICT equipment to a recognised standard build that can access the Internet and SDDC emails from the users SDDC email account.
- Ensure any incidents in relation to ICT equipment acceptable use protocol are referred to Democratic Services and support with any investigation as necessary.
- Provide support and maintenance of ICT equipment in keeping with the corporate ICT service standards.
- Providing training and instruction on use of the SDDC estate.
- Providing advice and support to staff and Members regarding ICT equipment
- Investigation of any suspected misuse of devices
- Will be responsible for the deletion of any data, email accounts and files in line with current retention protocol when a Member leaves office. If a Member wishes to retain data they have collected for casework then a request can be made to the IT helpdesk.

APPENDIX A - PASSWORD COMPOSITION

Passwords for accessing systems should be of a complex nature.

The following guidelines give information on how passwords should be created and managed to ensure their integrity and the integrity of the systems and information, which they protect.

The following best practice guidelines should followed at all times, though it is recognised that some systems may be unable to support some of the recommended guidelines, due to technical limitations.

Password Requirements

To ensure that malicious parties or programs which guess passwords have reduced chance of being successful, users should construct a password that meets the minimum criteria for each system as shown in the table below.

System / Type	Password Age	Minimum requirements	Lockout / Wipe attempts
Network Accounts and Systems which can enforce password blacklists	60 Days	8 Characters	3
SmartPhones	60 Days	8	5 attempts and then the device wipes
Members	60 Days	8 Characters	3

To make sure the password is strong users should also ensure that passwords:

- must not contain the user login name
- must not include the user’s own or relative’s name, employee number, national insurance number, birth date, telephone number, car licence plate or any information about him or her that could be readily learned or guessed
- should not be single words from an English dictionary or a dictionary of another language, slang, dialect or jargon with which the user has familiarity. This is true even with a number placed at the end
- are significantly different from previous passwords and password used for other systems. Do not reuse old passwords or words spelt backwards
- do not contain commonly used proper names, including the name of any fictional character or place
- do not contain any simple pattern of letters or numbers such as “12345678” or “abc123”, or deliberately misspelled words

- are not displayed in work areas or any other visible place. If a user has to write their password down, they must ensure it is kept as securely as, for example, their credit card. Write down only the password, not the system it is for and if possible include a mistake. Inform ICT should this go missing
- are not e-mailed, recorded electronically, or used via the “save password” functionality which may result in a password being taken or shared
- Finally, be careful when using systems which allow users to enter a password reminder or hint; the reminder or hint must not be the user’s name, password or text which clearly identifies the password (e.g. child’s name) as this is a security risk, and users **MUST NOT** let anyone observe them when entering their password.

Password Changes

Network passwords must be used in line with the following rules:

- Passwords must be changed when a new account is created
- Passwords must be changed, as soon as possible, after a password has been compromised or after a suspected compromise
- Passwords must be changed where they are deemed to be too weak
- Passwords must be changed on direction from the Council’s ICT staff
- Passwords are changed and the account deactivated when the staff member leaves the Council
- Administrator passwords should be changed whenever a member of staff leaves the Council who had administrator access.

Password Suspension

The network will permit three attempts to enter the correct User ID and password before the account is locked. Smartphones and tablets allow five attempts before wiping the device.

When an account has been suspended, it can be released by the appropriate system administrator. In the case of the network (log on) or systems managed by ICT requests for release of suspended accounts should be made via the IT Service Desk.

To reset a password for individual applications, the relevant System Owner for that system should be contacted.

Password and Account Protection

Each user is responsible for all activities originating from any of his or her username(s).

Passwords must not be shared. Users who share their passwords may have their access to the Council’s networks and systems disabled, whilst investigations are carried out and management determine the course of action (disciplinary) that may be required.

NOTE: In some cases, users may be requested to share their passwords with trusted Council employee (Audit, ICT Security, HR) in order to complete a task that is critical to the Council. In this case Director approval can be sought for an exception.

Avoid writing down passwords; if passwords are to be written down they **must** be protected. Do not stick them to the equipment they unlock or leave them out in desks, notice boards or any other place

where someone may see them. If a password must be written down, keep it securely in a wallet or purse or locked in a secure container. Ideally do not keep the corresponding username with the password as this will make it harder to use if it is lost. If possible, only record part of the password. Report lost password documentation **immediately** so that unauthorised access can be blocked.

Password Construction

Creating strong passwords does not have to be difficult, try this method.

What to do	Example
Start with a sentence or two	Longer passwords are better than short
Remove the spaces between the words	Longerpasswordsarebetterthanshort
Add shorthand and misspell words	LingerpswdsRsafethnsht
Add length with numbers and symbols, don't always do this at the start or end.	LingerpswdsRsafethnsht1876

While this password is fairly easy to remember the number of combinations an attacker would have to check is huge. Even if an attacker can check billions of passwords a second on thousands of computers it would still take too long to find the password.

APPENDIX B – EMAIL AND INTERNET GUIDELINES

These guidelines apply equally to internal and external e-mail and act as guideline.

Never . . .

1. Use the e-mail system for knowingly doing anything illegal under English law, or for unacceptable purposes that could be construed as unfit, obscene or would otherwise be considered as inappropriate for a Member of the Council.
2. Transmit sensitive information on e-mail unless you can apply appropriate encryption using the 'sensitivity' button in Outlook.
3. Abuse others - even in response to abuse directed at you.
4. Use e-mail to harass or threaten others in any way.
5. Use anonymous mailing services to conceal your identity or falsify e-mails to make them appear to originate from someone else.
6. Access anyone else's mailbox unless they have given you proxy or authorisation rights. Unauthorised access is a breach of security.

Don't . . .

7. Use the 'Reply All' function unless everyone in the original message needs to know your response.
8. Print out messages unless you really need to.
9. Send large e-mails or attachments. It's not an economical or sensible way to handle large documents and it can halt the e-mail system. It is better to put the file on the network and direct people to it. Contact ICT for assistance.
10. Create e-mail congestion by sending trivial messages or by copying e-mails to those who don't need to see them.
11. Forward confidential or restricted items on e-mail sent to you personally without the originator's permission.

Remember . . .

12. E-mails may be read by a far wider audience than originally intended, because of the ease of forwarding messages to new recipients.
13. E-mail is not guaranteed to arrive at its destination within a particular time, or at all.

15. Always put appropriate disclaimers on your messages.
16. Any advice you give on e-mail has the same legal standing as any other written advice.
17. Before sending an e-mail, ask yourself how you would feel if your message were read out in Court or disclosed under FOI.
18. Not to assume that the message has been read just because it has been sent.

Do . . .

22. Maintain your e-mail mailbox properly:-
 - Access emails regularly or make sure that a re-direction is set up if you are away for more than a day.
 - Only keep messages that are necessary for current business needs or need to be retained for other purposes.
 - Store all e-mail messages necessary for permanent business records in your U Drive or OneDrive, according to current record retention policies.
 - Delete insignificant, obsolete and unnecessary messages, return/read receipts and attachments, regularly. Clear your 'deletion' folder daily to get rid of unwanted items.
23. Make sure you use the correct address when sending mail. If the e-mail fails to reach its destination, it may be lost or fall into the wrong hands. Double-check the address when you send important messages.
24. Consider confirmation of receipt for important e-mails.
25. Reply promptly to all e-mail messages requiring a reply. Where a prompt detailed response is not possible, send a short e-mail acknowledging receipt and giving an estimate of when a detailed response will or should be sent.
26. Only print an e-mail if you need to for example, a hard copy for filing / legal reasons.
28. Always enter a subject title to your e-mail. Make sure that the 'subject' field of the message is meaningful. This helps everyone file and search for his or her messages more effectively.

INTERNET GUIDELINES

If you use a connection to the Internet, you must follow the requirements of these guidelines.

Never . . .

1. Use the Council's Internet access for knowingly doing anything which is illegal under English law, or the law of any other relevant country, or for unacceptable purposes such as accessing any www area that could be construed as unfit, obscene or would otherwise be considered as inappropriate for a Member of the Council.
2. Use the Council's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.
3. Knowingly use the Council's Internet facilities to disable or overload any computer system, network, or equipment or attempt to disable, defeat or circumvent any systems intended to protect the privacy or security of another user, including the Council's 'firewall' security systems.

Don't . . .

5. Leave Internet connections unattended.
6. Release protected information online - whether or not the release is inadvertent, it comes under all the penalties under existing data security policies and procedures.
7. Order or pay for personal goods and services using Council equipment on the Internet.

Remember . . .

8. If you accidentally access unsuitable material, you must disconnect from the site immediately and inform the senior officer in ICT Services.

Do . . .

9. Only use Internet browser software provided and configured by the Council, and only use officially provided access mechanisms.
10. Immediately report any security problems or breaches to the ICT Service Desk.

APPENDIX C – INFORMATION CLASSIFICATION

The Council's partnership working with Central Government and other national bodies and agencies has led to the exchange and sharing of information that requires protection and handling in line with the requirements of the Public Services Network and the Government Security Classifications Policy (GSCP). The GSCP describes how HM Government classifies information assets to: ensure they are appropriately protected; support Public Sector business and the effective exploitation of information; and meet the requirements of relevant legislation and international / bilateral agreements and obligations.

Organisations which work with government have a duty to respect the confidentiality and integrity of any HMG information and data that they access, and are accountable for safeguarding assets in line with the GSCP.

Purpose and principles

The purpose of this guidance is to ensure the Council meets its obligations under the GSCP and also has appropriate controls in place to protect its own information. It reflects the following principles:

Principle One: All information that the Council collects, stores, processes, generates or shares to deliver services and conduct business has intrinsic value and requires an appropriate degree of protection.

Principle Two: Everyone who works with the Council (including staff, members, contractors and partners) has a duty of confidentiality and a responsibility to safeguard any Council information or data that they access, irrespective of whether it is marked or not, and is must be provided with appropriate training.

Principle Three: Access to sensitive information must be granted on the basis of a genuine "need to know" and subject to an appropriate personnel security control.

Principle Four: Assets received from or exchanged with external partners must be protected in accordance with any relevant legislative or regulatory requirements, including any international agreements and obligations.

Classification / Categorisation of the Council's Information Assets

The GSCP classifies HMG information assets into three types: OFFICIAL, SECRET and TOP SECRET.

The Council operates exclusively at OFFICIAL level and the previous classifications, RESTRICTED, PROTECTED and UNCLASSIFIED no longer apply.

The main theme of the new Government policy is, at OFFICIAL at least, personal responsibility for the data you transmit, handle or store, no longer relying on security markings. This is particularly important because the UNCLASSIFIED marking no longer exists.

OFFICIAL information

The OFFICIAL level covers the variety of information handled and created by the Council of differing value and sensitivity and different consequences resulting from loss of compromise.

Some of the Council's information is particularly sensitive and could have more damaging consequences (for individuals, the Council or partner) if it were lost, stolen or published in the media

This sensitive information will attract additional controls to ensure that it is only accessed by those with a "need to know". Such information should be treated as OFFICIAL–SENSITIVE.

Guidance on what information should be treated as OFFICIAL–SENSITIVE and how it should be handled appears below.

It is important to note that within the GSCP, CONFIDENTIAL is not a recognised security classification; therefore care must be taken if marking documents as confidential. It must be clear to the recipient of the information what this means and what handling requirements are to be applied.

Marking OFFICIAL information

There is no requirement to explicitly mark routine OFFICIAL information.

Security markings previously applied to council information which now fall in the OFFICIAL classification can therefore be removed.

Handling OFFICIAL information

All Council information must be:

- Handled with care to avoid loss, damage or inappropriate access.
- Shared responsibly, for business purposes, and using appropriately assured channels if required (e.g. Secure email).
- Stored securely when not in use. For example, with clear desk policies and screens locking when ICT is left unattended.
- Protected in transit and not left unattended when taken out of the office.
- Stored securely when taken out of the office. For example in a locked briefcase or locked cabinet.
- Protected to prevent overlooking or inadvertent access when working remotely or in public places.
- Discussed with appropriate discretion when in public or over the telephone. Details of sensitive material should be kept to a minimum.
- Emailed, faxed and sent by letter only to named recipients at known addresses.
- Destroyed in a way that makes access unlikely. More sensitive assets should be returned to the office for secure disposal where appropriate.

Special Instructions when handling personal data

The General Data Protection Regulations requires the Council to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of processing personal data.

Whilst personal data will generally fall in the OFFICIAL classification, additional controls must be observed to ensure that the Council complies with its obligations under the Data Protection Act.

- Original certificates (e.g. birth certificates, medical records, passports) should be transferred / returned by Tracked Courier;
- Multiple and restricted lists (e.g. names and addresses) should be sent by Tracked Courier and if held on electronic media, strong encryption should be used with a strong password (see Password Policy);
- Paper records containing personal data must be kept secure when off-site in a lockable case and totally separate from valuable items such as laptops;
- Partnership arrangements where electronic files of personal data are transferred should be by secure electronic methods only and encrypted except for Public Services Network.
- An individual's personal data may be sent by normal email where they have given the Council permission to send via this channel, else use secure email. The individual must also acknowledge that we cannot be held responsible if a 3rd party gains the information after the Council has sent it;
- It is the senders responsibility to ensure that the recipient's email address is correct and the receiver is ready to handle the information being sent in the required format. Specific care must be taken to ensure that personal data is not sent to recipients on a contacts list;
- When printing personal data, check that all print jobs that start are completed. Where jobs cannot complete (e.g. owing to a printer error) ensure that they are deleted from the print queue. Failure to do this could result in the print job resuming in their absence, and result in personal data being left out on the printer;
- When printing personal data, the document must be removed from the printer immediately. Personal data must never be printed to a printer accessible to the public unless the secure print facility is used;
- All unwanted printed material containing personal data must be shredded.

For any advice please contact the Data Protection Officer or ICT Service Desk.

OFFICIAL-SENSITIVE information

OFFICIAL-SENSITIVE is not a separate classification; it is simply a tool to identify OFFICIAL information that is particularly sensitive and needs additional controls.

OFFICIAL-SENSITIVE should be used by exception and in limited circumstances where there is a clear and justifiable reason to reinforce the “need to know.” This would be when compromise or loss of the information could have particularly damaging consequences for an individual (or group of individuals), a partner, or the Council.

Some examples of OFFICIAL-SENSITIVE information are as follows:

- the most sensitive corporate or operational information, e.g. relating to organisational change planning, contentious negotiations, or major security or business continuity issues;
- policy development and advice to members on contentious and very sensitive issues;
- commercial information e.g. contract negotiations that may be damaged/undermine the Council or commercial partner’s negotiating position if improperly accessed;
- information about investigations and civil or criminal proceedings that could compromise public protection or enforcement activities, or prejudice court cases;
- sensitive personal data;
- legal advice and information created in connection with legal proceedings.

Determining whether information is OFFICIAL-SENSITIVE

The originator of the information is responsible for determining the appropriate classification for any assets they create, with reference to this Policy, and marking the asset where OFFICIAL-SENSITIVE.

The originator must understand the business value and sensitivity of the information they create. Information should not be regarded as OFFICIAL-SENSITIVE as a matter of routine as applying too high a marking can inhibit sharing and lead to unnecessary and expensive protective controls. However, not applying the OFFICIAL-SENSITIVE marking to sensitive assets may result in inappropriate controls and potentially put them at greater risk of compromise.

Responsibility for any change in the classification lies with the originator. Recipients must not re-classify a document without the agreement of the originator. Where that agreement cannot be obtained, for example because the originator no longer works for the Council, agreement must be obtained from the originator’s manager.

Marking OFFICIAL-SENSITIVE information

When sending emails where interception could compromise the freedoms of recipients or data subjects an additional level of security can be added to the email via Outlook. This action will mark the email as OFFICIAL-SENSITIVE.

A user should click on the ‘Sensitivity’ button in a new message and selecting ‘Official -Sensitive’. Note, this will change how the email is received and will require the recipient to take an extra step in order to read the message.

For assistance on secure electronic transmission of files please contact the ICT service desk.

Elected Member Data Protection Handbook V1.1 [Draft]

September 2023



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Version Control

Version	Description of version	Effective Date
1.1	Adoption	

Approvals

Approved by	Date
Data Protection Officer	
Leadership Team	

Associated Documents

Name
SDDC Member IT Protocol

About this guidance

This guidance has been developed for Elected Members. It serves as a useful reference to support Members in complying with the requirements of data protection legislation by providing practical advice, information and guidance on the collection, use and storage of personal data.

The advice and guidance contained in this document is primarily aimed at Members when representing the Council. However, the guidance may also be adopted by Members when collecting and using personal data for the purpose of casework (should they wish to do so).

It is entirely up to Members to decide whether or not this guidance is adequate in this regard and to adopt it for casework purposes. Whilst this guidance mirrors the key topics and themes covered in the formal Data Protection training that is provided to Members, it should be noted that the guidance is not intended to replace this training, nor the advice that is available from the Data Protection Officer.

Glossary of Terms:

The following terms appear regularly throughout this document. Their definitions are below:

Official Council duties or Council Business: The work undertaken by a Member when representing the Council, for example attending or chairing a committee.

Casework: The work undertaken by a Member when representing a constituent. This may include a direct query, complaint, service request, community issue, etc.

Data protection legislation: Refers to current data protection legislation within the UK.

Data Controller: The individual or organisation that determines the purpose for which personal data is collected and used. The Controller is ultimately accountable for the personal data.

Processing: In relation to personal data, this can be any activity involving (but not limited to) the collection, use, storage, sharing, and disposal, etc. of the personal data.

Information handling principles

Data protection legislation sets out good information handling principles that Members must follow. The key principles are summarised below and are covered in more detail within this guide:

1. Keeping people informed

You must be open, honest and transparent with people about the way you use their personal data and provide them with appropriate privacy information.

2. Specified Purpose

You must collect and use personal data for a specified purpose and stick to that purpose.

3. Minimisation

You must only collect the personal data that is absolutely necessary in relation to the purpose.

4. Accuracy

You must take reasonable steps to ensure that personal data is correct and kept up-to-date where required.

5. Retention

You must not keep personal data for longer than is needed in relation to the purpose.

6. Information Security

You must ensure that personal data is kept safe and secure.

7. Information Rights

You must ensure that people are made aware of their information rights and are able to exercise them.

1.0 How data protection applies to Members

This section aims to explain how data protection legislation applies to Members when collecting and using personal data when undertaking official Council duties, casework and when representing a political party.

The role of a Member

- 1) They will act as a member of the Council undertaking official council business, for example, as member of a committee or sub-committee. As defined in the 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;
- 2) They will represent the residents of their ward, for example, when undertaking casework.
- 3) They will represent a political party, particularly at election time.

Members will process personal data for different purposes depending on which of the above roles they are undertaking. This policy only applies when the elected member acting in the capacity outlined in point one above.

Who is accountable for the personal data, and therefore what devices and communication channels to use, when undertaking these roles?

Official Council duties

When a Member collects, uses and stores personal data when undertaking official Council duties such as attending a Committee, the Council is the Data Controller and is accountable for ensuring that the data processed by the Member is used in the right way. The Council will do this by providing Members with training, awareness, policies, procedures and guidance so that they know how to handle personal data properly and lawfully.

Undertaking Casework

When a Member collects, uses and stores personal data when undertaking casework, the Member is the Data Controller. The Member is accountable for the data they process as they will determine the means and purpose of processing and must ensure that it is used in the right way. If the Member chooses to use ICT equipment provided by SDDC for their casework they remain the data controller for the lifecycle of the data, however the Council will also be a data controller for data stored on our network and as such will secure its network to prevent data loss. If data breach has occurred from a data loss relating to SDDC networks the Council will report the incident to the ICO

It is assumed by the Council that Elected Members undertaking casework are responsible for knowing and abiding by the data protection principles.

Representing a Political Party

When representing a political party, for example when campaigning at election time, the political party is the Data Controller and is accountable for ensuring that the data processed by the Member is used in the right way. The Political Party may do this by providing its Members with appropriate training, awareness, policies, procedures and guidance.

Segregation of Duties & Personal Data

Data protection legislation requires that you have a very clear specified purpose for collecting and using personal data.

Once collected for a specific purpose, personal data cannot generally be used for any other purpose unless:

- the new purpose is compatible with the original,

OR

- you get the consent of the individual to use their data for another purpose,

OR

- you are required to use the information in another way by law (e.g. reporting a safeguarding concern).

For Members, the purpose for processing the personal data is linked directly to the role they are undertaking. For example, when representing a constituent, any personal data collected and used is for the specific purpose of dealing with the enquiry or complaint, and must not be used for any other purpose, e.g. political campaigning.

It is therefore important that Members segregate any personal data held for different purposes and roles.

2.0 Keeping People Informed

This section explains what information a Data Controller (DC) must provide to individuals when you collect their personal data.

What data protection law requires

Data Protection law requires that Data Controller's are open and honest with people about the use of their personal data. This is especially important in situations where the individual has a clear choice about whether they wish to enter into a relationship with you (for example, where a constituent is considering asking you to represent them on a particular matter) or the use of their data may be unexpected.

When collecting personal data from an individual it's important to provide an explanation as to how their data will be used and for what purpose. By providing this information, individuals will know from the outset how their personal data will be used and the likely implications for them. This is likely to prevent complaints or concerns being received from individuals about the way you are using their personal data.

What information must I provide to individuals?

The law sets out what information must be provided to individuals when you collect their personal data. At a minimum, and as a starting point you must always tell them:

- Who you are;
- Why you need their information;
- What you are going to do with it;
- Who it will be shared with.

The information that DC's provide to individuals about the way their personal data will be used is often referred to as 'privacy information'. In written form it is referred to as a 'privacy notice'.

How and when should I provide privacy information to individuals?

Data protection law does not specify how privacy information should be provided to individuals. Good practice is to use a blended approach using a number of communication methods and techniques.

The following outlines how privacy information is/should be provided to individuals when you are representing the Council or undertaking casework.

2.1 Official Council duties

Who is responsible for providing individuals with privacy information?

In relation to the personal data you may process when undertaking official Council duties, it is the responsibility of the Council to ensure that citizens, service users, customers and visitors are informed about how the Council, via its Members and Officers use their personal data when providing them with services.

How does the Council provide individuals with privacy information?

The following outlines the key ways in which the Council provides privacy information to individuals. This is in addition to any verbal privacy information that officers may provide to individual when they make contact directly with the Council.

Main Privacy Notice

The main Privacy Notice is published on the Council's website under the Data Protection section. The notice consists of a series of webpages that provides individuals with information on the following topics:

- How we use your personal information – An Overview
- Introductory page about the way the Council uses personal data and the ways in which we protect people's privacy.
- How we use your personal information – frequently asked questions
- Answers to commonly asked questions about the Council's use of personal data.
- Your information rights
- Provides information on an individual's information rights and how they may be exercised.
- Concerns or complaints about the way the Council is handling your personal information
Provides information on how an individual can raise a concern or make a complaint about the way the Council is handling their personal data.

Service Privacy Notice

Each Service has developed a more detailed privacy notice to compliment the main privacy notice. Service Privacy Notices are also published on the Council's website. They include specific information about what personal data each service collects, where the data comes from, who the data is shared with and how long it is kept for.

Forms and Applications

Forms and applications used to capture personal data from citizens, residents and applicants contain a short privacy statement that explains to individuals how the personal data requested on the form will be used by the Council. The statement also signposts individuals to the Council's website for more detailed information.

2.1 When undertaking casework.

Who is responsible for providing privacy information to constituents?

When undertaking casework, the Member (as the Data Controller) has a direct responsibility under data protection law to provide privacy information to constituents.

3.0 Casework - Authority to Act

This section provides guidance on whether a Member needs authority from an individual to represent them or to discuss their concern with an organisation.

Do I need written authority from a constituent to represent them?

Data protection law does not require a Member to have written authority from a constituent to represent them. However, some Members may prefer to have something in writing, particularly in situations where the query or concern is of a sensitive nature. That way there can be no doubt that the constituent has requested your assistance in resolving their concern.

For indirect enquiries, do I need the consent of the individual who the enquiry is about before I take on the casework?

Example: An indirect enquiry is usually referred to as an enquiry received from a third party on behalf of an individual. For example - a daughter acting on behalf of her frail elderly mother contacts you for support regarding her mother's benefit claim.

In the above example, you would need confirmation from the mother that she is happy for the daughter to act on her behalf. This could be achieved through a simple phone call to the mother.

If the mother is incapable of confirming this, for example, if she suffers with dementia and does not have capacity, you should request proof from the daughter that she has authority to act on her mother's behalf (e.g. proof of power of attorney, confirmation that her mother's finances are in her name (bank statement), etc.). This authority should not be assumed even if the individual is known to you.

Do I need to provide proof of authority to act when requesting information from an organisation?

When undertaking casework you may be required to contact organisations to assist you in resolving the enquiry or concern. These organisations may include (but are not limited to) services within the Council, Local Health Board, GP Practice, Job Centre, Department for Work and Pensions, etc.

Often, as part of that organisation's data protection procedures, especially where a Member is not known to the organisation, the organisation may ask you to provide proof that you have authority (sometimes referred to as consent) to act on the constituent's behalf. In addition, the organisation may ask you to confirm your identity as a Member.

This request for authority / proof should not be perceived as a barrier or the organisation being obtrusive, but good practice that ensures personal data is not discussed or disclosed to someone acting under a false pretence.

4.0 Data Quality

This section covers what is commonly referred to as the 'data quality' principles. It includes good practice, hints and tips relating to data minimisation, keeping personal data accurate and up-to-date and retention.

Data minimisation

Data protection law requires that:

- a) You collect enough personal data to sufficiently fulfil the purpose for which the personal data is being processed;
- b) The personal data is relevant to the purpose for which it is being collected; and
- c) It is limited to what is necessary in relation to that purpose.

Here are some hints and tips to help you comply with this requirement when undertaking casework:

- Ensure you have a clear reason for collecting and holding the personal data and can justify this if challenged.
- Collect and hold no more data than you need – always the minimum amount.
- Don't collect or hold personal data "just in case" it might be needed.
- Consider each enquiry on a case by case basis and carefully decide what personal data you need to resolve that particular enquiry.
- Look for alternatives – do you need someone's date of birth or is their age enough?
- If you've collected personal data that you didn't actually need, delete it.

Accurate & Up-to-date

- You must take reasonable steps to ensure the accuracy of the personal data that you collect and record.
- You should consider whether the personal data you collect and record needs to be kept up-to-date.
- If you discover that the personal data is incorrect or misleading, you must take reasonable steps to correct or erase the personal data as soon as possible.

Here are some hints and tips to help you comply with this requirement when undertaking casework:

- When a constituent makes contact with you, get into the habit of checking that any contact information you hold for them is current, accurate and up-to-date.

- When collecting personal data, take care recording the data and confirm/repeat the information back to the individual to ensure that you have recorded it correctly.
- Where personal data changes, update your records promptly and double check the information that you have entered.
- Watch out for typing errors, especially when entering house and telephone numbers and email addresses!
- If receiving personal data via a third party, take reasonable steps to verify the accuracy of the data where required. Don't assume it's always right!
- Correct incorrect information promptly.

Retention

A Data Controller must not hold personal data for longer than is needed in relation to the purpose for which it was collected. You must also be able to justify the length of time you are keeping personal data for.

If a Member uses an SDDC email account and laptop to conduct casework they are able to request any pertinent data when leaving office. If no such request is made, the Council shall delete emails and files in line with its protocol.

5.0 Communicating with individuals.

This section highlights the main risks associated with sending personal, sensitive or confidential information by email, letter, fax or social media messages. Members should select the most appropriate method of communication taking into consideration the volume and sensitivity of the information being communicated.

5.1 Communication via Email

When undertaking official Council duties, Members must use their Council email account, i.e. <name>@southderbyshire.gov.uk for all communications.

When undertaking casework, it is strongly recommended that Members use their Council email account to communicate with constituents.

Members may send the Council content from their personal addresses in relation to their casework, however personal email addresses cannot be used when undertaking official Council duties and as the data controller they must ensure the appropriate level of security and procedure is in place.

If a Member uses personal email accounts to conduct casework they are the sole data controller and will be responsible for reporting any data incidents to the ICO. If a Member uses their @southderbyshire.gov.uk email account the Council will at that point become an independent data controller with responsibility to keep data collected by the Member safe on the Council's network.

Any use of the Council's email system, whether a Member is using it for official Council duties or for casework use, must be used in line with terms set out in the Member ICT Policy.

Are Council emails secure?

Internal emails:

Emails sent internally within the Council <name>@ southderbyshire.gov.uk email account to another <name>@southderbyshire.gov.uk are secure. This means that the email is unlikely to be intercepted as the email never leaves the Council's network.

Emails to other public bodies:

Emails to and from a <name>@ southderbyshire.gov.uk email account, other Local Authorities and key partner organisations such as Central Government, the LGA, Police Authorities, DWP, are considered secure as the messages are encrypted in transit. This means, if the email is intercepted it's unlikely that the content of the email can be read by others because it is encrypted.

External emails:

Emails sent from a <name>@ southderbyshire.gov.uk email account to an external recipient (e.g. Gmail, Hotmail or private business accounts, etc.) cannot be guaranteed as being secure (as standard), as it depends on the security measures that have been implemented by the email provider of the recipient.

When sending emails where interception could compromise the freedoms of recipients or data subjects an additional level of security can be added to the email via outlook by clicking on the 'Sensitivity' button in a new message and selecting 'Official -Sensitive'. Note, this will change how the email is received and will require the recipient to take an extra step in order to read the message.

Are private / free email accounts secure?

Emails sent to and from private/free email accounts such as Gmail, Hotmail, etc. cannot be guaranteed as secure as it depends on the security measures that have been implemented by the email provider.

Before signing up to a private/free email account it is advisable to check the provider's terms and conditions and read their privacy notice to find out:

- What level of security they offer.
- In which country your emails will be stored.
- Whether they scan the content of your emails and if so why.
- Whether they use your information for any other purpose other than to manage your account.

In addition, before utilising a private/free email account to communicate personal data, Members should consider the following and form a view on the adequacy and appropriateness of using email to facilitate the enquiry:

- The nature of the enquiry.
- The sensitivity of the information.
- The number of individuals the information relates to.
- The potential impact on the individuals should the email be intercepted and the information contained within the email becomes known to others etc.

Sending personal information by email?

Email

In addition to the 'technical' risks mentioned above (i.e. email being intercepted whilst in transit) and the risk of a phishing attack, the biggest risks associated with using email for communicating personal, sensitive or confidential information are:

- The email could be sent to the wrong email address.
- Recipients could be copied in by mistake.
- The wrong attachment could be sent with the email.

How can I reduce those risks?

- Double check that you have the right email address.
- Double check that you have typed in the email address correctly. Ensure that you have included all letters, numbers and symbols.
- When selecting the recipient from the Council's global address list or the auto-populate list, ensure that you have selected the right person and be aware of users with the same/similar names.
- Check that you have not 'copied in' anyone by mistake.

Multiple Recipients:

- If using a distribution list, make sure that the members are up-to-date. Remember – local distribution lists are managed by you, not ICT. Updates to corporate distribution lists are made when a service manager or the Leadership Team compile a request for the list to be amended.
- When sending an email to multiple recipients who are not known to each other, use the 'Blind Carbon Copy (BCC)' function to protect the confidentiality of the recipients email addresses.
- When sending personal, sensitive or confidential information to a 'generic' inbox, such as customerservices@southderbyshire.gov.uk, be mindful that the email may be seen by any recipient who has access to that mailbox.

Attachments:

- Be careful when inserting attachments – ensure you have attached the right document(s).
- Once attached to the email, open the attachment and double check it is the right document before you send.

And finally, be careful and take your time when composing the email. Double check everything before you press send. Remember that most emails will be disclosable under Freedom of Information requests so content must be appropriate.

What if I send an email containing personal or confidential information to the wrong person?

Email errors involving personal information are one of the most common causes of personal data breaches. Despite anyone's best efforts, mistakes will happen and when they do it's important that you deal with the error promptly. The following steps should be taken in the event of an email containing personal or confidential information being sent to the wrong person:

- 1) Immediately recall the message in Outlook.
- 2) If you can, obtain the contact number of the recipient. Contact them to request that the email be deleted. Ask them to confirm by email that this has been done, and also as then to confirm that the email content has not been forwarded or disclosed to anyone else.
- 3) Notify the Council's Monitoring Officer and Data Protection Officer of the error.
- 4) Keep copies of any relevant correspondence to show you have taken all relevant steps to recover the email (this may be needed for any Information Management investigation that may be required).

5.2 Communication via Letter

What are the risks?

- The wrong address and/or recipient could be written on the envelope.
- The wrong information could be included in the envelope.
- The letter could be lost in transit - delivery and receipt of the letter can't be guaranteed in all cases.
- Information could be delivered to wrong address even if the right address is on the envelope.
- Information in paper form is not protected if lost, stolen or seen by others.

How can I reduce the risks?

- Double check that you have the correct address
- Ensure the address is correct on the envelope and clearly stated.
- Always include a postcode.
- Always address the letter to a named individual.
- When sending to a company, where possible mark the envelope for the attention of a named individual and their department.
- Ensure the envelope is fit for purpose and can withstand transit. Use tamper proof envelopes where required or seal the information in a double envelope.
- Ensure a return address and contact name is marked on both the outer and inner envelope so that it can be returned to you by the mail service in the event of non-delivery.
- Double check that correct information is enclosed.
- Ensure the information enclosed is also addressed
- Select the most appropriate postal method for the letter based on the sensitivity and volume of the information being sent, e.g. special delivery if you require full tracking and proof of delivery, etc.
- It is good practice to let the recipient know when and how you are sending the information then and to ask them to confirm receipt.

5.3 Communicating via Social Media

Social media is an increasingly popular means of communication that allows people greater freedom and choice in how they communicate both socially and for business purposes. For many it is now the preferred way of finding out what's going on in the local area or contacting a business or organisation.

Using social media when undertaking Council duties will be co-ordinated via the Communication team and Elected Members should not represent the Council using social media in this capacity.

Personal social media accounts and messaging services such as Facebook, Messenger, WhatsApp, etc. must not be used to conduct official Council Business.

Using Social Media for casework

As the Data Controller Members are free to decide whether they wish to use social media as a platform to communicate with constituents when undertaking casework. Should a Member wish to use social media it is recommended that the following guidance is observed:

Open groups/forums/chatrooms:

- Never communicate with constituents on personal matters in a public forum etc.
- Should a constituent contact you via an open forum regarding a personal matter you should advise them to contact you directly via a more appropriate private communication channel (e.g. email, telephone, in person, etc.)

Separating personal from professional

This separation of personal and professional will provide you with greater privacy and may provide you with greater engagement, allowing your local residents to engage with you as a Councillor without the need to become your 'friend'. It also will allow you to undertake casework without using your personal social media account.

You can make use of stringent privacy settings if you do not want your personal social media account to be accessed by the press or public. However, it's important to note that even the strictest privacy settings are no guarantee for posts or actions to remain private.

6.0 Data Breaches

This section outlines what responsibilities a Data Controller has in relation to personal data breaches and what to do in the event of a breach.

What is a personal data breach?

A personal data breach is an incident that affects the confidentiality, integrity and / or availability of personal data.

It is not possible to detail every single incident that may result in a breach, but instances would typically include:

- The theft or loss of personal data or devices that hold such data.
- Inappropriate disclosure of personal data (e.g. an email being sent to the wrong recipient, wrong information in a letter).

- Unlawful access to personal data (e.g. an officer accessing a service user's record with no legitimate business reason for doing so).
- A computer virus that affects Council data.

What does the law require in the event of a personal data breach?

The controller must investigate any breach of personal data and keep a record of that breach.

Where there has been a serious breach, the controller may also be required to inform the Information Commissioner's Office, and in some instances the individual whose personal data has been affected. This must be done within 72 hours of becoming aware the breach.

The data controller must also keep a record of any personal data breach regardless of whether the ICO and/or individual is informed.

Should you encounter a potential, suspected or actual breach of personal data you must report the matter immediately to the Council's Data Protection Officer or any other senior manager in their absence (dataprotectionofficer@southderbyshire.gov.uk) It is recommended that this be done by telephone rather than an email to ensure that the matter is dealt with promptly.

When reporting, you should provide as much information as possible so that the Data Protection Officer can assess the severity of the breach and make an informed decision on whether the matter is to be reported to the ICO and the individual who is affected by the breach. This should include:

- A description of the data breach
- The type and sensitivity of the information affected by the breach.
- Number of individuals affected.
- Whether the breach could put anyone at risk.
- Any action taken to recover/contain the situation.

7.0 Information Rights

Data protection legislation gives rights to individuals. There are several rights including the right to be informed, right of access, right to rectification, right to erasure.

This section focuses on the right of access which is one of the most commonly exercised rights. It explains how a request can be made and how it should be handled.

For details on the other rights please see the ICO's website or contact the Information Management team. Please note that the right to be informed has already been covered in Section 2 of the guide.

What is the right of access?

Individuals have the right to access the personal data that a Controller holds about them. Such a request is commonly referred to as a Subject Access Request (SAR). Individuals are not entitled to the information of anyone else under this right.

A SAR can be made in writing, e.g. mail, letter or through the completion of a SAR form. A SAR can also be made verbally, e.g. in person or over the telephone.

Once a request has been made and the identity of the requestor verified, the Controller has one month to provide the information.

7.1 Who is responsible for responding to a SAR?

It is the responsibility of the Council to respond to any SAR for personal data that is held by the Council. This includes any personal data that may be held by a Member for the purpose of undertaking their official Council duties.

What should I do if I receive a SAR from an individual for their personal data?

Should a Member receive a SAR directly from an individual, the request must be forwarded (without delay) to the data protection officer by email (dataprotectionofficer@southderbyshire.gov.uk). Upon receipt of the SAR, the DPO will validate and acknowledge the request to the individual.

Should the scope of the request include information held by a Member (for the purpose of official Council duties), the Data Protection Officer and the Council's Monitoring Officer will work with the Member to identify the requested information and respond to the individual within the relevant timescale.

7.2 Subject Access Requests for personal information relating to casework

It is the responsibility of the Member to respond to any request received from an individual for personal information that is held by a Member in relation to casework.

How should a Member respond to a SAR?

The following suggests the key steps that may be taken by Members when responding to a request. Alternatively, the Member may wish to contact the Council's Data Protection Officer who will support the Member in responding to a SAR:

- Step 1 - Confirm the identity of the requestor, calculate the deadline for response and formally acknowledge the request.
- Step 2 – Locate the information, searching all electronic and paper records held. Collate the information covered by the request.
- Step 3 - Review the information, redacting any information relating to others.
- Step 4 – Decide how you will provide the information to the individual explaining anything that they may not understand (abbreviations, etc.).
- Step 5 – Review and double check the information ready for release.
- Step 6 – Provide the information to the individual. Keep a record of the information provided for any future enquiry.

LICENSING AND APPEALS SUB-COMMITTEE

21st October 2019 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs. Bridgen (Chairman), Councillor Hewlett (Conservative Group), and Councillor Mrs Heath (Labour Group)

District Council Representatives

L Arnold (Legal Officer), E McHugh (Senior Licensing Officer) and P Hill (Democratic Services Assistant)

LAS/8 **APPOINTMENT OF CHAIRMAN**

The Sub-Committee was informed that Councillor Bridgen was appointed as Chairman.

LAS/9 **APOLOGIES**

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

LAS/10 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/11 **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 paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered an application for the renewal of a Private Hire Driver's Licence.

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered an application for the renewal of a Private Hire Driver's Licence.

The Meeting terminated at 12.00 noon.

COUNCILLOR MRS BRIDGEN

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

16 December 2019 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Mrs Bridgen (Chairman) and Muller (Conservative Group) and Councillor Rhind (Labour Group).

District Council Representatives

R Munir (Solicitor), M Lomas (Licensing Officer [Enforcement]) and R Pabla (Senior Democratic and Electoral Services Officer)

LAS/14 **APOLOGIES**

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

LAS/15 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/16 **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.

HEARING FOR CONSIDERATION OF A PERSONAL LICENCE (Paragraph 1)

The Sub-Committee considered determination of a Personal Licence, based on the evidence before them.

HEARING FOR THE DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

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

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

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

The Meeting terminated at 13:00hours

COUNCILLOR M BRIDGEN

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

29th September 2020 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Hewlett (Chairman), Councillor Angliss (Conservative Group), and Councillor Dunn (Labour Group)

District Council Representatives

A Kaur (Head of Legal and Democratic Services), E McHugh (Senior Licensing Officer), M Lomas (Licensing Officer [Enforcement]) Donna Foster (Democratic Services Officer), Faye Norman (Licensing Officer [Observer]) and P Hill (Democratic Services [Observer]).

LAS/01 **APPOINTMENT OF CHAIR**

Councillor Hewlett was appointed Chairman of the Sub-Committee for these hearings.

LAS/02 **APOLOGIES**

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

LAS/03 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/04 **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

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

REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

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

DETERMINATION OF AN APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE

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

The Meeting terminated at 13:05hours.

COUNCILLOR J HEWLETT

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

29th October 2020 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

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

District Council Representatives

Ardip Kaur (Head of Legal and Democratic Services), Faye Norman (Licensing Officer), Nigel Marston (Senior Licensing Officer), Donna Foster (Democratic Services Officer).

LAS/08 **APOLOGIES**

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

LAS/09 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/ 10 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – LAKESIDE COTTAGE**

The Chairman introduced herself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to consider the application of a Premises Licence at Lakeside Cottage, Colliery Lane, Linton, Derbyshire.

The applicant, Mr Robinson, attended the hearing.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application. The Licensing Representative confirmed that the application had been received by the Licensing Authority on 9th September. The Licensing Representative also provided further information regarding a visit that was carried out at the premises on Saturday 24th October, when the premises was found to be operating and serving alcohol without a current licence.

The Sub-Committee and the Applicant had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited the Applicant to make representations to the Sub-Committee. Mr Robinson provided background information regarding purchase of the land and the log cabins. He advised that he had nothing but trouble from the Parish Council and local residents. He went on to say he employed approximately 50 people locally and he had provided his telephone number to all so that they could contact him directly with regard to any issues. Mr Robinson advised that three years ago he had developed the site further and now had 18 cabins. He advised that a marquee had been erected for a wedding and that he had subsequently applied for a licence. He further advised that he had previously operated under Temporary Event Notices (TEN). He advised that local people were appreciative of the bar as there was only one pub in the village. He also advised that he had contacted local taxi firms and provided information of where to drop off customers.

Mr Robinson advised that one of the local neighbours had posted a letter through others doors, encouraging them to object to his application. He also advised he had previously liaised with the Council's Environmental Health department regarding noise and appropriate decibel setting levels.

Mr Robinson stated that he did not wish to upset anyone and wanted to run his business successfully.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative to put questions to him as well. The Sub-Committee raised queries regarding the capacity of the log cabins, previous TEN applications, and the location of the marquee.

The Chairman invited the Licensing Representative, and the Applicant to sum up their representations.

The Sub-Committee left the meeting to deliberate.

RESOLVED:

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

In reaching its decision the Sub-Committee took into account the four Licensing Objectives namely;

- ***The prevention of crime and disorder;***
- ***Public safety;***
- ***The prevention of public nuisance; and***
- ***The protection of children from harm.***

The Sub-Committee also had regard to the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998.

The Sub-Committee considered all documentation before them and gave due regard to representations made.

The Sub-Committee granted the application for a Premises Licence as follows:

Plays, films, indoor sporting events, boxing or wrestling entertainment, live music, recorded music, performances of dance, anything of a similar description to live music, recorded music, or performances of dance.

Indoors and Outdoors - the above (except for films and boxing or wrestling entertainment) are exempt for times stated if less than 500 people are in attendance.

Monday to Sunday: 11:00 hrs to 23:00 hrs

- Late Night Refreshment
Indoors and Outdoors***

Friday & Saturday: 23:00 hrs to 00:00 hrs

- Sale by Retail of Alcohol
On & Off the Premises***

Sunday to Thursday: 11:00 hrs to 23:00 hrs

Friday & Saturday: 11:00 hrs to 00:00 hrs

- Opening Hours***

Sunday to Thursday: 11:00 hrs to 23:30 hrs

Friday & Saturday: 11:00 hrs to 00:30 hrs

The grant of the application of the Premises Licence was subject to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the application form:

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

The Sub-Committee felt that it was appropriate and proportionate to grant the Premises Licence, subject to the conditions specified.

LAS/11 **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.

The Meeting terminated at 10:50hours.

COUNCILLOR PATTEN

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

1st December 2020 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

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

District Council Representatives

Ardip Kaur (Head of Legal and Democratic Services), Faye Norman (Licensing Officer), Donna Foster (Democratic Services Officer).

LAS/12 **APOLOGIES**

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

LAS/13 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/14 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – RUSSELLS YARD LTD**

The Chairman introduced herself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to consider the application of a Premises Licence at Russell's Yard Ltd, 71 Derby Road, Melbourne, Derbyshire.

Mr Yasin attended the hearing along with his representative Mr Mayhew. Mr Yasin had submitted two further documents in advance of the hearing, which has been circulated to the Sub-Committee.

The Chairman invited the Council's Licensing Representative to present the report. The Licensing Representative confirmed that the application had been received by the Licensing Authority on 9th October.

The Sub-Committee, the Applicant's Representative and Mr Lee had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited Mr Lee to make representations to the Sub-Committee. Mr Lee stated he had two areas of concern. The first being the proposed opening hours of the premises. He informed the Sub-Committee that the building was in a residential area, with one of the closest properties only 15 metres away. Another property, a Bed and Breakfast, was closer, and he thought that it may close due to the proposed opening hours. Mr Lee advised that there was no parking for the premises, there would be noise from car doors slamming, and singing from individuals leaving the premises. Mr Lee stated he thought this was unacceptable in a residential area and the proposed hours were not reasonable. He advised there would be noise due to the nature of the business. Mr Lee went on to say the sale of alcohol by retail would result in individuals using the premises as an off licence. Mr Lee stated his second area of concern was a safety issue. He stated that the planning process had allowed 150 covers for the premises and had not allowed for careful evacuation. He stated no reasonable adjustments had been made and, in his view, that was dangerous. Mr Lee stated there should be limitation on the number of individuals at the premises and this was a danger to people.

The Sub-Committee, the Applicant and the Council's Licensing Representative had opportunity to ask questions of Mr Lee.

The Chairman invited the Applicant's Representative to make representations to the Sub-Committee. Mr Mayhew advised the premises was on two floors: the top floor being a high-end restaurant and the ground floor a bar. He stated it was not a late-night bar, nightclub, or off-licence. Mr Mayhew confirmed the premises would allow people to have a meal, followed by a drink if desired. He went on to explain that he did not envisage singing from individuals frequenting the premises and that matters had been through a thorough planning process. Mr Mayhew advised that as a result of the planning process there were constraints on the premises, such as the outside area not being used after 10pm. He stated the proposed hours were compatible with other premises in the area; the week hours were standard, and the weekend hours like other premises in the area. Mr Mayhew stated this would aid dispersal. Mr Mayhew made reference to the Dispersal Policy and highlighted its detail. He said this would provide reassurance regarding individuals leaving the premises carefully and a great deal of thought had gone into the document.

Mr Mayhew informed the Sub-Committee the conditions in the application had been agreed with both the Police and the Licensing Authority. He stated the premises would only play background music and other measures such as the erection of signage, keeping an incident log and staff training would be undertaken. Mr Mayhew informed the Sub-Committee only one representation had been received, and any fear of the closure of the Bed and Breakfast business was not manifested in the number of representations received. He went on to say there were no representations from Responsible Authorities, they were comfortable with the conditions proposed. Mr Mayhew stated the intention of the off sales was so that individuals could take away a bottle of wine that may be unfinished whilst dining. He said no-one would be purchasing cans of beer from the premises, as there was a Sainsbury's store nearby.

Mr Mayhew advised the Sub-Committee of the written response to Mr Lee's representation. He stated he had attempted to engage with Mr Lee, without success. He advised the proposed hours were not onerous and in line with other premises in the area. Mr Mayhew stated Mr Lee's suggestion of the premises closing at 00:15 on New Year's Eve would cause issues as a longer period was needed for dispersal. He stated from 10pm individuals would start leaving the premises from the first-floor restaurant, and this would allow a longer period of dispersal.

Mr Mayhew stated the consumption of alcohol on the staircase would not be permitted. He advised planning permission had been granted and taken account of all relevant details. He stated the fire evacuation procedure at the premises would take account of any disabled individuals visiting the premises. Mr Mayhew informed the Sub-Committee wheelchair users would be able to dine on the ground floor and would receive a good service. In conclusion, Mr Mayhew stated he respected Mr Lee's views, however, these were the views of only one resident. There were no further representations from residents or Responsible Authorities. He requested the Sub-Committee grant the application as requested.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and Mr Lee, to put questions to him as well. Mr Lee raised queries regarding the planning process, the proposed hours, and concerns regarding noise.

The Chairman invited the Licensing Representative, Mr Lee, and the Applicant to sum up their representations. Mr Lee stated the premises was in the middle of housing and he had requested a reduction from the proposed hours. He stated a lot of people were opposed to the application and although he was not aware of the Committee's powers, there was a requirement for disabled people to be considered. He finished his summing up by stating people needed to sleep at night and the premises was only metres from housing. Mr Mayhew summed up and re-emphasised the inevitability of nuisance not being a reason for refusal of the application. He said the Applicant had considered dispersal, which was detailed in the policy document. Mr Mayhew reminded the Sub-Committee of the four licensing objectives and requested the application be granted as applied for.

The Sub-Committee left the meeting to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Interested Parties and the Applicant.

RESOLVED:

In reaching its decision the Sub-Committee took into account the four Licensing Objectives namely;

- ***The prevention of crime and disorder;***
- ***Public safety;***
- ***The prevention of public nuisance; and***
- ***The protection of children from harm.***

The Sub-Committee also had regard to the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998.

The Sub-Committee considered all documentation before them and gave due regard to representations made.

The Sub-Committee granted the application for a Premises Licence as follows:

Recorded music

Indoors

<i>Sunday – Thursday</i>	<i>11.00 to 23.00</i>
<i>Friday & Saturday</i>	<i>11.00 to 00.30</i>
<i>New Year's Eve</i>	<i>11.00 to 01.30</i>

Late Night Refreshment

Indoors

<i>Sunday – Thursday</i>	<i>23.00 to 23.30</i>
<i>Friday & Saturday</i>	<i>23:00 to 00:30</i>
<i>New Year's Eve</i>	<i>23.00 to 01.30</i>

Sale by Retail of Alcohol

On & Off the Premises

<i>Sunday to Thursday</i>	<i>11:00 to 23:00</i>
<i>Friday & Saturday</i>	<i>11:00 to 00:30</i>
<i>New Year's Eve</i>	<i>11.00 to 01.30</i>

Opening Hours

<i>Sunday to Thursday</i>	<i>11:00 to 23:30</i>
<i>Friday & Saturday:</i>	<i>11:00 to 00:30</i>
<i>New Year's Eve</i>	<i>11:00 to 01:30</i>

The grant of the application of the Premises Licence was subject to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the application form:

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

The Sub-Committee felt that it was appropriate and proportionate to grant the Premises Licence, subject to the conditions specified.

LAS/15 **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.

The Meeting terminated at 11:00 hours.

COUNCILLOR MRS J PATTEN

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

2nd March 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), (Labour Group), Councillor Hewlett (Conservative Group), and Councillor Richards (Labour Group).

District Council Representatives

Liz Page (Principal Legal Officer) Mark Lomas (Licensing Officer [Enforcement]) and Donna Foster (Democratic Services Officer).

LAS/16 **APOLOGIES**

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

LAS/17 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/18 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

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

DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

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

REVIEW OF PRIVATE HIRE OPERATORS LICENCE

The Item was deferred to a future Sub-Committee.

REVIEW OF PRIVATE HIRE OPERATORS LICENCE

The Item was deferred to a future Sub-Committee.

The Meeting terminated at 12:20 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

23rd March 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), (Labour Group), Councillor Hewlett (Conservative Group), and Councillor Richards (Labour Group).

District Council Representatives

Liz Page (Principal Legal Officer), N Marston (Senior Licensing Officer) M Lomas (Licensing Officer [Enforcement]), Donna Foster (Democratic Services Officer)

LAS/22 **APOLOGIES**

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

LAS/23 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/24 **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 PRIVATE HIRE OPERATORS LICENCE (Paragraph 1)

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

REVIEW OF PRIVATE HIRE OPERATORS LICENCE (Paragraph 1)

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

The Meeting terminated at 11:40 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

23rd March 2021 at 3:30pm

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), (Labour Group), Councillor Hewlett (Conservative Group), and Councillor Richards (Labour Group).

District Council Representatives

Liz Page (Principal Legal Officer), N Marston (Senior Licensing Officer) M Lomas (Licensing Officer [Enforcement]), Donna Foster (Democratic Services Officer)

LAS/26 **APOLOGIES**

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

LAS/27 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/28 **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 PRIVATE HIRE OPERATORS LICENCE (Paragraph 1)

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

The Meeting terminated at 17:15 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

27th May 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Rhind (Labour Group), and Councillor Angliss (Independent Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Faye Norman (Licensing Officer), Mark Lomas (Licensing Officer(Enforcement)), Patricia Hill (Democratic Services).

LAS/01 **APOLOGIES**

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

LAS/02 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/03 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – AMALFI WHITE BAR AND RESTAURANT**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was held to determine the application to vary a Premises Licence under the Licensing Act 2003.

The applicants, Elizabeth and Adam Devey Smith, attended the hearing in person and were represented by Mr Shields.

The applicants submitted additional documentation prior to the hearing.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and their representative and PC Fowler (Derbyshire Constabulary) had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited the Licensing Officer (Enforcement) to make representations to the Sub-Committee.

The Sub-Committee had opportunity to ask questions of the Licensing Officer and invited the Applicant and their representative to put questions to him as well.

The Chairman invited PC Fowler (Derbyshire Constabulary) to make representations to the Sub-Committee.

The Sub-Committee had opportunity to ask questions of PC Fowler and invited the Applicant and their representative to put questions to him as well.

The Chairman invited the Applicant's representative to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and their representative and invited the Licensing Representative and PC Fowler (Derbyshire Constabulary) to put questions to them as well.

The Chairman invited the Licensing Representatives, PC Fowler (Derbyshire Constabulary) and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

RESOLVED:

1. ***To grant the variation of the Premises Licence with regard to the rear of the Premises to allow consumption of alcohol until 23.00hrs.***
2. ***To add a condition to the Premises Licence that CCTV at the rear of the Premises should extent to the full extent of the rear garden. This condition is to be implemented before the varied Licence is issued.***
3. ***To refuse the variation of the Premises Licence with regard to the front and side of the Premises.***

REASON FOR THE DECISION

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary, the Applicant and the Other Persons.

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

In relation to the application concerning the Rear of the Premises

1. ***The Sub-Committee accepted that the Premises were well run and that there were measures in place to monitor the behaviour of Patrons in the rear outside space of the Premises.***
2. ***The Sub-Committee noted that the nearby public house Premises Licence allowed the consumption of alcohol in the rear outside space until 23.00hrs***
3. ***The Sub-Committee concluded that there had been no substantiated complaints regarding breach of the Licensing Objectives since the application to vary in 2016.***

The Sub-Committee felt that it was reasonable and proportionate to grant the application to vary the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised by the Licensing Officer, Other Parties and Police.

In relation to the application concerning the front and side of the Premises

1. ***The Sub-Committee noted the Police and Licensing officers' submissions in relation to the use of the front of the premises and accepts that the police submission was on Crime and disorder grounds as well as Public Safety and Public Nuisance.***
2. ***The Sub-Committee considered that size and extent of the front of the Premises and concluded that this could only be used for standing drinking and fully accepted the Police and Licensing Officers' submissions that extending the hours of consumption of alcohol from 20.00hrs to 23.00hrs would increase the likelihood of noise nuisance for residents on Derby Road and of conflict between members of the public and patrons on the highway.***
3. ***The Sub-Committee did not consider that moveable barriers would provide sufficient protection to mitigate against the concern and therefore meet the Licensing Objectives***

4. *The Sub-Committee concluded that in light of the above it would not be reasonable or proportionate to vary the premises Licence as requested in relation to the front and side areas of the Premises.*

LAS/04 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.

The Meeting terminated at 12:05 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

8th June 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman), Councillor Taylor (Labour Group), and Councillor Watson (Conservative Group).

District Council Representatives

Nigel Marston (Senior Licensing Officer), Elisabeth Page (Principal Legal Officer), Patricia Hill (Democratic Services).

LAS/05 **APOLOGIES**

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

LAS/06 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/07 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – AMALFI WHITE BAR AND RESTAURANT**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was held to determine the application for a Premises Licence under the Licensing Act 2003.

The Applicant attended the hearing in person.

The Applicant submitted a Fire Risk Assessment and Noise Management Strategy documentation prior to the hearing.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and the Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited the Applicant to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and the Other Persons to put questions to them as well.

The Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add. Mr Williams, Mrs Smith, Mr Harden and Mrs Devey Smith made representations to the Sub Committee

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representative, and the Applicant to put questions to them as well.

The Chairman invited the Licensing Representative and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

RESOLVED:

To grant the application in relation to the standard timings, namely

Activity	Days	Times
Live music & recorded music – Indoors & Outdoors. The above are exempt for the times stated if less than 500 people are in attendance	Monday - Sunday	10:00hrs – 21:00hrs
Sale by retail of alcohol for consumption on and off the premises Electronic Sales	Monday – Sunday Monday – Sunday	10:00hrs – 21:00hrs 24hrs
Opening hours of the premises	Monday – Sunday	08:00hrs – 23:00hrs

To refuse the application in relation to the non-standard timings.

The Licence was subject to the following conditions (in addition to the Operating Schedule and Mandatory Conditions)-

- ***Conditions 1 to 8 and Condition 11 as agreed by the Applicant and Derbyshire Police (annexed)***
- ***The relevant conditions from the Applicant's current Licence LAPRE/0384 (Note – where there is a conflict between the Conditions of this Licence and the conditions imposed as a result of this Sub-Committee decision, the Sub-Committee decision conditions shall take precedence).***
- ***The Applicant complied with the Noise Management Strategy.***
- ***A telephone number was made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public and for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number would be a direct number to the management who are in control during opening hours. A record would be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.***
- ***No deliveries (in relation to licensable activities) to the premises shall take place between 18.000 hours and 8.00 hours.***

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

- The Sub Committee noted that there was no objection from Environmental Health and that the Derbyshire Police objection had been withdrawn upon agreement with the Applicant as to additional conditions.
- The Sub Committee further noted that there was a current planning application in relation to the use of the premises and the Committee was mindful that submissions relating to planning concerns were a matter for the Planning Committee not the Licensing Committee and these included parking concerns.
- The Sub Committee was also mindful that other legislation allowed the performance of amplified live music and recorded music on premises authorised to sell alcohol for consumption on the premises, where the

audience does not exceed 500, which will be the case in relation to these premises.

- The Sub Committee was aware that as this was a new application there were several unknowns, including the likely number of patrons, but noted the maximum capacity of the premises as provide for in the Applicant's Fire Risk Assessment and as revised by the Applicant at the Sub hearing was likely to be 35 inside the premises and 100 in the outside space (excluding the gravel area which the Applicant assured the Sub Committee was to be barriered off)
- The residents' concerns mostly concerned parking, noise nuisance and the holding of events. The Sub Committee concluded that parking issues did not meet a Licensing Objective. The Sub-Committee further concluded that by imposing the following conditions; that the Applicant complied with the submitted Noise Management Strategy, the Point of Contract Condition and condition as to deliveries the noise nuisance concerns should be addressed. Further, by refusing the non- standard timings this satisfied the concerns of the residents regarding events and related parking concerns, as the Applicant, Melbourne Hall or other event organisers would be required to use the TENs procedure to hold events and provide additional information to support the TENs applications. In addition, the Applicant would be limited to 15 TENs per year and therefore less than the 20 non-standard timing events applied for.

The Sub-Committee felt that it was reasonable and proportionate to grant the application for the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/08 **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.

The Meeting terminated at 12:30 hours.

COUNCILLOR GEE

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

9th November 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Rhind (Chair), (Labour Group) Councillor Haines (Conservative Group), and Councillor MacPherson (Independent Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Samantha Craig (Legal Officer), Mark Lomas (Licensing Officer [Enforcement]), Faye Norman (Licensing Officer), Corrinne Bird (Licensing Officer), Patricia Hill (Democratic Services).

LAS/09 **APOLOGIES**

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

LAS/10 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/11 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

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

DETERMINATION OF APPLICATIONS FOR A PRIVATE HIRE DRIVER'S LICENCE

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

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee reviewed the Private Hire Driver's Licence, based on the evidence before them.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee reviewed the Private Hire Driver's Licence, based on the evidence before them.

The Meeting terminated at 13:00 hours.

COUNCILLOR RHIND

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

15th November 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Richards (Labour Group), and Councillor Watson (Conservative Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Faye Norman (Licensing Officer), Patricia Hill (Democratic Services).

LAS/15 **APOLOGIES**

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

LAS/16 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/17 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – HAWK AND BUCKLE, ETWALL**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was to determine the application for a Variation of Premises Licence under the Licensing Act 2003 to extend the current Premise Licence to two outside buildings.

The Applicant attended the hearing in person and was represented by Karen Cochrane.

The Chairman asked the Applicant and Ms Cochrane to explain the application with reference to the plans submitted.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee and the Applicant had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited the Applicant to make representations to the Sub-Committee. Ms Cochrane made representations to the Sub-Committee on behalf of the Applicant.

The Sub-Committee asked questions of the Applicant and her representative and invited the Licensing Representative and the Interested Party to put questions to them as well.

The Chairman invited the Interested Party to submit their representations. The Sub-Committee had read all written representations submitted by the other persons.

The Sub-Committee asked questions of the Interested Party and invited the Licensing Representative, and the Applicant's representative to put questions to them as well.

The Chairman invited the Licensing Representative, the Interested Party and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to Vary the Premises Licence per the submitted application.

The grant of the application to Vary the Premises Licence was subject to the conditions agreed between the Applicant and the Licensing Section.

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Interested Person.

The Sub-Committee felt that it was reasonable and proportionate to grant the Variation to the Premises Licence, subject to the conditions agreed between the Applicant and the Licensing Section which the Sub-Committee believed would specifically address the concerns raised by the Interested Party.

The Sub-Committee acknowledged that the application was made prior to the use of the redundant areas and that the Interested Party and other persons would have the opportunity to request a Review of the Premises Licence should there be difficulties once the Barn and Games Room are in operation.

LAS/18 **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.

The Meeting terminated at 11.05 hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

14th December 2021 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Richards (Labour Group), and Councillor Haines (Conservative Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Emma McHugh (Senior Licensing Officer), Patricia Hill (Democratic Services), Natalie Grainger (Democratic Services).

LAS/19 **APOLOGIES**

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

LAS/20 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/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 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.

HEARING FOR AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

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

The Meeting terminated at 11:00hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

27th January 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Haines (Conservative Group), and Councillor Dunn (Labour Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer), Natalie Grainger (Democratic Services), Donna Foster (Democratic Services), Faye Norman (Licensing Officer), Ardip Sandhu (Head of Legal and Democratic Services & Monitoring Officer), Mark Lomas (Licensing Officer) Corrinne Bird (Licensing Officer).

LAS/23 **APOLOGIES**

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

LAS/24 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/25 **HEARING FOR THE CONSIDERATION OF A NEW PREMISES LICENCE APPLICATION – THE GARAGE, ASTON ON TRENT**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the application for a Premises Licence under the Licensing Act 2003 for The Garage, Aston on Trent

The Applicant, Robin Bell, attended the hearing in person.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter and an outline of the application.

The Sub-Committee and the Applicant had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons

The Chairman invited the Applicant, to make representations to the Sub-Committee. The Sub-Committee asked questions of the Applicant and invited the Licensing Representative, to put questions to him as well.

The Chairman invited the Licensing Representative and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Licensing Authority as a Responsible Authority, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application for a Premises Licence as per the application.

The grant of the application for a Premises Licence was subject to the mandatory conditions contained within the Licensing Act 2003, the conditions contained within the operating schedule of the original application form and the conditions as agreed between the Licensing Authority and the Applicant.

REASON FOR THE DECISION

The Sub-Committee was satisfied that the requirements of the Licensing Act 2003 and the Council's Policy and Procedures had been complied with in relation to the displaying of the Notice detailing the Notification of receipt of application and invitation of representations.

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

The Sub-Committee felt that it was reasonable and proportionate to grant the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

The Sub-Committee noted that Planning Permission was still to be resolved and the Planning Process would consider the suitability of the change of use of the premises and car parking.

Further the Applicant assured the Sub-Committee that he would monitor the noise levels and, in addition, the Sub-Committee were mindful that residents could request a review of the Premises Licence should the noise emanating from the premises be such to breach of the Licensing objectives namely –

- ***Prevention of public nuisance and Protection of children from harm.***

LAS/26 **HEARING TO CONSIDER AN APPLICATION TO REVIEW A LICENCE AT A PREMISES ON CRIME AND DISORDER GROUNDS (ROYAL OAK, NEWHALL)**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine Derbyshire Constabulary's application for a Review of the Premises Licence under the Licensing Act 2003.

Mr Young attended the hearing in person and was represented by Duncan Craig.

The Sub-Committee firstly heard representations as to whether the application should be heard in private with the public and press excluded after presentation of the Licensing Officers report.

This was Derbyshire Constabulary's application and the Sub-Committee heard submissions from Derbyshire Constabulary and Mr Youngs representative in favour of the application to exclude. The Legal Advisor read the letter received from Reach Plc and heard a submission from Eddie Bisknell.

The Sub-Committee deliberated and made a decision to exclude the Press and Public after presentation of the Licensing Representatives report.

REASONS

- The Sub-Committee accepted that the evidence that was to be presented by Derbyshire Constabulary and the Premises Licence Holder may well prejudice an investigation of a crime and that that evidence could not be separated from the rest of the evidence presented in relation to the Review of the Premises Licence.
- The Sub-Committee balanced the public interest in excluding the press and public against the public interest in not excluding them and decided that the public interest in excluding the press and public outweighed the public interest in not excluding them.
- The Sub-Committee considered the Human Rights Act Article 10 rights but decided that these were outweighed by the Premises licence Holders Article 6 rights.
- As such the Sub-Committee resolved to exclude the press and public under s100 (A)(4) LGA 1972 and Regulation 14 Licensing Act 2003 after the Licensing Representative had read the report and then invited the press and public back into the meeting to hear the decision.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee, Derbyshire Constabulary and the License Holder's representative had opportunity to ask questions of the Council's Licensing Representative.

The Chairman moved that the press and public be excluded from the rest of the meeting pursuant to s100 (A)(4) LGA 1972.

The Press and Public left the meeting.

LAS/27 **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.

HEARING TO CONSIDER AN APPLICATION TO REVIEW A LICENCE AT A PREMISES ON CRIME AND DISORDER GROUNDS (ROYAL OAK, NEWHALL)

RESOLVED:

The Legal Officer read the Decision to the Committee.

The Meeting terminated at 13:56

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

05 April 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chairman) and Councillor Taylor (Labour Group) and Councillor Haines (Conservative Group)

District Council Representatives

Samantha Craig (Legal Advisor to the Sub-Committee), Emma McHugh (Senior Licensing Officer) and Donna Foster (Democratic Services Officer).

LAS/29 **APOLOGIES**

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

LAS/30 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/31 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – THE WALLED GARDEN, MELBOURNE**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was held to determine the application for a Premises Licence under the Licensing Act 2003.

The Applicant attended the hearing in person.

The Applicant submitted a Fire Risk Assessment and Noise Management Strategy documentation prior to the hearing.

The Chairman invited the Council's Senior Licensing Officer to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and the Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add. John Williams, Dot Devey Smith, Michael Fritchley, Joanne Hill, Caroline Crocker and Dot Devey Smith made representations to the Sub-Committee

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representative, and the Applicant to put questions to them as well.

The Chairman invited the Applicant to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and the Other Persons to put questions to them as well.

The Chairman invited the Licensing Representative and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

RESOLVED

The Sub-Committee granted the application but with a limit of 30 event days maximum per annum. The maximum number of people expected to attend the premises at any one time is 1000.

The Licence was subject to the following conditions (in addition to the Operating Schedule and Mandatory Conditions)-

- ***Conditions 1 to 16 of the Licensing Officer's Conditions, subject to Condition 2 being amended to 30 event days and Condition 3 being amended so that an Event Management Plan for each event will be recorded and available for inspection upon request by a Police Constable or other authorised person as detailed within s13***

Licensing Act 2003 and any member of the public who requests it in writing to the applicant

- ***The Condition proposed by the Environmental Health Officer***
- ***The Applicant complies with the Noise Management Strategy (annexed)***
- ***A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.***

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

- ***The Sub Committee noted that there was no objection from Derbyshire Police on crime and reduction grounds. The Sub-Committee further noted that the objection from Environmental Health and the Licensing Officer had been withdrawn upon agreement with the Applicant as to additional conditions.***
- ***The Sub Committee also noted that the residents' concerns were mostly regarding parking and noise nuisance and the sub-committee concluded that parking issues had been adequately addressed by the Applicant. The Sub Committee considered that by imposing the conditions requiring the applicant to submit a noise-management strategy and provide a point of contact and by limiting the number of events each year, the noise nuisance concerns would be addressed.***
- ***The Sub Committee further noted that the residents are also able to request a review of the premises licence should that become necessary.***

The Sub-Committee felt that it was reasonable and proportionate to grant the application for the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/32 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.

The Meeting terminated at 12:20hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

20 May 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor S Taylor (Labour Group)

Councillor K Haines (Conservative Group)

District Council Representatives

Elisabeth Page – Principal Legal Officer

Emma McHugh – Senior Licensing Officer

Donna Foster – Democratic Services Officer

Other Persons

Roger Lowe - Applicant

LAS/01 **APOLOGIES**

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

LAS/02 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/03 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – MELBOURNE HALL (THE WALLED GARDEN), MELBOURNE**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was held to determine the application for a Premises Licence under the Licensing Act 2003.

The Applicant attended the hearing in person.

The Applicant submitted a Fire Risk Assessment and Noise Management Strategy documentation prior to the hearing.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and the Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add. John Williams, Dot Devey Smith, Michael Fritchley, Joanne Hill, Caroline Crocker and Dot Devey Smith made representations to the Sub Committee

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representative, and the Applicant to put questions to them as well.

The Chairman invited the Applicant to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and the Other Persons to put questions to them as well.

The Chairman invited the Licensing Representative and the Applicant to sum up their representations.

The Sub-Committee made a decision and this was circulated to the Parties

The Council received notification that the Other Persons had not had sight of the additional documents provided by the Applicant prior to the Sub-Committee hearing of 5 April 2002 and therefore recovered the hearing to consider the Other Persons representations on those documents.

The other persons were given an opportunity to make representations on the documents.

The Applicant was notified of those representations.

At the reconvened Sub Committee on 20 May 2022:

The Applicant attended the hearing.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter. Emma McHugh outlined the application and the reasons for the reconvened Sub Committee.

The Sub-Committee, the Applicant and the Other Persons had opportunity to ask questions of the Council's Licensing Representative on the additional documents submitted by the Applicant.

The Sub-Committee had read all written representations submitted by the Other Persons regarding the additional documents and the Chairman asked the Other Persons present whether they had anything further to add in relation to the additional documents made representations to the Sub Committee.

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representative, and the Applicant's representative to put questions to them on the additional documents.

The Chairman invited the Applicant's representative to make representations to the Sub-Committee on the additional documents and the representations made thereon.

The Sub-Committee asked questions of the Applicant and his representative and invited the Licensing Representative and the Other Persons to put questions to them in relation to the additional documents.

The Chairman invited all parties to sum up.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application but to limit the maximum event days to 30 per annum. The maximum number of people expected to attend the premises at any one time is 1000.

The Licence was subject to the following conditions (in addition to the Operating Schedule and Mandatory Conditions)-

- ***Conditions 1 to 16 of the Licensing Officer's Conditions, subject to Condition 2 being amended to 30 event days and Condition 3 being amended so that an Event Management Plan for each event will be recorded and available for inspection upon request by a Police Constable or other authorised person as detailed within s13 Licensing Act 2003 and any member of the public who requests it in writing to the applicant***
- ***The Condition proposed by the Environmental Health Officer***
- ***The Applicant complies with the Noise Management Strategy (annexed)***
- ***A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the***

exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

- *The Sub Committee noted that there was no objection from Derbyshire Police on crime reduction grounds. The Sub-Committee further noted that the objections from Environmental Health and the Licensing Section had been withdrawn upon agreement with the Applicant as to additional conditions.*
- *The Sub Committee also noted that the residents' concerns were mostly regarding traffic concerns, parking and noise nuisance and the Sub-Committee concluded that – parking issues had been adequately addressed by the Applicant. The Sub Committee considered that by imposing the conditions requiring the applicant to submit a noise-management strategy and provide a point of contact and by limiting the number of events each year, the noise nuisance concerns would be addressed. Traffic concerns*
- *The Sub Committee further noted that the residents are also able to request a review of the premises licence should that become necessary.*

The Sub-Committee felt that it was reasonable and proportionate to grant the application for the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/04 **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.

The Meeting terminated at 11:20hours.

COUNCILLOR GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

14 June 2022 at 10.00am

PRESENT: -

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor P Dunn (Labour Group)

Councillor K Haines (Conservative Group)

District Council Representatives

Elisabeth Page – Principal Legal Officer

Emma McHugh – Senior Licensing Officer

Donna Foster – Democratic Services Officer

Other Persons

Roger Lowe – Applicant

Mrs Devey-Smith - Resident

LAS/05 **APOLOGIES**

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

LAS/06 **DECLARATIONS OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/07 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – STABLE ALES**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

The hearing was held to determine the application to vary the Premises Licence granted on 26 June 2021 under the Licensing Act 2003.

Documentation being relied upon by the Council's Licensing Representative had been exchanged at least 5 days before the hearing. Copies had been provided to the Applicant and their representative and all Members of the Sub-Committee.

The Applicant attended the hearing in person.

The Sub-Committee considered an application made by an Other Person to adjourn the Sub-Committee for the Other Persons to consider the plan which was copied to all parties on 13 June 2022 but not included in the Agenda pack. The Sub-Committee noted that the plan had been available on-line for over 28 days and the Sub Committee resolved to NOT ADJOURN THE HEARING but rather vary the procedure and to ask the Applicant to explain the plan and allow the Other Persons present at the hearing time to consider the plan before the hearing continued.

The Applicant explained the Plan. Mrs Devey Smith (the Other Person present) indicated that she was content with continuing without the need for a short adjournment to consider the plan.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter. Ms McHugh outlined the application.

The Sub-Committee, the Applicant and the Other Person had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons and the Chairman asked the Other Persons present whether they had anything further to add and Mrs Devey-Smith made representations to the Sub Committee.

The Sub-Committee asked questions of the Other Persons present and invited the Licensing Representative, and the Applicant to put questions to her as well.

The Chairman invited the Applicant to make representations to the Sub-Committee

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and the Other Person to put questions to him as well.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to vary the Premises Licence

The Licence was subject to the following additional condition:

The Applicant provided a copy of the Noise Management Strategy and any revisions of it to the persons notified to the Applicant by the Council.

The Applicant is reminded of the following conditions of the Premises Licence-

- ***The Applicant complies with the Noise Management Strategy***
- ***A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.***

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

- ***The Sub Committee noted that there was no objection from Environmental Health or Derbyshire Police.***
- ***The Sub Committee noted the variation would result in a maximum of 65 persons inside the premises (referring to the Fire Safety Plan) and that this would be unlikely to cause such an increase in noise or other nuisance as to justify refusal of the application.***
- ***The Other Persons objections were mostly concerned with the operation of the current Premises Licence. These concerns were not tested by the Sub-Committee as the right and proper manner for these to be considered is by a Review of the Premises Licence not by objection to a Variation.***

The Sub-Committee felt that it was reasonable and proportionate to grant the variation of the Premises Licence, subject to the original conditions specified and the additional condition proposed, which the Sub-

Committee considered would address the concerns raised by the Other Persons.

LAS/08 **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.

The Meeting terminated at 10:50hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

8 September 2022 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Dunn (Labour Group) and Councillor Haines (Conservative)

District Council Representatives

Elisabeth Page (Principal Legal Officer)

Emma McHugh (Senior Licensing Officer)

Beth Ward (Democratic Services Officer)

Other Persons

Melbourne Assembly Rooms Committee represented by:

Andrew Heafield – Manager

Richard Pipe – Committee Member

Barry Cheshire - Resident

LAS/09 **APOLOGIES**

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

LAS/10 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/11 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 – MELBOURNE ASSEMBLY ROOMS OUTSIDE SPACE**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the application for a Premises Licence under the Licensing Act 2003 for to vary the Premises Licence.

The manager and Committee Member of Melbourne Assembly Rooms attended the hearing in person.

The Applicant had submitted documentation prior to the hearing.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and the Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Chairman invited the Applicant, to make representations to the Sub-Committee. Both Mr Heafield and Mr Pipe made representations to the Sub-Committee on behalf of the Applicant.

The Sub-Committee asked questions of Mr Heafield and Mr Pipe and invited the Licensing Representative, and the Other Persons to put questions to them as well.

The Chairman invited Mr Cheshire to make his representations. The Sub-Committee had read all written representations submitted by the Other Persons'

The Sub-Committee asked questions of Mr Cheshire and invited the Licensing Representative and the Applicant to put questions to them as well.

The Chairman invited the Licensing Representative, the Other Persons and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to vary the Premises Licence as follows:

- ***By removing conditions 5 and 6 from the Premises Licence issued on 2/10/2005 as amended on 17/1/2013***
- ***By granting the variation in relation to the outside space for the provision of recorded music and the performance of dance only between 9am and 10pm***

The grant of the application to vary the Premises Licence is subject to the following conditions, in addition to the mandatory conditions contained within the Licensing Act 2003, the conditions contained within the operating schedule of the Premises Licence issued on 2/10/2005 as amended on 17/1/2013, the steps detailed in Part M of the application and the proposed conditions (Annex 2):

- (a) ***Clear and legible notices shall be prominently displayed at the entrances to the premises advising that of patrons cause any disturbance or disorder admission will be refused as a result.***
- (b) ***When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity as quickly and quietly as possible.***
- (c) ***Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.***
- (d) ***The Premises Licence Holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for cooperating and liaising with any responsible authority.***
- (e) ***A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.***
- (f) ***All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.***

- (g) ***Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all external windows and doors are shut.***
- (h) ***The Licenced outside area must be closed and cleared of customers by 10pm. Adequate notices shall be displayed to inform patrons of this requirement.***

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

The Sub-Committee felt that it was reasonable and proportionate to grant the Premises Licence, subject to the conditions specified, which are imposed to specifically address the concerns raised.

The Sub-Committee achieved this balance by reducing the regulated entertainment activities that could be engaged in in the outside space to recorded music and dance and by limiting the use of the outside space until 10pm.

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

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.

The Meeting terminated at 11:35am

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

27 October 2022 at 10.00am

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Gee (Chair), Councillor Rhind (Labour Group) and Councillor Haines (Conservative Group).

District Council Representatives

Elisabeth Page (Principal Legal Officer)

Donna Foster (Democratic Services Officer)

Faye Norman (Licensing Officer)

LAS/13 **APOLOGIES**

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

LAS/14 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/15 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

DETERMINATION OF AN APPLICATION FOR A PRIVATE HITE DRIVER'S LICENCE

The Legal Officer read the Decision to the Sub-Committee.

The Meeting terminated at 10:40hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

22 November 2022 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Rhind (Chair), Councillor Richards (Labour Group) and Councillor MacPherson (Independent Group).

District Council Representatives

Elisabeth Page - Principal Legal Officer
Emma McHugh – Senior Licensing Officer
Faye Norman - Licensing Officer
Donna Foster - Democratic Services Officer

Other Persons

Roger Lowe – Applicant
Matthew Harden
Mr and Mrs Hill

LAS/17 **APPOINTMENT OF CHAIR**

It was confirmed that Councillor Rhind was appointed as Chair for the Sub-Committee hearing.

LAS/18 **APOLOGIES**

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

LAS/19 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/20 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – STABLE ALES**

The Chair introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representatives and all those present also introduced themselves.

The Chair outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the application for a variation of the Premises Licence under the Licensing Act 2003

The Applicant, Roger Lowe, attended the hearing in person

The Chair invited the Council's Licensing Representative to present the facts of the matter and an outline of the application with clarification provided by the Senior Licensing Officer.

The Sub-Committee, the Applicant, and the Other Persons had opportunity to ask questions of the Council's Licensing Representatives.

The Chair invited the Other Persons to submit their representations.

The Sub-Committee asked questions of the Other Persons and invited the Licensing Representatives and the Applicant to put questions to them as well.

The Chairman invited the Applicant to make representations to the Sub-Committee.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representatives and the Other Persons to put questions to him as well.

The Chairman invited the Licensing Representative, the Other Persons and the Applicant to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representatives, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to vary the Premises Licence as follows:

The variation of the Premises Licence is subject to

- ***the conditions attached to the Premises Licence***
- ***variation of condition 1 of Annex 3 as follows:***

The Premises Licence Holder shall comply with the Noise Management Strategy and any variation thereof. Any variation shall be approved by the Council's Licensing Section and Environmental Health Officers. The Premises Licence Holder shall provide a copy of the Strategy and any revisions of it, to the persons notified to the Premises Licence Holder by the Council.

- ***the deletion of the condition as agreed with the Licensing Officer.***

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

The Sub-Committee felt that it was reasonable and proportionate to vary the Premises Licence, subject to the Premises Licence conditions and varied condition specified, which is varied to specifically address the concerns raised.

The Sub Committee did not consider that deferring this application for a Review of the Premises Licence was reasonable or proportionate.

The Sub-Committee noted that no representations had been made by Responsible Authorities notably Environmental Health.

The Sub-Committee considered that the Council is actively investigating the complaints of noise nuisance made by the Other Persons which could lead to a Review application.

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

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.

The Meeting terminated at 11:05hours.

COUNCILLOR RHIND

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

06 December 2022 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Richards (Chair), Councillor MacPherson (Independent Group) and Councillor Hewlett (Conservative Group).

District Council Representatives

Elisabeth Page - Principal Legal Officer

Faye Norman - Licensing Officer

Donna Foster - Democratic Services Officer

Other Persons

Real Brewing Pub Company Limited Applicant

Mr and Mrs Titchmarsh

LAS/22 **APPOINTMENT OF CHAIR**

It was confirmed that Councillor Richards was appointed as Chair for the Sub-Committee hearing.

LAS/23 **APOLOGIES**

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

LAS/24 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/25 **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – THE GARAGE, 7 DERBY ROAD, ASTON ON TRENT, DERBY**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the variation application for a Premises Licence under the Licensing Act 2003 for The Garage, Aston on Trent

Paul Harris attended the hearing in person and was represented by Andrew Cochrane of Flints LLP.

The Chairman invited the Council's Licensing Representative, to present the facts of the matter and an outline of the application.

The Sub-Committee, the Applicant and Other Persons had opportunity to ask questions of the Council's Licensing Representative.

The Sub-Committee had read all written representations submitted by the Other Persons.

The Chairman invited the Other Persons, to present their objections. The Other Persons declined to add any objections to those raised in writing.

The Chairman invited the Applicant, to make representations to the Sub-Committee. Mr Cochrane made outlined the application and the reasons for it. The Sub-Committee asked questions of the Applicant and invited the Licensing Representative and Other Persons, to put questions to him as well.

The Chairman invited all parties to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, the Applicant and the Other Persons.

RESOLVED:

The Sub-Committee granted the application to vary the Premises Licence as per the application

The grant of the application to vary the Premises Licence is subject the conditions attached to the current licence.

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

The Sub-Committee considered that it was reasonable and proportionate to grant the variation of the Premises Licence noting the following-

- ***The Applicant had provided good reasoning for the variation application***
- ***The varied hours were no later than those of the licenced premises in the locality of the Premises***
- ***The Premises are yet to open and the Sub Committee were mindful that the Responsible Authorities could request a review of the Premises Licence should there be a breach of the Licensing Objectives and the Other Persons could complain to the Responsible Authorities to necessitate such a Review***

LAS/26 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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.

The Meeting terminated at 10:45hours.

COUNCILLOR RICHARDS

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

13 February 2023 at 11.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair), Councillor S Taylor (Labour Group) and Councillor Watson (Conservative Group).

District Council Representatives

Samantha Craig - Senior Legal Officer

Mark Lomas - Licensing Officer

Donna Foster – Senior Democratic Services Officer

Other Persons

Gareth Cotton – Regional Manager of Stonegate Group.

Police Constable Steve Phillips

LAS/27 **APOLOGIES**

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

LAS/28 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/29 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE BY DERBYSHIRE POLICE IN RESPONSE TO A TEMPORARY EVENT NOTICE – FORESTER’S ARMS, 67 HIGH STREET, SWADLINCOTE, DERBYSHIRE**

At 10.00am the hearing was opened and the Chair apologised and informed all persons present that the committee was not quorate. For this reason, the licensing Sub-Committee would be adjourned to 11am.

At 11.00am the Chair confirmed that Councillor Richards had declared a personal interest and therefore, Councillor Taylor would sit instead. Gareth Cotton of Stonegate Group, on behalf of the Premises User was asked whether he had any objections to this, and he stated, as did Derbyshire Constabulary, that there were no objections and that they were happy to proceed on this basis.

The Chair introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chair then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to consider an objection notice in relation to a Temporary Event Notice under the Licensing Act 2003 for the Forester's Arms. The notice related to a time specified event between the hours of 00.00 hours and 01:00 hours on 18th March 2023 and 19th March 2023.

The Premises User did not attend the hearing in person but Gareth Cotton of Stonegate Group attended on his behalf.

The Chair invited the Council's Licensing Representative to present the facts in relation to this matter. The Licensing Officer outlined the facts in relation to the temporary event notice and subsequent objection notice by Derbyshire Police .

The Sub-Committee, Premises User and Derbyshire Constabulary had the opportunity to ask questions of the Council's Licensing Representative.

At the invitation of the Chair, Police Constable Steve Phillips of Derbyshire Constabulary made representations to the Sub-Committee.

The Sub-Committee had the opportunity to ask questions of the Premises User and invited the Licensing Representative to put questions to him as well.

The Chair invited the Licensing Representative, Derbyshire Constabulary and the Premises User to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary and the Premises User.

RESOLVED:

The Sub-Committee decided to allow the licensable activities to take place as stated in the temporary event notice, subject to the imposition of the 8 conditions set out in annex 2 of the premises licence: conditions

consistent with the operating schedule and in addition to the mandatory conditions contained within the Licensing Act 2003.

The Temporary Event Notice permits the following licensable activities to take place:

- ***Sale by retail of alcohol for consumption on and off the premises, regulated entertainment and late-night refreshment***
- ***18th and 19th March 2023***
- ***Between 00:00 to 01:00 on both dates***

The Temporary Event Notice is subject to the following conditions in addition to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the original application form:

1. ***Full training shall be provided to all staff on commencement of employment relating to all age restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods***
 - a. ***Refresher training shall be provided at regular intervals - at least every 6 months.***
 - b. ***Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person.***
 - c. ***All records must be written and shall be retained on the premises for a minimum of 12 months.***
2. ***A challenge 25 Proof of age scheme shall be operated at all times***
 - a. ***Anyone attempting to purchase alcohol {or other age restricted product} that appears under the age of 25 years shall be asked to produce a proof of age.***
 - b. ***The only acceptable forms of identification shall be:***
 - ***PASS - accreditation proof of age card***
 - ***Photo Driving Licence***
 - ***Current passport***
 - c. ***Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises***
 - d. ***A system of recording sales refused under the proof of age scheme shall be operated at all times***

- e. *The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.*
- f. *The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months*
3. *The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.*
4. *The DPS shall ensure that a written Refusals log is maintained within the premises and details of all challenges and refusals are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.*
5. *The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in a orderly manner respecting the needs of local residents.*
6. *A CCTV system shall be always installed and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).*
 - a. *The CCTV recording system must be operating at all times when the premises are open for licensable activities*
 - b. *All CCTV recordings must be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.*
 - c. *The Premises Licence Holder, Designated Premises Supervisor or person in charge of the premises must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).*

- d. *The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence Holder, Designated Premises Supervisor, or authorised, designated member of staff.*
- e. *Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas)*
- f. *All cameras installed will be of a standard that will offer optimum image quality in low light.*
- g. *All digital recordings to be made in real time (time lapse not to be used).*
7. *No customer shall be allowed to remove any alcoholic or other drinks from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.*
8. *Anyone under the age of 16 must be off the Premises by 20:00 hrs. Unless at a pre-arranged function.*

REASON FOR THE DECISION

Having considered the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by Derbyshire Constabulary.

The Sub-Committee felt that it was reasonable and proportionate to grant the Temporary Event Notice, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/30 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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.

The Meeting terminated at 11:30 hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

12 JUNE 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair), Councillor G Rhind (Labour Group) and
Councillor A Kirke (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Mark Lomas - Licensing Officer (Enforcement)
Patricia Hill - Democratic Services Officer

LAS/01 **APOLOGIES**

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

LAS/02 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/03 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A
TEMPORARY EVENT NOTICE (23 JUNE 2023)**

The Chair confirmed that the item did not need to be considered as the objection had been withdrawn.

LAS/04 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A
TEMPORARY EVENT NOTICE (01 AND 02 JULY 2023)**

The Chair confirmed that the item did not need to be considered as the objection had been withdrawn.

LAS/05 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL
GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

DETERMINATION OF A REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED:

The Decision was read by the Legal Officer.

The Meeting terminated at 10:30hrs.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

27 JUNE 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor A Kirke (Chair) (Conservative Group), and Councillors V Redfern and A Tilley (Labour Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Emma McHugh – Senior Licensing Officer
Patricia Hill - Democratic Services Officer

Objectors to the Application

Representatives from Derbyshire Constabulary PC Phillips and Acting Sergeant G Williamson.

In Attendance

Councillor M Gee

LAS/07 **APOLOGIES**

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

LAS/08 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/09 **HEARING FOR THE CONSIDERATION OF THE GRANT OF A PERSONAL LICENCE**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the application for a Personal Licence under the Licensing Act 2003 for Mr Edward Felix.

The Applicant did not attend the hearing but provided an email to be read out and an email from his offender manager.

The Sub-Committee resolved to continue in his absence.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Sub-Committee and Derbyshire Constabulary had opportunity to ask questions of the Council's Licensing Representative.

At the invitation of the Chairman, PC Phillips (Derbyshire Constabulary) made representations to the Sub-Committee.

The Sub-Committee had opportunity to ask questions of PC Phillips and invited the Licensing Representative and the Sub-Committee to put questions to him as well.

The Senior Licensing Officer read the email from the Applicant and his Offender Manager.

The Chairman invited the Derbyshire Constabulary to comment on those representations.

The Chairman invited the Licensing Representative and PC Phillips (Derbyshire Constabulary), to sum up their representations.

The Sub-Committee retired from the Council Chamber to deliberate.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary and the Applicant.

RESOLVED:

In the Applicant's absence, the Sub-Committee considered carefully the representations made by the Applicant including the Applicant's Offender Manager.

The Sub-Committee also considered the representations made by Derbyshire Constabulary.

Whilst the Sub-Committee noted the progress made by the Applicant, it was persuaded by Derbyshire Constabulary that granting the applicant a Personal Licence would expose him to vulnerable persons under the

influence of alcohol and therefore the Sub-Committee considered that customers could be at risk from the Applicant.

Therefore, the Sub-Committee was satisfied that the Prevention of Crime Licencing Objective was promoted by refusing the application for a Personal Licence and that granting the application would undermine the objective.

Therefore, the application for a personal licence is refused.

REASON FOR THE DECISION

Having taken into account the Prevention of Crime Licensing Objective, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Derbyshire Constabulary.

The issue that concerned the Sub-Committee was whether the Prevention of Crime Licensing Objective was promoted by refusing the application for a personal licence by Edward Felix.

The Sub-Committee were satisfied that the convictions detailed below were relevant convictions for the purpose of the Licensing Act 2003 and the most recent convictions were not spent for the purposes of the Rehabilitation of Offenders Act 1974.

Date	Conviction Details	Disposal
31 st March 2017	<ol style="list-style-type: none"> 1. Voyeurism – record a person doing a private act on 1st February 2009 2. Voyeurism – record a person doing a private act on 17th September 2010 3. Voyeurism – record a person doing a private act on 17th September 2010 4. Voyeurism – record a person doing a private act on 5th November 2010 5. Voyeurism – record a person doing a private act on 11th March 2011 6. Voyeurism – record a person doing a private act on 16th November 2011 	<ol style="list-style-type: none"> 1. Imprisonment 5 months Forfeiture of laptops and mobile phone. Compensation £1000 Sex Offenders Notice 10 years 2. Imprisonment 5 months concurrent 3. Imprisonment 5 months concurrent 4. Imprisonment 5 months concurrent 5. Imprisonment 5 months concurrent 6. Imprisonment 3 months concurrent

	<p>7. Voyeurism – record a person doing a private act on 26th December 2011</p> <p>8. Voyeurism – record a person doing a private act on 26th December 2011</p> <p>9. Sexual assault – intentionally touch female – no penetration on 26th December 2011</p> <p>10. Sexual assault – intentionally touch female – no penetration on 26th December 2011</p> <p>11. Voyeurism – record a person doing a private act on 3rd October 2013</p> <p>12. Voyeurism – record a person doing a private act on 19th February 2014</p> <p>13. Assault occasioning actual bodily harm on 21st June 2014</p>	<p>7. Imprisonment 3 months concurrent</p> <p>8. Imprisonment 3 months concurrent</p> <p>9. Imprisonment 11 months concurrent</p> <p>10. Imprisonment 11 months consecutive to count 1</p> <p>11. Compensation £1000 Imprisonment 3 months consecutive to count 1</p> <p>12. Imprisonment 3 months concurrent</p> <p>13. Imprisonment 3 months consecutive to count 1</p> <p>Overall length of sentence 22 months</p>
3 rd June 2019	Sexual assault – intentionally touch female – no penetration on 9 th June 2018	<p>Imprisonment 18 months</p> <p>Victim surcharge £140</p> <p>Restraining order – protection from harassment</p> <p>Sex offenders notice 10 years</p>

LAS/10 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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.

The Meeting terminated at 10:50hrs.

COUNCILLOR A KIRKE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

10 AUGUST 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor A Haynes (Labour Group) and Councillor N Atkin (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Emma McHugh – Senior Licensing Officer
Patricia Hill – Democratic Services Officer

In Attendance

Kamran Jawed

LAS/11 **APOLOGIES**

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

LAS/12 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/13 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED:

The Legal Officer read out the Panel's Decision.

The Meeting terminated at 10:55 hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

26 September 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor M Gee (Chair) and Councillor V Redfern (Labour Group) and Councillor A Kirke (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Eleanor Harrison - Senior Legal Officer (Non-Contentious)
Adam Mikula – Senior Legal Officer (Contentious)
Mark Lomas – Licensing Officer
Patricia Hill – Democratic Services Officer

In Attendance

Faisal Mehmood Abbasi - The Applicant
Amjid Ibrahim - The Applicant's Legal Representative (Nightingale Solicitors)

LAS/15 **APOLOGIES**

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

LAS/16 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/17 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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.

HEARING FOR THE REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED:

The Legal Officer read out the Panel's Decision.

The Meeting terminated at 11:15 hours.

COUNCILLOR M GEE

CHAIR

LICENSING AND APPEALS SUB-COMMITTEE

16 October 2023 at 10.00 hours

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor G Rhind (Chair) and Councillor A Jones (Labour Group) and Councillor A Kirke (Conservative Group)

District Council Representatives

Elisabeth Page - Legal and Democratic Services Manager
Eleanor Harrison - Senior Legal Officer (Non-Contentious)
Adam Mikula – Senior Legal Officer (Contentious)
Angus Forshaw - Paralegal
Emma McHugh – Senior Licensing Officer
Patricia Hill – Democratic Services Officer

In Attendance

Guillaume Chipchase – Licensing Manager, Stonegate Group
Eddie Bisknell - Press

LAS/19 **APOLOGIES**

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

LAS/20 **DECLARATION OF INTEREST**

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

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/21 **HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE – FORESTERS ARMS, SWADLINCOTE**

The Chairman introduced himself and other members of the Sub-Committee introduced themselves. The Legal Advisor, Clerk to the Sub-Committee, Licensing Representative and all those present also introduced themselves.

The Chairman then outlined the procedure to be followed during the hearing, in accordance with the Council's Licensing Hearings Procedure.

This was a hearing to determine the application for three Temporary Event Notices under the Licensing Act 2003 for the Forester's Arms. The application was for Christmas trading extended hours in 2023.

The Applicant did not attend the hearing in person, but was represented by Guillaume Chipchase, of Stonegate Group.

The Chairman invited the Council's Licensing Representative to present the facts of the matter and an outline of the application.

The Chairman invited the Applicant's Representative to make representations to the Sub-Committee.

The Applicant's Representative, the Council's Licensing Officer and the Other Persons left the room whilst the Sub-Committee undertook their deliberations. They were then invited to return to hear the decision of the Sub-Committee.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998, as well as the evidence presented in writing and given orally at the hearing.

The Sub-Committee also had regard to the four 'Licensing Objectives' namely:

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

The Sub-Committee considered in detail the representations of the Council's Licensing Representative, Derbyshire Constabulary and the Applicant.

RESOLVED:

The Sub-Committee granted the application for Temporary Event Notices as follows:

Sale by retail of alcohol for consumption on and off the premises, regulated entertainment and late-night refreshment on the following dates and times:

- **16th-17th December 2023**
 - o ***Between 00:00-01:00 16th***
 - o ***Between 23:00-01:00 17th***

- **23rd-27th December 2023**
 - o ***Between 00:00-01:00 23rd and 24th***
 - o ***Between 10:00-22:50 25th***
 - o ***Between 23:00-01:00 26th and 27th***

- **29th-31st December 2023**
 - o ***Between 00:00-01:00 each day***

The grant of the application for Temporary Event Notices was subject to the following conditions, in addition to the mandatory conditions

contained within the Licensing Act 2003, and the conditions contained within the TENs applications and the current premises licence:

- 1. Full training shall be provided to all staff on commencement of employment relating to all age restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods**
 - a. Refresher training shall be provided at regular intervals – at least every 6 months.**
 - b. Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person.**
 - c. All records must be written and shall be retained on the premises for a minimum of 12 months.**
- 2. A challenge 25 Proof of age scheme shall be operated at all times**
 - a. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.**
 - b. The only acceptable forms of identification shall be:**
 - PASS – accreditation proof of age card**
 - Photo Driving Licence**
 - Current passport**
 - c. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises**
 - d. A system of recording sales refused under the proof of age scheme shall be operated at all times**
 - e. The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.**
 - f. The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months**
- 3. The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.**
- 4. The DPS shall ensure that a written Refusals log is maintained within the premises and details of all challenges and refusals are recorded**

within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.

- 5. The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in an orderly manner respecting the needs of local residents.***
- 6. A CCTV system shall be always installed and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).***
 - a. The CCTV recording system must be operating at all times when the premises are open for licensable activities***
 - b. All CCTV recordings must be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.***
 - c. The Premises Licence Holder, Designated Premises Supervisor or person in charge of the premises must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).***
 - d. The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence Holder, Designated Premises Supervisor, or authorised, designated member of staff.***
 - e. Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas)***
 - f. All cameras installed will be of a standard that will offer optimum image quality in low light.***
 - g. All digital recordings to be made in real time (time lapse not to be used).***
- 7. No customer shall be allowed to remove any alcoholic or other drinks from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.***

8. Anyone under the age of 16 must be off the Premises by 20:00 hrs. Unless at a pre-arranged function.

REASON FOR THE DECISION

Having taken into account the four Licensing Objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Other Persons.

The Sub-Committee felt that it was reasonable and proportionate to grant the Temporary Event Notice, subject to the conditions specified, which are imposed to specifically address the concerns raised.

LAS/22 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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.

The Meeting terminated at 11:15 hours.

COUNCILLOR M GEE

CHAIR

PLANNING COMMITTEE

18 October 2022

PRESENT:

Labour Group

Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, M. Mulgrew, Pearson, Taylor.

Conservative Group

Councillors, Bridgen, Dawson, Haines, Hewlett, Muller and Smith

Non-Grouped

Councillor Wheelton.

PL/84 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Tilley and Councillor and Southerd (Labour Group) and Councillor Brown and Councillor Redfern (Conservative Group).

PL/85 **DECLARATIONS OF INTEREST**

The Committee was informed that a Declaration of Personal Interest had been received from Councillor Hewlett raised personal interest regarding item PL/90.

PL/86 **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/87 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/88

FULL PLANNING APPLICATION PROPOSING THE ERECTION OF 2NO. EMPLOYMENT BUILDINGS (USE CLASS B8, B2 AND ANCILLARY E(G)) AT PLOTS 10A AND 10B WITH ASSOCIATED LANDSCAPING, DRAINAGE, CAR PARKING, REFUSE STORES AND OTHER INFRASTRUCTURE AT PLOT 10, DOVE VALLEY PARK, FOSTON

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

The Senior Planning Officer presented the report to the Committee noting that it did not fully accord with the Local Plan and that final comments had been received from the Environmental Health Officer. The Committee was informed that no objections had been received from the Highway's Agency and the Wildlife Trust. The Senior Planning Officer sought approval for the amended conditions and the Section 106 Agreement that had been published prior to the Committee meeting.

The Senior Planning Officer summarised the application and highlighted that evidence supporting a previously approved application for overnight lorry parking, was out of date and that there was alternative lorry parking available in the area. It was further noted that there would be electric vehicle charging points, tree planting and biodiversity net gain.

Members welcomed the report and noted that whilst the application was a diversion from policy it was deemed a good use of the land for economic development and highlighted the importance of a positive offset of biodiversity.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the published amended conditions and Section 106 Agreement.

PL/89

LISTED BUILDING CONSENT FOR THE CONVERSION AND EXTENSION OF BUILDINGS TO PROVIDE COMMERCIAL, RECREATIONAL AND EDUCATIONAL USES, AND THE DEMOLITION OF A SECTION OF RETAINING WALL ELVASTON CASTLE COUNTRY PARK, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP.

The Planning Delivery Team Leader presented the report to the Committee noting that the application related to listed building consent only and that there would be a separate application for the drive way and additional buildings. The Planning Delivery Team Leader informed the Committee that redundant buildings and the walled garden would be restored. Objections received were highlighted along with the response from Historic England which deemed that the level of harm was outweighed by the development opportunities, public benefits and the long term investment in the area.

The Applicants Agent attended the meeting and addressed the Committee regarding the application.

Members raised concerns regarding the comments from Historic England and the materials to be used. Members agreed that a site visit would be beneficial to the Committee in making a decision.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/90

ERECTION OF TWO 3 BEDROOMED NEW BUILD DWELLINGS, AND THE CREATION OF ORCHARD AT LAND OFF TRENT LANE, KINGS NEWTON, DERBY, DE73 8BT

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

The Planning Delivery Team Leader presented the report to the Committee and summarised the objections received. It was noted that the proposed site was situated outside settlement boundary and would have detrimental impact on the heritage area.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member Councillor Hewlett read out statement on behalf of Councillor Fitzpatrick.

Councillor Hewlett left the Chamber.

Members discussed the importance of supporting the Local Neighbourhood Plan

RESOLVED:

That planning permission be refused as per the recommendations in the report of the Strategic Director (Service Delivery).

Councillor Hewlett returned to the Chamber.

PL/91

PORTAL STEEL FRAMED STRUCTURE FOR THE STORAGE OF EQUIPMENT AT MELBOURNE SPORTS PAVILION, COCKSHUT LANE, MELBOURNE, DERBY, DE73 8DG

The Planning Delivery Team Leader addressed the Committee and outlined the proposed designs.

As Local Ward Member Councillor Hewlett addressed the Committee on behalf of the Civic Society.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/92 **INSTALLATION OF DROPPED KERB AND HARD STANDING AT 49 MAIN STREET, NETHERSEAL, SWADLINCOTE, DE12 8DB**

The Planning Delivery Team Leader presented the report to the Committee and outlined the key points of the application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/93 **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.

PL/94 **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 hours 19:15. hrs

COUNCILLOR SHEPHERD

VICE-CHAIR

PLANNING COMMITTEE

15 November 2022

PRESENT:

Labour Group

Councillors Tilley (Chair) and Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Brown, Haines, Muller, Redfern, Smith and Watson.

Non-Grouped

Councillor Wheelton.

PL/95 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Bridgen (substitute Councillor Watson) and Councillor Dawson (substitute Councillor Muller).

PL/96 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of Meetings held on 7 December 2021, 11 January 2022, 8 February 2022 and 8 March 2022 were reviewed, considered as a true record and signed by the Chair.

PL/97 **DECLARATIONS OF INTEREST**

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

PL/98 **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 COMMITTEEPL/99 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/100 **CHANGE OF USE OF LAND TO PROVIDE 7NO. CARAVANS FOR HOLIDAY LET ACCOMMODATION INCLUDING THE FORMATION OF A LAKE, ASSOCIATED PARKING AND LANDSCAPING AT THE CONIFERS, PARK ROAD, OVERSEAL, SWADLINCOTE, DE12 6JS**

The Senior Planning Officer presented the report to the Committee noting the objections received from the Parish Council.

Councillor Wheelton sought clarity regarding the position of the site in relation to the settlement boundary.

The Head of Planning and Strategic Housing confirmed that the site was inside the settlement boundary.

Members discussed the merits of bringing tourism into the area.

RESOLVED:

That planning permission be deferred until at site visit was arranged.

PL/101 **THE ERECTION OF 14 DWELLINGS WITH ACCESS FROM PENKRIDGE ROAD WITH PARKING AND ASSOCIATED WORKS ON LAND REAR OF 30 & 32 COMMON SIDE AND NORTH OF PENKRIDGE ROAD, CHURCH GRESLEY, SWADLINCOTE**

The Planning Delivery Team Leader presented the report to the Committee noting the Applicant's reluctance to sign the Section 106 Agreement due to the education contribution requested by Derbyshire County Council.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Southerd addressed the Committee regarding the application and noted that previous reservations regarding the woodland had been resolved.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/102 **THE REMOVAL OF CONDITION NO. 3 OF PERMISSION REF. 9/2017/1262 (RELATING TO THE ACCESS) FOR THE CHANGE OF USE OF LAND FOR TOURISM PURPOSES AND RETENTION OF A YURT AND A TIPI WITH ASSOCIATED SAUNA AND COMPOST TOILET STRUCTURES WITH PARKING AND HARDSTANDING ON LAND AT SK3221 7095, TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

The committee was informed that Members attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting the reasons for the removal of Condition 3 relating to access.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/103 **THE REMOVAL OF CONDITION NO. 6 OF PERMISSION REF. 9/2015/0440 (RELATING TO THE ACCESS) FOR THE ERECTION OF A LOG CABIN TO BE USED FOR HOLIDAY LETTINGS ON LAND AT SK3221 7095, TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

The Committee was informed that Members attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting that the blocking of the access point was not reasonable and was not enforceable.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/104 **THE VARIATION OF CONDITION NO.3 OF PERMISSION REF. DMPA/2019/0966 (RELATING TO SOLE VEHICULAR ACCESS) FOR CHANGE OF USE OF LAND FOR TOURISM PURPOSES AND RETENTION OF A YURT AND A TIPI WITH ASSOCIATED SAUNA AND COMPOST TOILET STRUCTURES WITH PARKING AND HARDSTANDING) ON LAND AT SK3221 7095 (ROWAN WOODS), TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

The Committee was informed that Members attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting the variation to Condition 3 relating to sole vehicular access.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/105 **THE ERECTION OF EXTENSIONS AT 20 TENNYSON AVENUE, MIDWAY, SWADLINCOTE, DE11 0DT**

The Planning Delivery Team Leader outlined the report to the Committee noting that it was before Members for consideration as the applicant was an employee of South Derbyshire District Council.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/106 **THE ERECTION OF A PROPOSED ROOF AND REAR EXTENSION, REPLACEMENT OF WINDOWS AND DOORS WITH ALUMINIUM AND RENDER ENTIRE PROPERTY AT 3 FISHPOND LANE, EGGINTON, DERBY, DE65 6HJ**

The Head of Planning and Strategic Housing presented the report to the Committee outlining the key areas of change following the refusal of a previous application that included scale, design and the impact on neighbours.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Brown addressed the Committee raising concerns regarding privacy, amenity, the impact of the proposed outdoor kitchen area for neighbours and parking arrangements.

RESOLVED:

That planning permission be deferred to allow the applicants time to consider members concerns which related to the size of the first floor terrace, the smells associated with the outdoor kitchen area and the loss of privacy for neighbours.

PL/107 **REGULATION 77 APPLICATION AT SEALWOOD BARN, SEAL WOOD LANE, LINTON, SWADLINCOTE, DE12 6PA**

The Head of Planning and Strategic Housing presented the report to the Committee noting that the application was before Members as the Habitat Regulations were not included within the Council's Scheme of Delegation. The Committee was informed that information had been received from the Applicant which confirmed that designs would ensure no water runoff into the River Mease Special Area of Conservation.

Members discussed the implications of water runoff into the River Mease and agreed that the application should be considered on whether the proposed water treatment systems would be effective.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/108 **RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 65 DWELLINGS, WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS AT ETWALL COMMON, LAND AT SK 2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY**

The Senior Planning Officer presented the report to the Committee, noting the amendments to the conditions following consultation feedback from Derbyshire Wildlife Trust. The Senior Planning Officer outlined the application highlighting the key features that included the uplift of 15 properties, location within the settlement boundary, access points to the site, the proposed layout, footpaths and attenuation basins. It was noted that the previously approved development had commenced.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Brown addressed the Committee and raised a number of concerns regarding the proposed increased number of properties.

Members raised concerns regarding biodiversity, compliance with the Local Plan and the Section 106 Agreement contributions.

RESOLVED:

That planning permission be refused contrary to the officer's recommendation due to the scheme being contrary to the maximum figure set out in Policy H23B which would have a detrimental impact on the character and appearance of the area.

PL/109 **SECTION 106 VARIATION – HENSHALL DRIVE, CHELLASTON**

The Planning Delivery Team Leader addressed the Committee and summarised the key points within the report.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement by means of a Deed of Variation to include a standard Mortgagee in Possession clause into the agreement.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the amendments to be secured under the Deed of Variation.

PL/110 **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.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETING

The Exempt Minutes of the Meeting held on 11 January 2022, were received.

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 hours 19:55 hrs

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

13 December 2022

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, M. Mulgrew, Taylor.

Conservative Group

Councillors Dawson, Ford, Muller, Patten, Smith and Watson.

Non-Grouped

Councillor Wheelton.

PL/113 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Pearson (Substitute Councillor M Mulgrew) (Labour Group) and Councillor Brown (Substitute Councillor Muller) Councillor Bridgen (Substitute Councillor Patten), Councillor Haines (Substitute Councillor Ford) and Councillor Redfern (Substitute Councillor Watson) (Conservative Group).

PL/114 **DECLARATIONS OF INTEREST**

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

PL/115 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

In accordance with Council Procedure Rule No.11 the Chair invited Councillor Wheelton to ask the following question:

“Bearing in mind this Council had called a Climate Emergency and that during the Covid lockdown we had online site visits, why are we currently having so many physical site visits? What steps can the planning department take to reduce the number of in person site visits?”

The Chair considered and agreed with sentiment and the climate emergency but noted that sometimes site visits were necessary especially when large applications were brought to the Committee and that there would always be a need for some physical visits. It was further noted that it required additional work by the Planning Team to consider whether virtual visits would impact on decisions made.

Members discussed the merits of both virtual and in person site visits and also considered the use of different modes of transport for when in person visits were necessary and noted that it was important that applicants and residents were assured that the Committee was carrying out its duty and making informed decisions.

MATTERS DELEGATED TO COMMITTEE

PL/116 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/117 **RETROSPECTIVE APPLICATION FOR AN AMENDED SCHEME (PREVIOUSLY APPROVED REF DMPA/2020/1241) FOR THE DEMOLITION OF THE EXISTING BUNGALOW AND THE ERECTION 5 DETACHED BUNGALOWS, 2 GARAGES AND THE ASSOCIATED NEW ACCESS AT CLAIR DE LUNE, LUCAS LANE, HILTON, DERBY, DE65 5FL**

The Head of Planning and Strategic Housing presented the report to the Committee highlighting the amendments to a previously approved scheme which included integral garages to be replaced by 2 parking spaces and an increase in bedroom size for plot one. It was noted that whilst the request was not fully in accord with the Hilton Neighbourhood Plan 3 parking spaces would impact on the loss of the landscaped areas.

An Objector attended the meeting and addressed the Committee regarding the application.

Members discussed the importance of the Neighbourhood Plan and suggested that Plot 1 should have 3 car parking spaces with the extra space situated behind the hedge to the east of the existing 2 spaces.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to Condition 2 that would require a third parking space provided on the plot.

PL/118 **CHANGE OF USE OF LAND TO PROVIDE 7NO. CARAVANS FOR HOLIDAY LET ACCOMMODATION INCLUDING THE FORMATION OF A LAKE, ASSOCIATED PARKING AND LANDSCAPING AT THE CONIFERS, PARK ROAD, OVERSEAL, SWADLINCOTE, DE12 6JS.**

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

The Head of Planning and Strategic Housing delivered the report noting that the proposal was for the change of use to tourism, to provide seven lodges and not

caravans for holiday let accommodation and included the formation of a lake with separate vehicular access. It was confirmed that conditions would ensure that the lodges would remain holiday lets and could not become permanent residences.

Members raised concerns that the proposed properties did not appear to adhere to the tourist design guide and did not fall within planning policy INF10 and could become permanent residential homes.

The Head of Planning and Strategic Housing confirmed that conditions referred to the materials to be used and clarified the use of the accommodation could not be changed without a further planning application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the change of description from caravans to lodges and the renumbering of conditions to remove the repeated number of condition 11.

PL/119 **THE ERECTION OF A PROPOSED ROOF AND REAR EXTENSION, REPLACEMENT OF WINDOWS AND DOORS WITH ALUMINIUM AND RENDER ENTIRE PROPERTY AT 3 FISHPOND LANE, EGGINTON, DERBY, DE65 6HJ**

The Head of Planning and Strategic Housing presented the report to the Committee noting the amendments to the previously deferred application. The Committee was asked to resolve that planning permission be granted in accordance with the recommendations within the report which included a slightly altered Condition 4 to ensure that the outdoor kitchen could not be re-instated without the benefit of a further planning permission.

Members raised concerns that the end wall could block light to the neighbour's kitchen and discussed to need to remove Permitted Development Rights.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery), subject to an amendment to Condition 4 to remove all Permitted Development Rights.

PL/120 **APPROVAL OF DETAILS REQUIRED BY CONDITIONS 6 (MAMMAL PROTECTION MEASURES), 7 (BIODIVERSITY ENHANCEMENT MEASURES), 9 (CONSTRUCTION MANAGEMENT DETAILS), 10 (LANDSCAPING), 13 (BOUNDARY TREATMENTS), AND 21 (EXTERNAL LIGHTING) ATTACHED TO APPLICATION REF. DMPA/2019/1415 (RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 4 DWELLINGS IN SHARED OWNERSHIP) ASSOCIATED PARKING ACCESS ROAD AND LANDSCAPING) AT 61 COURT STREET, WOODVILLE, SWADLINCOTE, DE11 7JJ.**

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the application and sought approval for the amendments to typographical errors in Condition 7 and Condition 9. In addition, approval was requested to amend Condition 7 in relation to the inclusion of wheel washing facilities during the construction phase.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to amendments to condition 7 so that the description accurately refers to the construction management details and to ensure that wheel washing facilities were to be specified within the Construction Management Plan. In addition, an amendment to condition 9 to refer to biodiversity enhancement measures.

PL/121 APPEALS

Reference	Place	Ward	Outcome	Decision level
<u>DMPN/2022/0403</u>	Elvaston	Aston	Dismissed	Delegated
<u>DMPA/2021/0090</u>	Newhall	Newhall and Stanton	Dismissed	Committee

PL/122 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.

PL/123 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 19:10 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

10 January 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Patten and Smith.

Non-Grouped

Councillor Wheelton.

PL/124 **APOLOGIES**

The Committee was informed apologies had been received from Councillor Redfern (substitute Councillor Patten) (Conservative Group).

PL/125 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Tilley declared a personal interest in item PL/130.

The Committee was informed that Councillor Smith declared a personal interest in item PL/128.

PL/126 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEE

PL/127 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

Councillor Smith left the Council Chamber.

PL/128 **DEVELOPMENT OF A SOLAR FARM WITH ANCILLARY INFRASTRUCTURE, SECURITY FENCE, ACCESS, LANDSCAPING AND CONTINUED AGRICULTURE, TO GENERATE POWER TO FEED INTO THE LOCAL DISTRIBUTION NETWORK AT HOON HAY MANOR, MARSTON LANE, HATTON, DERBY, DE65 5EA.**

The Senior Planning Officer presented the report to the Committee and outlined the key areas of the application.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member Councillor Patten addressed Committee and raised concerns on behalf of the residents.

Members raised concerns regarding consultation with Nestle and potential flooding regarding water runoff.

The Senior Planning Officer and the Head of Planning and Strategic Housing confirmed that there was no requirement to consult directly with Nestle and that the Local Flood Agency had worked with the applicant and was content with the proposals.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

Councillor Smith returned to the Council Chamber.

PL/129 **PROPOSED NEW HIGHWAY ENTRANCE WITH DRIVEWAY STANDING AND TURNING AREA AND THE FELLING OF TREE AT 125 PENN LANE, MELBOURNE, DERBY, DE73 8EP.**

The Head of Planning and Strategic Housing delivered the report to the Committee and outlined the proposals that would assist with repair works to listed buildings. It was noted that objections had been received from neighbours and the Parish Council. The Committee was asked to consider the amended conditions that had been circulated to Members prior to the meeting.

Members raised concerns regarding the conditions that related to the trees and sought clarity regarding existing vehicular access.

The Head of Planning and Strategic Housing informed the Committee that the conditions were required to enable enforcement if required and that it was deemed that the existing access would not allow for safe egress.

Members raised further concerns regarding the removal of both mature trees and the historical sandstone wall and discussed alternative solutions available to applicant enable the works to be carried out on the listed buildings.

RESOLVED:

That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to the loss of trees, part of the historical wall and the impact of this on the Conservation Area.

Councillor Tilley left the Council Chamber.

PL/130 **RETROSPECTIVE APPLICATION FOR THE RETENTION OF A REPLACEMENT SHED WITH THE PURPOSE OF KEEPING DOMESTIC DOGS AND ASSOCIATED STORAGE ON LAND BEHIND 69A & 69B REPTON ROAD, HARTSHORNE, SWADLINCOTE, DE11 7AE.**

The Vice-Chair of the Committee invited the Head of Planning and Strategic Housing to present the report.

The Head of Planning and Strategic Housing outlined the application highlighting that the proposed use was for the domestic keeping of dogs and that it was a low lying building and Environmental Health had raised no objections and deemed that the building and expected noise level were acceptable.

Members declared disappointment in that it was a retrospective application and discussed the need to remove permitted development rights and to ensure that it remained for domestic use only.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) Subject to additional conditions to remove permitted development rights regarding any extension or alteration to the building and any future change of use.

Councillor Tilley returned to the Council Chamber.

PL/131 **DEED OF VARIATION – LAND AT HILTON BUSINESS PARK, HILTON**

The Planning Delivery Team Leader presented the report to the Committee and sought approval of the recommendations within the report and noted that there would be no financial implications.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement to include amendments to be made to the definition of Affordable Housing and the inclusion of First Homes which was within the fourth schedule of the Section 106 Agreement – Affordable Housing. This was based upon recommendations that had been received from Strategic Housing and Development Manager.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.

PL/132 **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.

PL/133 **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 19:20 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

7 February 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Muller and Watson.

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Taylor

PL/134 **APOLOGIES**

The Committee was informed apologies had been received from Councillor Redfern (substitute Councillor Muller) and Councillor Smith (substitute Councillor Watson) (Conservative Group).

PL/135 **DECLARATIONS OF INTEREST**

The Committee was informed that there was a declarations of personal interest from Councillor Brown regarding item PL/139.

The Committee was informed that there was a declaration of personal interest from Councillor Shepherd regarding Item PL/140

PL/136 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEE

PL/137 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/138 **RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM MIXED USE OF RETAIL/STORAGE AND CAR SALES (SUI GENERIS) TO A MIXED USE INCLUDE CAR SALES, MOT CENTRE, TYRE FITTING AND STORAGE (SUI GENERIS). 2 WOODVILLE ROAD, OVERSEAL, SWADLINCOTE, DE12 6JG**

The Senior Planning Officer presented the report to the Committee noting the application sought retrospective approval for the change of use. The concerns raised by Derbyshire County Council were noted.

As Local Ward Member, Councillor Wheelton addressed the Committee on behalf of the Parish Council and residents and requested that an informative be added to the decision regarding parking at the church yard opposite the site.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an informative to added to advise the applicant to refrain from parking cars on the churchyard carpark opposite.

PL/139 **THE ERECTION OF A DETACHED DWELLING ON LAND AT BREACHLANDS, BREACH LANE, MELBOURNE, DERBY, DE73 8DF**

The Head of Planning and Strategic Housing addressed the Committee and summarised the application highlighting key areas that included the surface water pond, the energy and design statements, carbon neutrality, insulation and the construction method that involved a frameless structure.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Councillor Wheelton sought clarity regarding the possibility to change the proposed designs.

The Head of Planning and Strategic Housing informed the Committee that any significant design changes would require planning approval.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

Councillor Shepherd left the Council Chamber.

PL/140 **THE FELLING AND PRUNING OF TREES AT 11 HIGH STREET, TICKNALL, DERBY, DE73 7JH**

The Senior Planning Officer presented the report and noted that the application was before Committee for a decision as the applicant was Councillor Shepherd.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

Councillor Shepherd returned to the Council Chamber.

PL/141 **INSTALLATION OF DROPPED KERB AND HARD STANDING INCLUDING ASSOCIATED ENGINEERING WORKS AT 67 SPRINGFIELD ROAD, MIDWAY, SWADLINCOTE, DE11 0BY.**

The Head of Planning and Strategic Housing addressed the Committee and presented the report highlighting the key points of the application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/142 **CONVERSION OF EXISTING 4 BED DWELLING TO CHILDRENS CARE HOME AT 61 ASHBY ROAD, WOODVILLE, SWADLINCOTE, DE11 7BZ**

The Head of Planning and Strategic Housing presented the report and informed the Committee that the applicant had clarified that the home would accommodate 3 young people at any one time and that 1 bedroom would be for use by members of staff. The key points of the application were noted that include parking arrangements and objections receive.

As Local Ward Member, Councillor Taylor attended the meeting and addressed the Committee raising concerns on behalf of residents.

Members shared concerns regarding adequate staffing levels, the potential impact on residents and the level of the needs of the children to be housed and felt that more information was required to enable the Committee to make an informed decision.

RESOLVED:

That planning permission be deferred for additional information to be provided by the applicant.

PL/143 **THE CONVERSION OF EXISTING FARMHOUSE AND ASSOCIATED BARN INTO 6 DWELLINGS AND THE ERECTION OF 37 NEW DWELLINGS WITH ACCESS, PARKING AND ASSOCIATED WORKS ON LAND TO THE NORTH AND SOUTH OF OLD ETWALL ROAD MICKLEOVER DERBY (43 DWELLINGS IN TOTAL) AND LISTED BUILDING CONSENT FOR VARIOUS WORKS FOR THE CONVERSION OF THE FARMHOUSE AND BARN (GRADE II LISTED BUILDING) INTO 6 DWELLINGS WITH PARKING, ACCESS AND ASSOCIATED WORKS**

The Committee was advised that Members had attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and drew attention to the late items received from Derby City Council and a number of amended and additional conditions. The Senior Planning Officer outlined the application highlighting the key points and sought approval for the recommendations within the report.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the applications.

The Senior Planning Officer responded to comments from the Objector and Agent and clarified that proposed amendments to conditions would protect the start date of refurbishment of the listed building along with health and education provisions.

As Local Ward Member, Councillor Brown addressed the Committee and raised concerns on behalf of residents.

Members discussed a number of issues and concerns and how it would not support the Local Plan

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) due to the fact that the proposal was outside of the settlement boundary, it would be an unallocated site within the countryside, South Derbyshire had an adequate five year housing land supply, the adverse impact on the heritage assets and their setting, the loss of open space and the threat to a number of trees.

PL/144 **DEED OF VARIATION - LAND OFF RYDER CLOSE, CASTLE GRESLEY**

The Head of Planning and Strategic Housing addressed the Committee and summarised the key areas of the report, noting that mechanisms would be put into place to ensure appropriate mitigations at another site.

Councillor Wheelton raised concerns regarding the open mosaic habitat and the impact on the newts currently on site.

The Head of Planning and Strategic Housing informed the Committee that ecology advice had been given by Natural England and that the alternative site offer would be of the same or a better environment to ensure that biodiversity was delivered.

RESOLVED:

1.1 The Committee approved the changes to the Section 106 Agreement to include amendments to be made to the first schedule of the Section 106 Agreement - Owners Covenants and a new paragraph be inserted under paragraph 2 – Natural England Licence. This was based upon recommendations that had been received from the Strategic Housing and Development Manager.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.

PL/145 **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.

PL/146 **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 19:55 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

7 March 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L. Mulgrew, M. Mulgrew and Pearson.

Conservative Group

Councillors Bridgen, Brown, Dawson, Muller, Patten and Watson.

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Taylor

PL/147 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Southerd (substitute Councillor M. Mulgrew) (Labour Group) and Councillor Haines (substitute Councillor Muller) Councillor Redfern (substitute Councillor Watson) and Councillor Smith (substitute Councillor Patten) (Conservative Group).

PL/148 **DECLARATIONS OF INTEREST**

The Committee was informed that there were no declarations of interest.

PL/149 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEE

PL/150 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/151 **CONVERSION OF EXISTING 4 BED DWELLING TO CHILDRENS CARE HOME AT 61 ASHBY ROAD, WOODVILLE, SWADLINCOTE, DE11 7BZ**

The Head of Planning and Strategic Housing presented the report to the Committee and advised of the additional information submitted by the applicant following deferment at a previous meeting.

As Local Ward Member, Councillor Taylor attended the meeting and addressed the Committee on behalf of local residents.

Members raised concerns regarding the care home experience of the applicant, the need for a robust management plan, the lack of dialogue with police, parking arrangements, security and the impact of the amenity on the area.

RESOLVED:

That planning permission be refused Contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) due to the absence of a comprehensive management plan and the likely harmful impact on the residential amenities of neighbours.

PL/152 **THE VARIATION OF CONDITION 31 OF OUTLINE PERMISSION REF. DMPA/2020/0543 (RELATING TO THE RESIDENTIAL DEVELOPMENT OF UP TO 1,100 DWELLINGS, AN EXTRA CARE FACILITY, A LOCAL CENTRE COMPRISING: A SMALL SUPERMARKET WITH A FLOORSPACE NOT EXCEEDING 1000 SQM (NET); A SMALLER RETAIL UNIT WITH A TOTAL FLOORSPACE NOT EXCEEDING 200SQM (NET); A CAFE/RESTAURANT WITH A FLOORSPACE NOT EXCEEDING 200 SQM (NET); A PUBLIC HOUSE WITH A FLOORSPACE NOT EXCEEDING 650 SQM (NET); A DOCTORS SURGERY OR CRÈCHE; AND A COMMUNITY FACILITY, AS WELL AS A PRIMARY SCHOOL TOGETHER WITH ASSOCIATED PLAYING FIELDS AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE (INCLUDING ROADS, FOOTPATHS, CYCLEWAYS, SUSTAINABLE URBAN DRAINAGE AND OPEN SPACE)) ON LAND AT NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER, DERBY, DE3 0DN**

The Head of Planning and Strategic Housing presented the report to the Committee summarising the request for the amendment to condition 31 due to delays to highways works on the A38 which was outside of the Applicant's control.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As a Local Ward Member, Councillor Brown addressed the Committee and raised concerns on behalf of the residents.

Whilst Members were sympathetic with the Developers, they raised concerns regarding the impact of increased traffic before highway works were undertaken and the objection raised by Derby City Council.

RESOLVED:

That planning permission be deferred to allow the Applicant to submit an updated Environmental Impact Assessment to take in to account extra air pollution from queuing vehicles, up dated traffic surveys and to enable Highways England to provide a response to Derby City's objection.

PL/153 **DEMOLITION OF EXISTING BUILDING AND ERECTION OF A 4-BED DETACHED DWELLING AT BREEDON VIEW, ROBINSONS HILL, MELBOURNE, DERBY, DE73 8DJ**

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the application noting the trees that were to be retained.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members discussed the merits of the application and the improvement it would bring to the site.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/154 **AMENDED SCHEME TO PREVIOUSLY APPROVED (DMPA/2021/0361) FOR THE ERECTION OF AN EXTENSION TO THE GARAGE AND ALTERATION TO ROOF ON MAIN DWELLING INCLUDING NEW ROOF LIGHTS AND NEW REAR DORMER AT 23 SKINNERS WAY, MIDWAY, SWADLINCOTE, DE11 7NL.**

The Planning Team Leader presented the report to the Committee and outlined the application informing the Committee of a late item received from an objector that included the erection of a camera looking onto a neighbouring property.

An Objector attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Pearson addressed the Committee raising concerns on behalf of local residents and sought clarity regarding the plans submitted and the height of the building.

The Planning Team Leader confirmed that whilst the plans showed a slight increase in height the building had not been physically measured.

Members raised concerns regarding the validity of the plans submitted.

RESOLVED:

That planning permission be deferred to allow the property to be properly surveyed and accurate plans submitted.

PL/155 **DEED OF VARIATION – LAND AT SK2420 2230 DRAKELOW PARK, WALTON ROAD, DRAKELOW**

The Planning Delivery Team Leader presented the report to the Committee and sought approval of the recommendations.

Councillor Wheelton raised concern regarding the construction of the bridge.

The Head of Planning and Strategic Housing addressed the Committee and confirmed that the timing mechanism would remain in place and that any proposed changes would come before the Committee.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement (S106) to include a clause which would allow S73 applications to be made with no impact on the Section 106 Agreement – such that its provisions and all requirements would remain in place, unaffected.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the final wording of the clause to be secured under the Deed of Variation.

PL/156 **SECTION 106 VARIATION – HACKWOOD FARM, MICKLEOVER**

The Planning Delivery Team Leader presented the report to the Committee and sought approval of the recommendations.

RESOLVED:

1.0 ***The Committee approved the request to amend the Section 106 Agreement by means of a Deed of Variation to include a standard Mortgagee in Possession (MiP) clause into the agreement and other minor amendments as the Strategic Housing Team feel appropriate.***

1.1 ***The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.***

PL/157 **SECTION 106 VARIATION – NEW HOUSE FARM, MICKLEOVER**

The Head of Planning and Strategic Housing presented the report and outlined the changes and sought approval of the recommendations.

Members sought clarity regarding the public open space and the affordable housing provision.

The Head of Planning and Strategic Housing informed the Committee that there would be no loss of public open space and that there was no proposal to amend the affordable housing provision.

Members raised concerns regarding the lack of involvement of residents in the Management Company

RESOLVED:

- 1.1 The Committee approved the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation by means of further Deed of Variation amendments to the definition of Public Open Space and Schedule 3 of the agreement and**
- 1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.**
- 1.3 The Committee agreed that there should be residential involvement on the Management Company Board.**

PL/158 **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.

PL/159 **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 19:35 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

21 March 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, M. Mulgrew (substitute for Councillor Pearson)
and Southerd.

Conservative Group

Councillors Bridgen, Dawson, Haines, Muller (substitute for Councillor Redfern), Smith and Watson (substitute for Councillor Brown).

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Bambrick
Councillor Pearson

PL/160 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Pearson (Labour Group) and Councillors Brown and Redfern (Conservative Group).

PL/161 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Wheelton declared a pecuniary interest in item PL/164.

PL/162 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEEPL/163 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

Councillor Wheelton left the Council Chamber.

PL/164 **CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN LAND ON LAND TO THE REAR OF WALTON HALL SK2117 5882, COTON ROAD, WALTON ON TRENT, SWADLINCOTE, DE12 8LZ**

The Chair advised Members of the Committee that a letter had been received requiring further investigation and therefore sought approval to defer the application to a future meeting of the Committee.

RESOLVED:

That planning permission be deferred for further investigation.

Councillor Wheelton returned to the Council Chamber.

PL/ 165 **ERECTION OF 8 DWELLINGS, TWO DETACHED GARAGES AND ASSOCIATED WORKS, WITH ACCESS FROM THE PERMITTED ESTATE ROAD OF PERMISSION DMPA/2021/1342 AT THE PADDOCK (CADLEY PARK), LAND NORTH OF COPPERAS ROAD, NEWHALL**

The Planning Delivery Team Leader presented the application details to the Committee and advised that no statutory or public objections had been received and that there was no undue impact on local services.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As local Ward Member, Councillor Bambrick attended the Committee Meeting and asked if there were any Section 106 Agreement monies for the development.

The Planning Delivery Team Leader confirmed that the development was under the threshold of fifteen properties for the Section 106 Agreement contributions and that the Derbyshire National Health Service Clinical Commissioning Group believed that there were sufficient services to support the housing scheme.

Councillor Watson raised concerns that the application conflicted with the Local Plan and was also outside the settlement boundary and therefore proposed that the application be refused.

Members raised concerns about the lack of Section 106 Agreement contributions, and the impact on health services and schools in the area and discussed the importance of enforcement of the Local Plan.

RESOLVED:

That planning permission be refused as inappropriate residential development outside of the settlement boundary contrary to the Local Plan and an unsustainable development as the infrastructure requirements generated as a result of the development are not provided for through financial developer contributions for off-site infrastructure and services.

PL/166 **ADVERTISEMENT CONSENT FOR THE DISPLAY OF SIGNAGE AT SWADLINCOTE WOODLANDS COUNTRY PARK, DERBY ROAD, SWADLINCOTE**

The Planning Delivery Team Leader presented the report to the Committee and sought approval as per the recommendations within the report.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/167 **ERECTION OF 14 NO. DWELLINGHOUSES, WITH ASSOCIATED PARKING, INTERNAL ROAD AND AMENITY SPACE, ALONG WITH THE CREATION OF ACCESS AT MERRILEES, CADLEY HILL ROAD, SWADLINCOTE, DE11 9EQ**

The Planning Delivery Team Leader presented the application to the Committee noting that the development was within the settlement boundary with access from Cadley Hill Road. It was noted that the Environmental Health Officer had reviewed noise levels from Keystone Lintels. The Committee was informed that there had been no objections received from the Derbyshire Wildlife Trust nor the National Forest.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members sought clarification regarding the distance between Plot 1 and the closest property to the plan and the noise report from the Environmental Health Officer.

The Planning Delivery Team Leader confirmed a distance of 15 metres between Plot 1 of the scheme and the nearest existing property and that the Environmental Health Officer had conducted three reports during the application development.

Members raised concerns regarding the lack of response from the Highways Agency and sought clarification in relation to noise mitigation.

The Head of Planning and Strategic Housing confirmed to Members that no objection had been received from the Highways Agency during the consultation period and that following a detailed dialogue with the Environmental Health Officer

adequate noise mitigation for residents had been provided with screening between the factory and existing residents.

RESOLVED:

That planning permission be deferred to allow applicant to update the noise report.

PL/168 **CHANGE OF USE OF LAND FOR GLAMPING AND OVERNIGHT TOURIST ACCOMMODATION AND ACCESS TRACK AT MELBOURNE HALL, CHURCH SQUARE, MELBOURNE, DERBY, DE73 8EN**

The Head of Planning and Strategic Housing presented the details of the application to the Committee noting that the Conservation Officer had visited the site and reported no impact to the historic building of Melbourne Hall, the park, grounds, footpaths and Rights of Way.

The Agent attended the meeting and addressed the Committee regarding the application.

Members sought clarity regarding the comments made by Historic England and the movement of the accommodation vehicles.

The Head of Planning and Strategic Housing confirmed that a Heritage Impact Assessment had been provided to Historic England as they were unable to conduct a site visit. It was also confirmed that the eight vintage vehicles used as glamping accommodation would not be going on and off the site.

Members agreed that the plan was good, however, were concerned about the access road to the site and suggested that a traffic management plan be put in place and that vehicles sited permanently should be drained of fluids to avoid contamination on the site.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition requiring a traffic management plan, and a means to prevent spillage of fluid.

PL/169 **DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW MIXED-USE DEVELOPMENT, WITH ASSOCIATED WORKS AT MERCIA MARINA, FINDERN LANE, WILLINGTON, DERBY, DE65 6DW**

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

The Head of Planning and Strategic Housing presented the application to the Committee and confirmed that the Council had been advised by the District Valuer that a condition would be required that related to the limitation of each commercial

unit to 350 square metres. The Head of Planning and Strategic Housing clarified, there was to be £120,000.00 headroom confirmed by the District Valuer and that any leftover monies would be put into Section 106 Agreement contributions to provide health and community facilities in Willington.

The Chief Executive addressed the Committee and reinforced the economic development benefits of the application and how vital it was to tourism in the region and specifically, how the Marina brought added value to commercialism in South Derbyshire.

The Applicant attended the meeting and addressed the Committee regarding the application.

Members welcomed and supported the proposal noting the modern design of the buildings and the opportunities to bring business into South Derbyshire.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition restricting the size of the ground floor retail units to 350 square metres each.

PL/170 **AMENDED SCHEME TO PREVIOUSLY APPROVED (DMPA/2021/0361) FOR THE ERECTION OF AN EXTENSION TO THE GARAGE AND ALTERATION TO ROOF ON MAIN DWELLING INCLUDING NEW ROOF LIGHTS AND NEW REAR DORMER AT 23 SKINNERS WAY, MIDWAY, SWADLINCOTE, DE11 7NL**

The Planning Delivery Team Leader presented the application to the Committee. It was noted the resubmitted application included an amended plan with a double garage door that replaced the two single doors. In response to Members concerns, officers had visited the site to check the height measurements of the property.

The Applicant attended the meeting and addressed the Committee regarding the application.

As local Ward Member, Councillor Pearson attended the meeting and addressed the Committee and noted that previous concerns and issues with the application had been addressed and that questions over measurements had been clarified by officers.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/171 **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.

PL/172 **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 20:00 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

04 April 2023

PRESENT:

Labour Group

Councillor Shepherd (Vice-Chair)

Councillors Gee, L Mulgrew, M. Mulgrew (Substitute for Cllr Tilley), Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Redfern and Watson (Substitute for Cllr Smith).

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor

PL/173 **APOLOGIES**

The Committee was informed apologies had been received from Councillor Tilley (Labour Group) and Councillor Smith (Conservative Group).

PL/174 **DECLARATIONS OF INTEREST**

The Committee was informed that there were no Declarations of Interest.

PL/175 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEE

PL/178 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/179 **LISTED BUILDING CONSENT FOR THE REPLACEMENT OF WINDOWS AND DOORS THOMAS COOK MEMORIAL COTTAGES, HIGH STREET, MELBOURNE, DE73 8GJ**

The Planning Delivery Team Leader presented the report to the Committee noting that the application was presented to the Committee as Councillor Hewlett was a named applicant, in his capacity as Secretary of the Board of Trustees for the Thomas Cooke Memorial Cottages.

The Planning Delivery Team Leader informed the Committee of the amendments to Condition 3 which were as a result of the concerns raised by Melbourne Civic Society.

Councillor Brown address the Committee on behalf of Councillor Hewlett in support of the application and noted the improvements that were proposed.

Councillor Watson sought clarity regarding the window frames.

The Planning Delivery Team Leader confirmed that the Committee that these would be timber frames.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to Condition 3 to read as follows: "Prior to incorporation into the listed asset, details of the window sectional details (if different to those submitted but excluding the use of any astragal glazing bars) and recess measurements shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details."

PL/180 **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.

PL/181 **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 18:15 hours.

COUNCILLOR D SHEPHERD

VICE-CHAIR

PLANNING COMMITTEE

06 June 2023

PRESENT:

Labour Group

Councillor G Jones (Chair) and Councillor Shepherd (Vice-Chair)
Councillors J Carroll, I Hudson, A Jones, L Mulgrew, M. Mulgrew (substituting for Councillor M Gee) and K Storey.

Conservative Group

Councillors N Atkin (substituting for Councillor P Watson), D Corbin (substituting for Councillor Haines) and J Lowe.

Non-Grouped

Councillor A Wheelton.

In Attendance

Councillor N Tilley

PL/01 **APOLOGIES**

The Committee was informed apologies had been received from Councillor M Gee (Labour Group) and Councillors K Haines and P Watson (Conservative Group).

PL/02 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of Planning Committee meetings held on 03 May 2022, 31 May 2022, 28 June 2022 and 26 July 2022 were noted, approved as a true record and signed by the Chair.

PL/03 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor A Wheelton declared a pecuniary interest in item PL/06.

The Committee was informed that Councillor N Atkin declared a personal interest in item PL/14 by virtue of being a County Councillor.

PL/04 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEE

PL/05 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

Councillor A Wheelton left the meeting.

PL/06 **CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN LAND ON LAND TO THE REAR OF WALTON HALL SK2117 5882, COTON ROAD, WALTON ON TRENT, SWADLINCOTE, DE12 8LZ**

The Senior Planning Officer presented the application to the Committee noting that the report contained an incorrect location plan and that correct location plan was included in the presentation and was also available planning portal.

The Senior Planning Officer outlined the application and noted the objections received but confirmed that the restricted number of horses to be kept was 3 and the horses were not to be kept on the land between October and April each year.

The Senior Planning Officer outlined the late representations received from Councillor A Wheelton that included a detrimental effect and erosion of historic parkland, the loss of agricultural land and the impact on conservation.

An Objector attended the meeting and addressed the Committee regarding the application.

The Applicant attended the meeting and addressed the Committee regarding the application.

Councillor D Corbin noted that as the biodiversity issues had been resolved and there were no outstanding concerns, he supported the application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

Councillor A Wheelton returned to the meeting.

PL/07 **FULL PLANNING APPLICATION PROPOSING THE ERECTION OF 2NO. EMPLOYMENT BUILDINGS (USE CLASS B8, B2 AND ANCILLARY E(G) AT PLOTS 3A AND 3B WITH ASSOCIATED LANDSCAPING, DRAINAGE (INCLUDING ATTENUATION BASIN), CAR PARKING, REFUSE STORES AND OTHER INFRASTRUCTURE AT PLOT 3, DOVE VALLEY PARK, FOSTON**

The Senior Planning Officer delivered the report and summarised the application informing the Committee that following an extended consultation period no further comments had been received.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Councillor N Atkin raised a query regarding the SUDS capacity.

The Senior Planning Officer clarified that the SUDS capacity allowed for a 1 in 100 year type of storm with silt catchers conditioned.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/08

CONVERSION OF EXISTING AGRICULTURAL BARN TO DWELLING AND INSTALLATION OF SEPTIC TANK AT LODGE HILL FARM , UNNAMED ROAD LEADING FROM LONGFORD LANE TO BARTON HALL, CHURCH BROUGHTON, DERBY, DE65 5AL

The Head of Planning and Strategic Housing addressed the Committee and summarised the remedial works that had been undertaken and outlined the proposals within the report.

The Applicant attended the meeting and addressed the Committee regarding the application.

Members discussed the merits of the conversion and supported the Applicant's reasons for the proposals.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/09

STOCKMANS REST CABIN AT LAND ADJACENT TO STOCK BUILDING, OFF HOON LANE, HILTON, DERBY

The Planning Delivery Team Leader addressed the Committee and presented the report summarising the application.

Members discussed the possible merits of a site visit.

Members discussed the loss of green space and the importance of increasing the implementation of electric vehicle charging points.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/10 **INSTALLATION OF 1 X 48 SHEET GABLE MOUNTED DIGITAL ADVERTISING DISPLAY UNIT AT 1 HIGH STREET, WOODVILLE, SWADLINCOTE.**

The Head of Planning and Strategic Housing presented the report to the Committee and read out a statement on behalf of the Local Ward Member, Councillor M. Gee raising concerns about the proposal. The Committee was informed that no response had been received from the Highways Authority and that there was no objection from the Environmental Officer.

The Applicant attended the meeting and addressed the Committee regarding the application.

Members supported the concerns raised by Councillor M Gee and discussed the need to allow time for the Highways Authority to respond.

RESOLVED:

That planning permission be deferred to allow for further comments from the local Highways Authority.

PL/11 **CHANGE OF USE AND CONVERSION OF THE EXISTING BUILDING INTO A HOLIDAY LET AT 11 WILNE LANE, SHARDLOW, DERBY, DE72 2HA.**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the application noting objections and letters of support received.

An Objector attended the meeting and addressed the Committee regarding the application.

Following the comments from the Objector the Head of Planning and Strategic Housing clarified that ownership was not a material consideration for the Committee.

As a Local Ward Member, Councillor D Corbin addressed the Committee and raised concerns on behalf of the local residents.

Members discussed the necessity of a site visit.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/12 **RETENTION OF DETACHED GARAGE/OUTBUILDING FOR CHANGE OF USE TO A PERSONAL TRAINING STUDIO/GYM AT SHORTWOOD FARM, GREEN LANE, OVERSEAL, SWADLINCOTE, DE12 6JP**

The Committee was advised that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the proposals which included the operating hours, parking arrangements and the turning space available for vehicles. The Head of Planning and Strategic Housing outlined a number of objections that had been received.

As Local Ward Member, Councillor A Wheelton addressed the Committee and raised concerns on behalf of local residents.

Members discussed a number of issues that included poor access to the site and the impact it would have on the area, the lack of available passing places and the proximity of the development to the neighbouring properties.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) as the Committee considered the development to be harmful to the amenities of nearby residents due to the activity associated with additional traffic at unsociable hours.

PL/13 **CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO DOG EXERCISE PARK INCLUDING CUSTOMER PARKING AREA AT MIDDLE HAYES FARM, GREEN LANE, OVERSEAL, SWADLINCOTE, DE12 6JP.**

The Committee was advised that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing addressed the Committee and outlined the retrospective application.

Councillor A Wheelton raised concerns regarding the amplified noise and the type of lighting used.

Councillor A Jones raised concerns regarding the operating times during weekends and the impact it would have on local residents.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to Condition 3 restricting the hours of operation on Saturdays and Sundays to 09:00 hours to 17:00 hours. The Committee approved two additional conditions to restrict and prevent amplified noise and the type of lighting and maintenance to be approved.

Councillor N Atkin left the meeting.

PL/14 **LISTED BUILDING CONSENT FOR THE CONVERSION AND EXTENSION OF BUILDINGS TO PROVIDE COMMERCIAL, RECREATIONAL AND EDUCATIONAL USES, AND THE DEMOLITION OF A SECTION OF RETAINING WALL ELVASTON CASTLE COUNTRY PARK, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP.**

The Planning Delivery Team Leader presented the report to the Committee noting amendments to conditions 5 and 6. The proposed works were outlined and approval for the listed building consent was sought.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor D Corbin requested clarity regarding the removal of an historic wall and which buildings were to be restored.

The Planning Delivery Team Leader clarified which part of the wall was to be removed and which listed buildings were to be restored.

Members discussed the design features of the new build, the demolition of the historic wall and the impact on the conservation area.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) as the Committee considered the café to be of poor design and would impact on the heritage assets and that the loss of the historic wall would be contrary to Policies BNE2 and BNE10.

Councillor N Atkin returned to the meeting.

PL/15 **CHANGE OF USE OF PART OF THE AMENITY LAND AT EGGINGTON ROAD TO ALLOW FOR AN ACCESS DRIVEWAY AND DROPPED KERB TO HOUSES 77, 79 AND 81 EGGINGTON ROAD TO FACILITATE VEHICLE PARKING**

The Planning Delivery Team Leader addressed the Committee and delivered the report noting the objections received from the Parish Council, and highways. The Committee was requested to consider refusal of the application as laid out in the report.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

RESOLVED:

That planning permission be refused as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/16 **ERECTION OF A SINGLE STOREY SIDE EXTENSION TO HOUSE A SHOWER ROOM AT PARK FARM, ASH LANE, ETWALL, DERBY, DE65 6HT**

The Planning Delivery Team Leader addressed the Committee and presented the report summarising the proposals.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/17 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND ACCESS ADAPTATIONS AT 23 ARTHUR STREET, CASTLE GRESLEY, SWADLINCOTE, DE11 9HG**

The Senior Planning Officer delivered the report to the Committee and outlined the application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/18 **INSTALLATION OF DROPPED KERB AND HARD STANDING INCLUDING ASSOCIATED ENGINEERING WORKS AT 60 COTON PARK, LINTON, SWADLINCOTE, DE12 6RE.**

The Head of Planning and Strategic Housing addressed the Committee and outlined the application, noting the gradient of the slope and the comments received by the Highways Authority.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/19 **PLANNING AND OTHER APPEALS**

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

Reference	Place	Ward	Outcome	Decision level
DMOT/2022/0641	Newhall	Newhall &	Dismissed	Delegated
DMPA/2022/0673	Melbourne	Stanton	Dismissed	Delegated
DMPA/2021/1442	Church	Melbourne	Allowed	Delegated
DMPA/2021/1196	Broughton Bretby	Hilton Repton	Allowed & no costs awarded	Committee

PL/20 **DEED OF VARIATION – LAND AT BROOMY FARM**

The Planning Delivery Team Leader addressed the Committee and presented the report regarding amendments to the Section 106 Agreement that included the figure payable for healthcare provision.

Councillor A Wheelton raised concerns regarding the loss of GP surgeries and the need to enhance the healthcare hubs to increase capacity.

RESOLVED:

2.1 The Committee approved the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation (DoV) to include amendments to be made to the definition of the Healthcare Contribution

which would be payable in accordance with the ninth schedule of the Section 106 Agreement– Healthcare Contribution. This was based upon recommendations that had been received from Swadlincote Primary Care Network.

2.2 *The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.*

PL/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 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.

PL/22 **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 21:20 hours.

COUNCILLOR D SHEPHERD

VICE-CHAIR

PLANNING COMMITTEE

27 June 2023

PRESENT:

Labour Group

Councillor G Jones (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Carroll, I Hudson, A Jones, L Mulgrew and K Storey.

Conservative Group

Councillors A Kirke, K Haines and D Muller.

Non-Grouped

Councillor A Wheelton.

In Attendance

Councillor G Andrew
Councillor P Watson
Councillor Gee

PL/23 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor J Davies (Liberal Democrats).

PL/24 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of Planning Committee meetings held on 23 August 2022 and 20 September 2022 were noted, approved as a true record and signed by the Chair.

PL/25 **DECLARATIONS OF INTEREST**

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

PL/26 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEE

PL/27 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/28 **STOCKMANS REST CABIN AT LAND ADJACENT TO STOCK BUILDING, OFF HOON LANE, HILTON, DERBY**

The Committee was informed that Members had attended at site visit earlier in the day.

The Planning Delivery Team Leader addressed the Committee and outlined the application noting that no objections had been received and that the proposal was cognisant of the Local Plan.

Members discussed the necessity to ensure that it was not used for overnight accommodation and that it was constructed as a temporary building.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to a condition to explicitly ensure that the building was made of a temporary construction.

PL/29 **CHANGE OF USE AND CONVERSION OF THE EXISTING BUILDING INTO A HOLIDAY LET AT 11 WILNE LANE, SHARDLOW, DERBY, DE72 2HA.**

The Committee was informed that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing addressed the Committee and presented the report. The Head of Planning and Strategic Housing summarised the points raised by the Objector who had previously addressed the Committee. The proposal was then outlined and it was noted that no objections had been received from statutory consultees and that 13 letters of support had been submitted. The proposals were presented the Committee in summary.

The Applicant attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor P Watson addressed the Committee and raised concerns on behalf of local residents.

Members discussed the requirement of a proposed rear elevation window, the position of parking spaces and sought clarity regarding retention of the footpath.

The Head of Planning and Strategic Housing confirmed that parking would be next to the hedge which was not proposed to be removed and that conditions could be attached in regard to the rear elevation window and the retention of the footpath.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to two additional conditions relating to the removal of a window that served the kitchen area and the retained footpath would remain free from impediment.

PL/30 **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.

PL/31 **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 18:55 hours.

COUNCILLOR G JONES

CHAIR

PLANNING COMMITTEE

08 August 2023

PRESENT:

Labour Group

Councillor G Jones (Chair) and Councillor Shepherd (Vice-Chair)
Councillors J Carroll, M Gee, I Hudson, A Jones, L Mulgrew and K Storey.

Conservative Group

Councillors N Atkin (substituting for Councillor D Muller) and A Kirke.

Liberal Democrats

Councillor G Andrew (substituting for Councillor J Davies).

Non-Grouped

Councillor A Wheelton.

In Attendance

Councillor M Fitzpatrick
Councillor S Taylor
Councillor N Tilley
Councillor P Watson

PL/32 **APOLOGIES**

The Committee was informed apologies had been received from Councillors K Haines and D Muller (Conservative Group) and Councillor J Davies (Liberal Democrats).

PL/33 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor J Carroll declared a personal interest in item PL/46 by virtue of being a Member of Melbourne Parish Council.

The Committee was informed that Councillor A Kirke declared a personal interest in item PL/41 by virtue of being a Member of Etwall Parish Council.

PL/34 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

MATTERS DELEGATED TO COMMITTEEPL/35 **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 Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/36 1.1 **INSTALLATION OF FLOODLIGHTING SYSTEM TO THE NORTHERN MOST TENNIS COURTS AT MELBOURNE TENNIS CLUB AT MELBOURNE SPORTS PAVILION, COCKSHUT LANE, MELBOURNE, DERBY, DE73 8DG**

The Planning Delivery Team Leader presented the report and highlighted the application was in line with policy and that no objections had been received from the statutory consultees.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Councillor Carroll addressed the Committee as the Ward Member for Melbourne and raised concerns on behalf of the local residents.

Members discussed the restriction of floodlighting hours of use.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery), subject an amendment to condition 3 for the use of floodlighting to be restricted to between the hours of 08:00 hours and 20:00 hours.

PL/37 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND THE INSTALLATION OF A HARD STANDING AT 27 MAPLE ROAD, MIDWAY, SWADLINCOTE, DE11 0EZ**

The Planning Delivery Team Leader presented the application to the Committee confirming that the Council owned the property and that no objections had been received from the statutory consultees.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/38 **THE VARIATION OF CONDITION NO. 3B (BIODIVERSITY NET GAIN) OF PERMISSION REF. DMPA/2019/0931**

The Planning Delivery Team Leader presented the details of the application to enable delivery of biodiversity net gain. The Derbyshire Wildlife Trust had not raised any objections to the amendment of the condition.

The Application attended the meeting and addressed the Committee regarding the application.

Councillor Taylor addressed the Committee as Ward Member for Woodville as raised concerns on behalf of the local residents.

Members raised questions regarding the outline plan, the original build layout, how biodiversity would be applied to the site and the statistics of biodiversity for the site.

The Planning Delivery Team Leader confirmed that the developer had improved the scheme for public open spaces and reduced the number of dwellings with landscaping and biodiversity being included at Phase 1 and that Phase 2 would include ecology recommendations.

RESOLVED:

That planning permission be deferred for the consideration of the two applications ref DMPA/2019/0931 and DMPA/2022/1159 together, along with a table to be presented showing Biodiversity Net Gain on the site and what shortfall of unit equates to in hectares.

PL/39 **APPROVAL OF RESERVED MATTERS (LANDSCAPING, LAYOUT, SCALE AND APPEARANCE) PURSUANT TO PHASE 1 (RESIDENTIAL DEVELOPMENT OF UP TO 75 DWELLINGS) OF OUTLINE APPLICATION DMPA/2019/0931 FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, A LOCAL CENTRE COMPRISING A 1,600SQM FOOD STORE (CLASS A1 USE), 700SQM RESTAURANT/FAST FOOD (CLASS A3 USE) AND 550SQM PUB (CLASS A4 USE), TOGETHER WITH EMPLOYMENT LAND CONSISTING OF 2,000SQM CLASS B1(B) RESEARCH AND DEVELOPMENT AND/OR B1(C) LIGHT INDUSTRIAL USES, 4,000SQM CLASS B2 GENERAL INDUSTRIAL USES AND 8,000SQM CLASS B8 STORAGE AND DISTRIBUTION USES, TOGETHER WITH ACCESS FROM THE WOODVILLE REGENERATION ROUTE (TO BE DELIVERED BY OTHERS), AND PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED DRAINAGE INFRASTRUCTURE**

The Planning Delivery Team Leader presented the application's highlights to the Committee, noting there had been no objections from the statutory consultees. The Planning Delivery Team Leader informed the Committee that the application was acceptable in principle with access for 75 dwellings from Moira Road.

The Applicant attended the meeting and addressed the Committee regarding the application.

RESOLVED:

That planning permission be deferred for consideration of the two applications ref DMPA/2019/0931 and DMPA/2022/1159 together along with a table to be presented showing Biodiversity Net Gain on the site and what shortfall of unit equates to in hectares.

PL/40 **REDEVELOPMENT OF VACANT SITE TO PROVIDE THREE STOREY DEVELOPMENT COMPRISING 28 SUPPORTED LIVING APARTMENTS WITH A MIXTURE OF 1 BED 2 PERSON AND 2 BED 3 PERSON APARTMENTS, INCLUDING COMMUNAL SPACES, COMMUNAL GARDENS AND ASSOCIATED PARKING.**

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

The Planning Delivery Team Leader presented the application to the Committee. It was noted that the design of the building had been reduced to two storeys with conditions included relating to flooding. The Committee was informed that there were no objections from the Highways Authority.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members expressed concerns regarding the number of parking spaces, facilities for staff and visitors, Tree Preservation Orders and materials to be used for the boundary screening.

The Planning Delivery Team Leader confirmed to the Committee that the scheme had been amended to maximise the car parking facilities, that the boundary screening between the site and number 31 Askew Grove would be made of solid brick and railing and the trees along the west of the site were covered by Tree Preservation Orders.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/41 **THE ERECTION OF A DWELLING AND DOUBLE DETACHED GARAGE AND CREATION OF ASSOCIATED ACCESS AND NEW ACCESS TO THE HOST DWELLING AT 16 CHURCH HILL, ETWALL, DERBY.**

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

The Planning Delivery Team Leader presented the application to the Committee highlighting that the site was within the settlement boundary and Etwall Conservation Area.

An Objector attended the meeting and addressed the Committee regarding the application.

Councillor Kirke addressed the Committee as Local Ward Member and raised concerns on behalf of the local residents noting that the removal of trees would potentially create a visibility issue to the adjoining property.

Members raised concern regarding the removal of trees and how it would be approved.

The Planning Delivery Team Leader confirmed that consent to remove trees would be included with the planning permission.

RESOLVED:

That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) for the reasons related to poor design and loss of open character, impact on neighbour amenity, the loss of trees, it harmful impact to the character and appearance of the Conservation Area.

PL/42 **INSTALLATION OF DROPPED KERB AND HARD STANDING INCLUDING ASSOCIATED GROUND WORKS AT 36 COTON PARK, LINTON, SWADLINCOTE,**

The Planning Delivery Team Leader presented the application from South Derbyshire District Council for housing adaptations to improve disabled access.

Councillor Wheelton suggested that a precedent was set on individual applications to mitigate the loss of garden space and include the planting of shrubs.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/43 **THE VARIATION OF CONDITION 31 OF OUTLINE PERMISSION REF. DMPA/2020/0543 (RELATING TO THE RESIDENTIAL DEVELOPMENT OF UP TO 1,100 DWELLINGS, AN EXTRA CARE FACILITY, A LOCAL CENTRE COMPRISING: A SMALL SUPERMARKET WITH A FLOORSPACE NOT EXCEEDING 1000 SQM (NET); A SMALLER RETAIL UNIT WITH A TOTAL FLOORSPACE NOT EXCEEDING 200SQM (NET); A CAFE/RESTAURANT WITH A FLOORSPACE NOT EXCEEDING 200 SQM (NET); A PUBLIC HOUSE WITH A FLOORSPACE NOT EXCEEDING 650 SQM (NET); A DOCTORS**

SURGERY OR CRÈCHE; AND A COMMUNITY FACILITY, AS WELL AS A PRIMARY SCHOOL TOGETHER WITH ASSOCIATED PLAYING FIELDS AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE (INCLUDING ROADS, FOOTPATHS, CYCLEWAYS, SUSTAINABLE URBAN DRAINAGE AND OPEN SPACE)) ON LAND AT NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER, DERBY, DE3 0DN.

The Head of Planning and Strategic Housing presented the application details to the Committee which had been deferred at the 07 March meeting.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members discussed the Section 106 Agreement funding, the provision of a primary school, the updated Environmental Impact Assessment, the traffic survey, impact to A38 junction and whether South Derbyshire District Council had requested a traffic management report.

The Head of Planning and Strategic Housing informed the Committee that the applicant had provided statistics to Derby City Council in response to their concerns regarding movement of traffic and it was less than originally estimated. The Section 106 Agreement funding was linked into the phasing requirements and the Highways Agency were expert advisors to the government.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/44

APPROVAL OF RESERVED MATTERS FOR ROADS, LANDSCAPED OPEN SPACE, AND DRAINAGE WORKS PROVISION INCLUDING SUSTAINABLE DRAINAGE FEATURES (ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2020/0543 FOR 1,100 DWELLINGS ON LAND AT NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER, DERBY, DE3 0DN.

The Head of Planning and Strategic Housing presented the application details to the Committee. The response from Derbyshire Wildlife Trust, the Ecology report and Ecology Strategy were noted. The Committee was informed that no objections had been received from the Highways Authority or Lead Flood Agency.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

The Head of Planning and Strategic Housing confirmed that individual comments received from objectors were not published, however, the reports from statutory consultees were included with the planning application information available on the web site.

Members raised queries regarding the drainage pond and the inclusion of a water feature, the type of trees included on the plan, the provision of sports fields, sustainable travel links and best practice for mowing around SUDs.

The Head of Planning and Strategic Housing informed the Committee that appropriate trees for the site were planned, the new roadway had a footpath, the applicant would be made aware of the request for a feature for the SUDs and that sports facilities may be included at a later stage of the application and that an informative could be included regarding best practices on mowing around SUDs.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/45

PROPOSED NEW HIGHWAY ENTRANCE WITH DRIVEWAY STANDING AND TURNING AREA AND ELECTRIC CAR CHARGING POINT, 4NO TREES TO BE REMOVED, AND THE CONVERSION OF AN OUTBUILDING TO HABITABLE SPACE AT 125 PENN LANE, MELBOURNE, DERBY, DE73 8EP.

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

The Head of Planning and Strategic Housing presented the application to the Committee. It was noted that no objections had been received from the South Derbyshire District Council Tree Officer, but objections had been received from Melbourne Civic Society and Melbourne Parish Council.

A Supporter of the application attended the meeting and addressed the Committee regarding the application.

Councillor Carroll addressed the Committee as Ward Member for Melbourne and raised concern regarding the impact on the street scene and the Conservation Area.

Members expressed concerns about the felling of the trees.

The Head of Planning and Strategic Housing confirmed that the building was registered at risk and that the Planning Officer had recommended that the scheme be amended from a three storey to a two-storey build.

RESOLVED:

That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to the loss of trees and that the impact on the character and appearance of the Conservation Area did not outweigh the public benefit.

PL/46 **THE VARIATION OF DEMOLITION OF EXISTING BUILDING AND DEVELOPMENT OF FIVE NEW DWELLINGS WITH ASSOCIATED AMENITY SPACE AND CAR PARKING (LINKED TO DMPA/2023/0676) AND DEMOLITION OF MELBOURNE COMMUNITY CENTRE (SENIOR CITIZEN'S CENTRE) BUILDING (LINKED TO DMPA/2023/0673)**

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

The Planning Delivery Team Leader presented the details of the two applications within Melbourne Conservation Area to the Committee. There were no objections from statutory consultees or the Council's tree officer. An objection had been received from Melbourne Civic Society.

An objector and the applicant's agent addressed the Committee.

Councillor Carroll addressed the Committee as Ward Member for Melbourne and noted that the re-development of the site is acceptable to enhance Melbourne conservation, however, this plan was a disappointment and did not reflect the historic image of the village. A design guide was not mentioned in the report, parking and refuse bin placement was not appropriate, and noise and odour from the public house next door was noticed. A building fronting onto the street would be more suited to Melbourne.

As Local Ward Member, Councillor Fitzpatrick addressed the Committee on behalf of a local resident in objection to the application.

Members raised questions about the Copper Beech on the site and if a Tree Preservation Order was appropriate.

The Planning Delivery Team Leader confirmed that the Copper Beech tree was unlikely to be put under a Preservation Order.

RESOLVED:

That planning permission be refused for DMPA/2023/0673, contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to poor design, the loss of trees and the harmful impact on the character and appearance of the Conservation Area.

That planning permission be refused for DMPA/2023/0676, contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to loss of the building in the absence of an approved replacement scheme would be detrimental to the character and appearance of the Conservation Area.

PL/47 **CHANGE OF USE OF LAND TO PERMIT THE DEVELOPMENT OF A CONTAINER STORAGE FACILITY AT BADGER FARM, WILLOWPIT LANE, HILTON, DERBY, DE65 5FN.**

The Head of Planning and Strategic Housing presented the application details to the Committee.

The Applicant’s Agent attended the meeting and addressed the Committee regarding the application.

Members raised a concern regarding the 18 month period referred to in condition 5 as it may have impacted on the business viability.

The Head of Planning and Strategic Housing informed Members that the condition was placed on the application to assess how the site was operating in practice.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the removal of condition 5.

PL/48 **Planning and Other Appeals**

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

Reference	Place	Ward	Outcome	Decision Level
DMPA/2022/0838	Bretby	Repton	Allowed and no costs awarded	Committee
DMPA/2021/1014	Lullington	Seales	Dismissed	Committee

PL/49 **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.

PL/50 **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 21:35 hours.

COUNCILLOR G JONES

CHAIR

HOUSING & COMMUNITY SERVICES COMMITTEE

09 March 2023

OPEN

PRESENT:

Labour Group

Councillor Rhind (Chair) and Councillor M. Mulgrew (Vice-Chair) and Councillors Dunn, Richards, Shepherd, and Southerd (Substitute for Councillor Heath).

Conservative Group

Councillors Corbin, Lemmon, Patten and Smith.

In attendance

Councillor Wheelton

HCS/80 APOLOGIES

The Committee was informed that apologies had been received from Councillors Heath (Labour Group), Councillors Dawson and Redfern (Conservative Group) and Councillor Roberts (Independent Group).

HCS/81 DECLARATIONS OF INTEREST

The Committee noted that a Personal Declaration of Interest had been received from Councillor Smith in relation to Item HCS/91.

HCS/82 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.

HCS/83 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

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

MATTERS DELEGATED TO COMMITTEE**HCS/84 CORPORATE PLAN 2020-24 PERFORMANCE REPORT (2022-23 QUARTER 3 – (1 APRIL TO 31 DECEMBER))**

The Strategic Director (Service Delivery) presented the report to the Committee and outlined the key areas regarding targets and the risk register.

RESOLVED:

1.1 *The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.*

1.2 *The Risk Register for the Committee's services were reviewed.*

HCS/85 BEAT THE STREET UPDATE

The Head of Cultural and Community Services presented the report to the Committee noting the launch date of Beat the Street and the various forms of publicity used to promote the project. The Head of Cultural and Community Services summarised the key objectives of the project.

Members commended the project and hoped that the project would be extended to reach rural areas in the future.

RESOLVED:

1.1 *The Committee noted the upcoming Beat the Street project and promote it across their networks.*

HCS/86 COMMITTEE WORK PROGRAMME

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

RESOLVED:

That the Committee considered and approved the updated work programme.

HCS/87 LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)

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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

ANY EXEMPT QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

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

COMMUNITIES TEAM SERVICE ASSISTANT

RESOLVED:

That the Committee approved the recommendations in the report.

LONG TERM LEASE TO ROSLISTON, SEALES AND LINTON SCOUT GROUP

RESOLVED:

That the Committee approved the recommendations in the report.

LEISURE MANAGEMENT CONTRACT PROCUREMENT

RESOLVED:

That the Committee approved the recommendations in the report.

The meeting terminated at 18:30 hours.

COUNCILLOR G RHIND

CHAIR

HOUSING & COMMUNITY SERVICES COMMITTEE

25 April 2023

OPEN

PRESENT:

Labour Group

Councillor Rhind (Chair) and Councillor M. Mulgrew (Vice-Chair) and Councillors Dunn, Heath Richards and Shepherd.

Conservative Group

Councillors Corbin, Dawson, Ford (Substitute for Cllr Smith), Lemmon

In attendance

Councillor Wheelton

HCS/92 APOLOGIES

The Committee was informed that apologies had been received from Councillors Patten, Smith and Redfern (Conservative Group) and Councillor Roberts (Independent Group).

HCS/93 DECLARATIONS OF INTEREST

The Committee noted that Councillor Ford Declared a Personal Interest in HCS/100 by virtue of being a County Councillor.

HCS/94 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.

HCS/95 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

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

MATTERS DELEGATED TO COMMITTEE

HCS/96 COUNCIL HOUSE LETTINGS AND VOID PROPERTIES

The Head of Housing presented the report to the Committee noting the revised action dates regarding the Overview and Scrutiny

recommendations The Committee was informed that the Housing Contractor would batch properties by street or area to enable work to be carried out more efficiently.

Councillor Lemmon welcomed the improvements welcomed, the new contractor and noted the importance of the weekly meetings with Novus.

RESOLVED:

1.1 The Committee noted the progress towards the targets and improvement plan agreed in the Report to the Overview and Scrutiny Committee of 04 January 2023.

1.2 The Committee approved the revised dates in the Improvement Plan and that the performance at the end of Quarter 1, 2023/24 was to be included in the Corporate Performance report.

HCS/97 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented to report to the Committee, noting that Committee dates and additional reports would be added the to Work Programme and reported at the next meeting.

RESOLVED:

1.1 That the Committee considered and approved the updated work programme.

HCS/98 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

ANY EXEMPT QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

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

BETTER CARE FUNDING ALLOCATION – FINANCIAL POSITION

RESOLVED:

That the Committee approved the recommendations in the report.

The meeting terminated at 18:20hours

COUNCILLOR G RHIND

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

27 April 2023

PRESENT:

Labour Group

Councillor Pearson (Chair), Councillor Rhind (Vice-Chair) and Councillors M Mulgrew, Richards, Taylor and Tilley.

Conservative Group

Councillors Dawson, Fitzpatrick, Ford, Lemmon, Smith and Watson.

Non-Grouped

Councillor Churchill.

In Attendance

Councillor Wheelton

FM/154 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Southerd (Labour Group) and Councillor Churchill (Non-Grouped).

FM/155 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of the Audit Sub-Committee meetings held on 25 August, 06 October 2022, 24 November 2022, 12 January 2023 and 09 February 2023 and the Audit Sub-Committee Meeting held on 08 March 2023 were noted, approved as a true record and signed by the Chair.

FM/156 **DECLARATIONS OF INTEREST**

The Committee was informed that declarations of personal interest had been received from Councillor Taylor and Councillor Smith regarding item FM/142 by virtue of being Parish Councillors.

FM/157 **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/158 **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/159 **REPORTS OF OVERVIEW AND SCRUTINY**

The Committee was informed that no reports from the Overview and Scrutiny Committee had been received.

FM/160 **COMMITTEE WORK PROGRAMME**

The Head of Finance presented the report to the Committee.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/161 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

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

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETINGS:

The minutes of the 25 August 2022, 06 October 2022, 24 November 2022, 12 January 2023 and 09 February 2023 were received.

QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions had been received.

AUDIT OF THE HOUSING BENEFITS SUBSIDY CLAIM

RESOLVED:

The Committee approved the recommendations in the report.

CUSTOMER SERVICES – JEQ GRADING OF BENEFITS TEAM POSTS

RESOLVED:

The Committee approved the recommendations in the report.

BETTER CARE FUND UPDATE

RESOLVED:

The Committee approved the recommendations in the report.

CONSULTATION ON PLANNING FEE INCREASE AND STAFFING CHANGES

RESOLVED:

The Committee approved the recommendations in the report.

GREEN WASTE PROCESSING CONTRACT

RESOLVED:

The Committee approved the recommendations in the report.

The meeting terminated at 18:25 hours

COUNCILLOR R PEARSON

CHAIR

HOUSING & COMMUNITY SERVICES COMMITTEE

01 June 2023

OPEN

PRESENT:

Labour Group

Councillor G Rhind (Chair) and Councillor M Mulgrew (Vice-Chair)
and

Councillors A Archer, S Harrison, A Haynes, J Jackson, V Redfern
(substituting for Councillor Shepherd) and A Tilley.

Conservative Group

Councillors M Ford, K Haines (substituting for Councillor D Corbin)
and A Kirke.

In attendance

Councillor N Atkin

Councillor A Wheelton

HCS/01 APOLOGIES

The Committee was informed that apologies had been received from
Councillors D Pegg and D Shepherd (Labour Group) and Councillor D
Corbin (Conservative Group).

HCS/02 OPEN MINUTES

The Open Minutes of the Meetings held on 05 January 2023 and 02
February were approved as a true record and signed by the Chair.

HCS/03 DECLARATIONS OF INTEREST

The Committee noted that no Declarations of Interest had been received.

HCS/04 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.

HCS/05 QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL
PROCEDURE RULE NO 11

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

MATTERS DELEGATED TO COMMITTEE

HCS/06 **CORPORATE PLAN 2020-24: PERFORMANCE REPORT (202202023 QUARTER 4 – 1 APRIL TO 31 MARCH)**

The Strategic Director (Service Delivery) presented the quarterly report and the Risk Register to the Committee outlining the seven measures for this Committee of which five were on track. Section 4.5 of the report provided the details of the two measures not on track this quarter.

Members noted the successes highlighted in the report and requested and updated on Careline and sought more detail about several void properties and requested a viewing of the sites.

The Head of Housing clarified that there was substantial work required at the void properties and noted that since January there had been an improvement in progress and properties were being returned within 21-25 days. It was agreed that the Head of Housing would arrange a site visit to some of the void properties. The Head of Housing confirmed that the warden and call-out service, Careline, was operated by Derbyshire County Council and South Derbyshire District Council and on a joint basis and that South Derbyshire District Council would be conducting a separate review of the service which would be presented to Committee in due course.

RESOLVED:

1.1 The Committee approved progress against performance targets set out in the Corporate Plan 2020-2024.

1.2 The Risk Register for the Committee's services were reviewed.

HCS/07 **COUNCIL ANTI-SOCIAL BEHAVIOUR POLICY REVIEW**

The Head of Cultural and Community Services addressed the Committee and presented the report that outlined how the Council dealt with different types of anti-social behaviour. The Head of Cultural and Community Services noted the cross team working in the Council and that the policy included changes due to legislation.

Members welcomed the report and sought clarity on the implementation of the policy.

The Head of Cultural and Community Services confirmed how a Community Safety Officer and allocated funding for specific initiatives would bring about improvements referred to in the policy.

RESOLVED:

1.1 The Committee approved the Corporate Anti-Social Behaviour (ASB) Policy.

HCS/08 **PARKS AND GREEN SPACES SERVICE STANDARDS POLICY REVIEW**

The Head of Cultural and Community Services presented the report informing the Committee how the policy had undergone a title change and included legislative and other changes such as inclusion of the Forestry Centre, Tree Policy and the Environment Education Team.

Members raised queries regarding trees covered by the policy and the employment position of a Tree Officer.

The Head of Cultural and Community Services confirmed that only trees on South Derbyshire District Council land were covered by the policy and that there would be a separate policy for Tree Management which was not covered in the policy. The Committee was informed that Council employed a Tree Officer on a part time basis with a new officer currently being trained and that the structure of the Tree Officers was to be reviewed.

RESOLVED:

1.1 The Committee agreed and approved the Parks and Green Spaces Service Standards Policy.

HCS/09 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Service Delivery) presented the work programme to the Committee.

RESOLVED:

1.1 The Committee considered and approved the updated work programme.

HCS/10 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT MINUTES

The Exempt Minutes of the Meeting held on 02 February 2023 were received.

ANY EXEMPT QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO 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 18:40 hours

COUNCILLOR G RHIND

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

08 June 2023

PRESENT:

Labour Group

Councillor R Pearson (Chair), Councillor L Singh (Vice-Chair) and Councillors S Harrison, M Mulgrew, G Rhind, B Stuart, S Taylor and N Tilley.

Conservative Group

Councillors D Corbin, M Fitzpatrick, M Ford and D Muller.

In Attendance

Councillor A Wheelton

FM/01 **APOLOGIES**

The Committee was informed that no apologies had been received.

FM/02 **DECLARATIONS OF INTEREST**

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

FM/03 **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/04 **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/05 **REPORTS OF OVERVIEW AND SCRUTINY**

The Committee was informed that no reports from the Overview and Scrutiny Committee had been received.

FM/06 **CORPORATE PLAN 2020-24: PERFORMANCE REPORT (2022-2023 QUARTER 4 – (1 APRIL TO 31 MARCH))**

The Chief Executive addressed the Committee and presented the report highlighting the key areas of interest within the report.

Councillor Fitzpatrick raised a query regarding the reporting of Health and Safety issues by staff.

The Chief Executive informed the Committee that the Employee Health and Safety Committee met on a regular basis, any issues raised by colleagues would be reported to and discussed at this Committee.

Members sought clarity regarding the benchmarking and reporting of sickness absence.

The Chief Executive advised the Committee that the benchmarking for sickness absence needed to be benchmarked against other authorities, the private sector, and that sickness absence was reported in the same way when working from home.

Councillor Corbin raised a query regarding the progress of carbon neutrality.

The Chief Executive confirmed that a report would be presented to the Committee in October.

RESOLVED:

1.1 The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.

1.2 The Committee reviewed the Risk Register(s) for the Committee's services.

FM/06 **CONSULTATION OF CUSTOMER ACCESS STRATEGY 2023-2026**

The Head of Customer Services presented the report to the Committee outlining the main areas of the report and sought approval of the recommendations.

Councillor Fitzpatrick raised a query regarding customer telephone calls and the type of complaints received from residents.

The Head of Customer Services informed the Committee that the call abandonment had improved from 43 percent down to 15 percent and that improvements were being made continuously.

The Chief Executive addressed the Committee and explained that a trend analysis of complaints would be looked at to try to prevent repeating complaints.

Members raised concerns regarding the lack of focus on face to face contact with officers, current working arrangements, a heavy reliance on telephone contact and the use of IT. It was suggested that Area Forums be included in the consultation.

RESOLVED:

- 1.1 The Committee considered and approved the Customer Access Strategy for public consultation.**
- 1.2 The Committee considered and approved the scoping document that outlined the parameters for consultation.**
- 1.3 The Committee noted that the Customer Access Strategy and supporting documents would be returned to a future committee meeting for final approval.**
- 1.4 The Committee approved that delegated authority be given to the Chair of Finance and Management and the Chief Executive to finalise the consultation document prior to the commencement of consultation to ensure the comments of the Committee had been considered.**
- 1.5 The Committee approved that the consultation period be extended to take into account the dates for the next Area Forum meetings.**

FM/07 **COMMITTEE WORK PROGRAMME**

The Head of Finance presented the report to the Committee.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/08 **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.

QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions had been received.

FORMER TENANT ARREARS WRITE OFF

RESOLVED:

The Committee approved the recommendations in the report.

WRITE OFF COUNCIL TAX BUSINESS RATES BENEFIT OVERPAYMENT

RESOLVED:

The Committee approved the recommendations in the report.

The meeting terminated at 18:45 hours.

COUNCILLOR R PEARSON

CHAIR

OVERVIEW AND SCRUTINY COMMITTEE

14 June 2023

PRESENT:

Labour Group

Councillor S Bambrick (Chair) and Councillor M Gee (Vice-Chair)
and Councillors A Jones, L Mulgrew and A Tilley.

Conservative Group

Councillors N Atkin and J Lowe.

OS/01 **APOLOGIES**

The Committee was informed that apologies no had been received.

OS/02 **MINUTES**

The Committee received the minutes of the meetings held on 31 August 2022, 12 October 2022, 04 January 2023 and 08 February 2023.

OS/03 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

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

OS/04 **QUESTIONS RECEIVED BY 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.

OS/05 **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.

MATTERS DELEGATED TO COMMITTEE

OS/06 **SETTING THE OVERVIEW AND SCRUTINY WORK PROGRAMME 2023/24**

Purpose

The Committee has an annual work programme, which appears as an item on each meeting's agenda for consideration and approval. The Committee noted that the meeting was to determine the Committee Work Programme for 2023/24 and as such the Committee made the following proposals.

Proposals

1) Housing Repairs and Maintenance Contractor

An item brought forward from the 2022/23 Work Programme. A discussion took place and it was agreed that the housing repairs and maintenance contractor (NOVUS) would be invited to provide an update.

A verbal update was requested and was allocated to the 22 November 2023 meeting.

2) Budget Setting Approach 2024/24

A discussion took place regarding changes to the approach of future budgets setting and how discussions would take place prior to setting the budgets would take place and that Members would be consulted in relation to the Medium-Term Financial Plan.

A number of reports would be brought to the Committee, dates of the meetings were to be confirmed.

3) Section 106 Agreement Funding

A discussion on the topic included references to how and when funding was received, the amounts available in each Ward and how timely funding was spent.

A report was requested and was allocated to the 11 October 2023 meeting.

4) Housing Relets and Void Properties – Update

An item brought forward from the 2022/23 Work Programme. A discussion took place and it was agreed that an update on progress should be provided by the Head of Housing.

A report was requested and was allocated to the 30 August 2023 meeting.

5) Community Buildings

A discussion on the topic included references to the use of community buildings, the number of buildings in each Ward, the best use of the buildings, how the use of such buildings was advertised, income generation and best value for money.

A report was requested and was allocated to the 14 February 2024 meeting.

6) East Midlands Airport Update

An item brought forward from the 2022/23 Work Programme. It was agreed that representatives from East Midlands Airport were to be invited to attend the meeting to provide an update.

A verbal update was requested and was allocated to the 27 March 2023 meeting.

7) RIPA

A standard item on the Work Programme. Quarterly reports were allocated to meetings taking place on 30 August 2023, 22 November 2023 and 14 February 2023.

OS/07 **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.

OS/08 **EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

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

The Meeting terminated at 19:10 hours

COUNCILLOR S BAMBRICK

CHAIR

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

05 July 2023

PRESENT:

Representatives of South Derbyshire District Council

Labour Group

Councillor D Shepherd (Chair)

Councillor L Singh

Conservative Group

Councillor D Muller

Officers

Tracy Bingham – Strategic Director (Corporate Resources)

Donna Foster – Democratic Services

Representatives of John Port Spencer Academy

Governing Body

Marie Walker-Endsor - School Governor

Danny Parker – School Governor (Vice-Chair)

Representatives of Active Nation

Roger Nicky

In attendance

Councillor Graham Andrew

EL/01 **APPOINTMENT OF CHAIR**

Nominations for the position of Chair were requested.

RESOLVED:

That Councillor David Shepherd be appointed Chair for the period ending July 2024.

EL/02 **APPOINTMENT OF THE VICE-CHAIR**

Nominations for the position of Vice-Chair were requested.

RESOLVED:

That Danny Parker (School Governor) be appointed Vice-Chair for the period ending July 2024.

EL/03 **APOLOGIES**

The Committee was informed that no apologies had been received.

EL/04 **OPEN MINUTES**

The Open Minutes of the Meetings held on 11 January 2023 and 26 April 2023 were noted and approved as a true record and signed by the Chair.

EL/05 **DECLARATIONS OF INTEREST**

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

EL/06 **ACTIVE NATION PERFORMANCE REPORT**

The Active Nation Representative presented the report to the Committee outlining they key areas within the report. It was noted that swimming lessons had dropped due to staff recruitment issues but that had improved due to the recent employment of both new and experienced teachers. A number of points were outlined in more detail which included maintenance issues, brand standards, feedback questionnaires, marketing and staff recruitment.

Danny Parker raised a query regarding new activities.

The Active Nation Representative confirmed that Active Nation that new opportunities were being considered which included the use by football leagues during the summer and swimming activities such as adult swimming lessons.

RESOLVED:

The Committee received and noted the Active Nation Performance Report.

EL/07 **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 paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

EXEMPT MINUTES

The Exempt Minutes of the Meetings held on 26 April 2023 received.

The meeting terminated at hours 17:25 hours.

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

20 July 2023

PRESENT:

Labour Group

Councillor R Pearson (Chair), Councillor L Singh (Vice-Chair) and Councillors A Archer (substituting for Councillor Harrison), M Mulgrew, G Rhind, B Stuart, S Taylor and N Tilley.

Conservative Group

Councillors D Corbin, M Fitzpatrick and S Meghani.

Liberal Democrats

Councillor G Andrew

In Attendance

Councillor M Gee
Councillor A Wheelton

FM/12 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor S Harrison (Labour Group) and Councillor M Ford (Conservative Group).

FM/13 **DECLARATIONS OF INTEREST**

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

FM/14 **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/15 **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/16 **REPORTS OF OVERVIEW AND SCRUTINY**

The Committee was informed that no reports from the Overview and Scrutiny Committee had been received.

FM/17 **TREASURY MANAGEMENT ANNUAL REPORT 2022-23**

The Head of Finance presented the report to the Committee and outlined the key points of the Annual Report with a summary of the out-turn position, confirming that investments were good and there would be scope to increase investments. It was noted that the Counterparty List provided the boundaries for the Council's investments.

Members sought clarity on the position of the Council in comparison to other Local Authorities and how its risk appetite to investments was defined.

The Strategic Director (Corporate Resources) informed the Committee that other Local Authorities had made commercial investments, but the investment rates secured by South Derbyshire were solid. The Strategic Director (Corporate Resources) explain that the Members would be notified about risk factors in due course.

RESOLVED:

- 1.1 The Committee approved the Treasury Management Annual Report for 2022/23, as per Appendix 1 to the report.**
- 1.2 The Committee noted the Prudential Indicators and Limits for 2022/23 to 2027/28 as per Appendix 2 to the report, as approved in February 2023.**
- 1.3 The Committee approved the updated counterparty (lending) list at 31st March 2023, as per Appendix 3 to the report.**

FM/18 **FINAL REVENUE BUDGET OUT-TURN 2022-23**

The Head of Finance presented the report to the Committee, highlighting an additional £200,000.00 funding from business rates which was to assist with a backlog in planning applications. The Housing Revenue Account fund showed an overall improvement, but it was noted that at the year end there was outstanding planned maintenance work and that £330,000.00 from ear marked reserves was to help progress the re-letting of void properties.

The Strategic Director (Corporate Resources) asked the Committee to note that Appendix 2 of the report which showed ear marked reserves supported the Council's corporate aims and were aligned to spend that had been approved by Members.

Members raised questions about the terminology of the report, if the £200,000.00 additional funding had been approved previously and why the provision for Land Charges had no spend against it. Members commented about the need to consider fleet replacement and maintenance costs carefully.

The Strategic Director (Corporate Resources) informed Members that the model for budgeting used in the future would be service driven. The budgetary changes would require a review of the procedural rules and the General Fund and Housing Revenue Account Funds would be addressed in future model

changes. The £200,000.00 additional funding was new and approved within the budget and policy framework delegated authority.

The Chief Executive informed Members that the provision for Land Charges would be used to fund the cleansing of the data prior to the transfer of the service to HM Land Registry.

RESOLVED:

1.1 The Committee approved the final outturn position for:

- **The General Fund Revenue Account 2022/23**
- **The Housing Revenue Account 2022/23**
- **The Balance of Reserves as at 31 March 2023.**

1.2 The Committee noted that a net appropriation of £599K in 2022/23 was made from the General Fund Reserve to other Earmarked Reserves and that a net appropriation of £145k was made from the Earmarked Reserves to the Housing Revenue Account, General Reserve as detailed in the report.

1.3 The Committee noted that the following contributions and adjustments had been made to Bad Debt and Appeal Provisions in 2022/23:

Sundry Debtors	40,436	General Fund
Temporary Accommodation	8,963	General Fund
Housing Benefit Overpayments	72,014	General Fund
Council Tax Arrears	13,576	General Fund
Business Rates Arrears	8,586	General Fund
Business Rates Appeals	283,000	General Fund
Planning Appeals	-10,000	General Fund

1.4 The Committee noted that, overall, there had been a reduction in the bad debt. The reduction contained within the balance sheet was £173k, whilst the annual charge to the general fund base budgets was a favourable variance of £193k.

1.5 The Committee noted that a review of the Earmarked Reserves would be undertaken by the Section 151 Officer before the end of the financial year, as set out in paragraph 5.8 of the report

FM/19 **FINAL CAPITAL OUTTURN 2022-23**

The Head of Finance presented the report in particular Table 4.10 of the report due to Section 106 funding.

Members raised queries on items in the report including the low number of applications for fuel poverty; the reason for an underspend on improvements at play parks and a village hall asset list.

The Head of Finance informed Members that an update would be provided to the queries raised in due course.

Members congratulated Officers on the transformation of the Delph in Swadlincote where improvements had been completed.

RESOLVED:

1.1 The Committee approved the final Capital outturn position for both the General Fund and Housing Revenue Account (HRA) for 2022/23.

1.2 The Committee approved the final balance on Capital Reserves for 2022/23.

FM/20 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report to the Committee highlighting how the programme included the new approach for next year's budget setting.

Councillor Wheelton requested that the Internal Audit report be included on the Audit Sub-Committee Agenda and Councillor Andrew requested that the date for the Proposed Policy for Paying Market Supplements was notified to all Members as soon as possible.

The Strategic Director (Corporate Resources) informed the Committee that the date for the Market Supplements report would not be known until the People Strategy was complete and Members would be updated in due course.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/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 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.

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

The Committee was informed that no questions had been received.

**GRADE OF POST – LEGAL & DEMOCRATIC SERVICES MANAGER
(DEPUTY MONITORING OFFICER)**

RESOLVED:

The Committee approved the recommendations in the report.

The meeting terminated at 18:55 hours.

COUNCILLOR R PEARSON

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

24 August 2023

PRESENT:

Labour Group

Councillor R Pearson (Chair), Councillor L Singh (Vice-Chair) and Councillors S Harrison, A Haynes (substituting for Councillor G Rhind), M Mulgrew, B Stuart, S Taylor and A Tilley (substituting for Councillor N Tilley).

Conservative Group

Councillors M Fitzpatrick, S Meghani and P Watson (substituting for Councillor Ford).

Liberal Democrats

Councillor G Andrew.

In Attendance

Councillor A Archer
Councillor A Wheelton.

FM/24 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors G Rhind and N Tilley (Labour Group) and Councillor Ford (Conservative Group).

FM/25 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of the Audit Sub-Committee meeting held on 21 June 2023 were noted with one amendment to AS/06 to clarify that the question raised by Members related to the Sheltered Housing – Careline 2022-23 item within the report.

FM/26 **DECLARATIONS OF INTEREST**

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

FM/27 **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/28 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

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

FM/29 **REPORTS OF OVERVIEW AND SCRUTINY**

The Committee was informed that no reports from the Overview and Scrutiny Committee had been received.

FM/30 **CORPORATE PLAN 2020-2024: PERFORMANCE REPORT (2023-2024 QUARTER 1 - 1 APRIL TO 30 JUNE)**

The Strategic Director (Corporate Resources) presented the report to the Committee highlighting the progress against targets, the updated Risk Register and the eleven measures for the Committee.

Councillor Taylor referred to the importance of Health and Safety within the Council and was disappointed that training had dipped in that area together and requested an update regarding the post of Health and Safety Officer.

The Strategic Director (Corporate Resources) informed the Committee that a candidate had been interviewed for the post of Health and Safety Officer and an offer of employment would be issued shortly. The Health and Safety policy was expected to be completed during quarter three.

Councillor Harrison raised a query regarding apprenticeships and if there would be any other opportunities for young people noting that two additional positions had been proposed.

The Strategic Director (Corporate Resources) informed the Committee that a follow-up report would be provided.

Councillor Fitzpatrick noted that Health and Safety was an important part of the training schedule and suggested the inclusion of near misses in the report and asked for clarity on staff engagement, sickness and the green rating reported for commercialisation.

The Strategic Director (Corporate Resources) confirmed that near miss reporting was included in the Employee Health and Safety Committee and that a Whistle Blowing policy was in place and staff sickness was monitored. It was explained that the green rating for the commercial target indicated that the measure was on track but that it would be followed up with the Head of Service.

The Chief Executive addressed the Committee and supported the response from the Strategic Director (Corporate Resources) informing the Committee that the Whistle Blowing policy was considerably robust, that the staff engagement sessions had been delivered to 50% of the workforce and would be followed by an Employee Survey in the Autumn and that staff sickness would be addressed by Human Resources with a benchmark exercise taking place across the East Midlands.

RESOLVED:

1.1 The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.

1.2 The Committee reviewed the Risk Register for the Committee's services.

FM/31 **Q1 BUDGET MONITORING REPORT 2023-24**

The Head of Finance presented the quarter one report to the Committee highlighting an overall improvement in the General Fund and favourable movement in the Housing Revenue Account. The Committee were informed of the new format for the report.

Councillor Taylor acknowledged the overspend on household waste and expensive older vehicles but recognised that the Fleet Management Plan would address these concerns. Councillor Taylor highlighted the good work done by Operational Services in taking on the recycling at short notice.

Councillor Harrison asked what timelines are in place for the Job Evaluation Framework report at Committee.

The Strategic Director (Corporate Resources) informed Members that the People Strategy is part of the Council's forward planning and that the Head of Organisational Development would take the Job Evaluation Framework report to Council in February or March next year.

Councillor Fitzpatrick referred to point 3.3 of the report and the year end review of Ear Marked Reserves and asked if this review could take place quarterly, could business rates be reviewed more frequently and for clarity on capital monitoring.

The Strategic Director (Corporate Resources) confirmed that there was a significant amount of Ear Marked Reserves which would be reviewed with a potential transfer to the General Fund and further information would be provided to Members. The business rates reviews would need to be considered with any surplus and would then be verified.

The Head of Finance confirmed that a capital monitoring programme was not a contractor issue, but an allocation issue and further detail would be provided shortly to Members.

Councillor Meghani sought clarity on the item JPS recharge for indoor sports.

The Head of Finance confirmed that the JPS recharge referred to John Port Spencer Academy in Etwall.

RESOLVED:

1.1 The Committee noted the position and provided any comments it had on the latest revenue and capital financial position for the General Fund and Housing Revenue Account (HRA) for 2023/24.

FM/32 **TREASURY MANAGEMENT UPDATE 2023-24**

The Head of Finance presented the report to Members outlining the static borrowing position and that the overall net investment was positive.

RESOLVED:

1.1 The Committee noted the latest Quarter 1 updates in respect of Treasury Management, as per Appendix 1 of the report, Prudential Indicators and Limits, as per Appendix 2 of the report and Counterparty List for investments and bank deposits, as per Appendix 3 of the report.

FM/33 **COMMENTS, COMPLIMENTS, COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS 01 OCTOBER 2022 TO 31 MARCH 2023**

The Strategic Director (Corporate Resources) presented the report and asked Members to note the increased interaction.

Councillor Fitzpatrick noted that Compliments and Complaints had increased for Housing and that service had improved.

RESOLVED:

1.1 The Committee considered and noted the comments, compliments, complaints, and Freedom of Information requests, as detailed in the report.

FM/34 **ELECTIONS – PUBLIC ENGAGEMENT STRATEGY UPDATE**

The Chief Executive presented the report to the Committee.

Councillor Andrew observed that if there were restrictions for people to vote would an Equality Impact Assessment be appropriate.

The Monitoring Officer noted the observation.

RESOLVED:

1.1 The Committee approved the updated Public Engagement Strategy annexed to the report as Appendix 1.

FM/35 SHARED PROSPERITY FUND

The Head of Economic Development presented the report to the Committee highlighting the grant scheme for small business tenders was £25,000.00 and that the proposal was to increase this to £149,999.00 due to issues for applicants with larger projects.

Councillor Fitzpatrick questioned item 3.8 of the report as he was not comfortable with the commercial aspect and that there had been no pilot case.

The Head of Economic Development confirmed that a lot of support had been provided by Business Advisors over key concerns for private sector compliance. If the Council was directly involved its position may be difficult, however, in exceptional circumstances it could support a project for a small business.

The Chief Executive confirmed that the accountable body for the funding once control mechanisms were in place and explained the process for organisations to access the funding.

Councillor Fitzpatrick requested an example case be submitted to the Committee to demonstrate how helping and advising had been provided.

The Head of Economic Development noted the request.

RESOLVED:

The Committee approved the following amendments to the Shared Prosperity Fund grant schemes, applicable until the conclusion of the programme on 31 March 2025:

1.1.1 That the threshold above which a tender procedure was required for grant recipients be raised from £24,999 (inclusive of VAT) to £149,999 (inclusive of VAT) for the procuring of goods/supplies and works (not services).

1.1.2 That the waiver of quotations procedure be applied by the Council where a grant recipient was unable to get three competitive quotations.

1.2 The Committee delegated authority to the Chief Executive, in consultation with the Leader of the Council, to make amendments to the Shared Prosperity Fund programme and grant schemes during implementation and to approve procurements up to a threshold of £179,999 (inclusive of VAT) on a case by case basis.

FM/36 COMMITTEE WORK PROGRAMME

The Strategic Director (Corporate Resources) presented the updated work programme to the Committee. There were no reports listed for the meeting on 19 October and the Committee approved that this meeting was cancelled.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/37 **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.

QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions had been received.

WRITE OFF: COUNCIL TAX; BUSINESS RATES; BENEFIT OVERPAYMENT

RESOLVED:

The Committee approved the recommendations in the report.

ACTIVE COMMUNITIES AND HEALTH STAFFING 2023

RESOLVED:

The Committee approved the recommendations in the report.

PARK ROAD ACQUISITIONS

RESOLVED:

The Committee approved the recommendations in the report.

The meeting terminated at 18:50 hours.

COUNCILLOR R PEARSON

CHAIR

OVERVIEW AND SCRUTINY COMMITTEE

30 August 2023

PRESENT:

Labour Group

Councillor S Bambrick (Chair) and Councillor M Gee (Vice-Chair)
and Councillors A Jones and L Mulgrew.

Conservative Group

Councillor A Kirke.

In Attendance

Councillor A Wheelton

OS/09 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor G Jones (Labour Group).

OS/10 **MINUTES**

The Committee received the minutes of the meeting held on 23 November 2022.

OS/11 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

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

OS/12 **QUESTIONS RECEIVED BY 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.

OS/13 **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.

MATTERS DELEGATED TO COMMITTEE**OS/14 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) –
REPORT ON USAGE**

On behalf of the Monitoring Officer, the Chair was asked to note paragraph 3.5 of the report that there had been no authorisations during the period from January to August 2023.

RESOLVED:

1.1 The Committee noted the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.

OS/15 HOUSING RELETS AND VOID PROPERTIES – VERBAL UPDATE

The Head of Housing presented a verbal update to the Committee following the January 2023 report as follows:

The new contractor had started in April and Novus reported labour issues, hence only 28 properties let in the January to March period. Between April and June, a further 63 properties were let and during July and August a total of 59 properties had been let. The vacant property turnaround time had improved from 102 days for properties let in March to 37 days for the August lettings. The number of void properties was reducing quickly and there were 81 properties empty at the time of the meeting with 29 of those almost ready to let and 52 undergoing repair work.

There had been updates to the Action Plan at Housing and Community Services Committees with some items still outstanding including the appointment of an electrical surveyor.

Members raised queries regarding guidance for refugees and asylum seekers, the length of the contract for the repairs contractor, whether the in-house team would take on repairs next year, the database records, apprenticeships, the status of difficult to let properties, electricians in older properties and issues with mould and asbestos.

The Head of Housing informed the Committee that Ukrainian refugees had different protection under the law but there had been no application received. It was explained that the Council was seeking advice from the government on refugees leaving hotel accommodation but no instructions had been received.

The Head of Housing confirmed that in empty properties mould was easy to spot and that damp proof courses would be installed in many properties. Asbestos was covered in the Void report with a new regulation framework which included checks for gas and asbestos. The in-house team would require expansion, equipment and accreditation to take on additional repair duties. The Housing database included most of the property data, but a stock condition survey would be arranged in the future. It was noted that the database system must comply

with the Housing Regulator on all levels. The contract length for the second contractor company had been extended for three years. There would be opportunities for two property support apprentices plus work experience for locally based young people.

There were 800 properties identified for older people however, some did not fit requirements such as those on a second floor.

The Head of Housing confirmed that tenants were not responsible for the removal of asbestos from a property.

OS/16 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Work Programme to the Committee, noting that the Rural Prosperity Fund would be included in the Work Programme for 2024-25 and that Section 106 Funds Report was included in the Work Programme for the October meeting. Members requested that the Section 106 Funds report should cover the expenditure of funds by third parties and if possible, colleagues from health should be invited to the meeting to cover the obstacles to spending funds.

RESOLVED:

That the Committee considered and approved the updated work programme.

OS/17 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it 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.

OS/18 **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 18:40 hours.

COUNCILLOR S BAMBRICK

CHAIR

ETWALL LEISURE CENTRE JOINT MANAGEMENT COMMITTEE

20 September 2023

PRESENT:

Representatives of South Derbyshire District Council

Labour Group

Councillor D Shepherd (Chair)

Conservative Group

Councillor D Muller

Officers

Sean McBurney – Head of Cultural and Community Services

Charlotte Jackson – Head of Finance

Patricia Hill – Democratic Services Officer

Representatives of John Port Spencer Academy

Governing Body

Danny Parker – School Governor

EL/09 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor L Singh (Labour Group).

EL/10 **DECLARATIONS OF INTEREST**

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

EL/11 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

In Accordance with Council Procedure Rule No 10 the Chair read out the following question on behalf Mr Pete Price:

There has been excellent joint working between Active Nation and the schools regarding balancing community and school demands for pool space, and I appreciate there has been an agreement in place since around 2012 regarding school use taking priority during school hours. However, compared to September 2022 the current school term has seen a sharp decline in community time slots for swimming, so I'd like to ask how the Council which represents this use, will work with current and future contractors and the school to ensure a reasonable balance is maintained between the demands for pool space and time.

The Head of Cultural and Community Services provided the following response:

With regards to the new timetable for September term and the reduction in community swim and gym time. It was agreed between the schools and Active Nation outside of the monthly contract operational meetings that take place. We

will be discussing this in the next monthly operational meeting between the school and Active Nation to see if any arrangements can be put in place to bring the community use back to a similar level to Sept 2022.

With regards to the new contractor, we will be reviewing and assessing what suggestions prospective new contractors put forward in their final bids on how they plan to manage the balance between community and school usage at Etwall. Once the finer details of the contract and operating model are agreed and new contractor appointed, we will continue to hold monthly operational and strategic meetings between the school and new contractor to ensure a balance is maintained.

EL/12 **FINAL ACCOUNTS 2022-23**

The Head of Finance presented the report which would be updated and discussed at a future meeting.

RESOLVED:

The Committee received and noted the Final Accounts for 2022-23.

EL/13 **ACTIVE NATION PERFORMANCE REPORT**

The Head of Cultural and Community Services presented the report in the absence of the Active Nation representative.

The report detailed an analysis of entrants to the facilities which showed an increase in visitors during school holidays with new memberships increasing in the three and six month subscription categories. There was a slight increase to gym memberships during July and August, however, enrolments for the swimming programme had declined during the holiday period which reflected the normal trend. The Net Promoter Score target of 30 showed a result of -20 from 140 surveyed members.

Members expressed disappointment that Active Nation had been unable to attend the meeting due to other commitments. Members discussed the low Net Promoter Score and potential issues with the data and configurations.

RESOLVED:

The Committee received and noted the Active Nation Performance Report.

EL/14 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

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

The meeting terminated at hours 17:30 hours.

COUNCILLOR D SHEPHERD

CHAIR

FINANCE AND MANAGEMENT COMMITTEE

05 October 2023

PRESENT:

Labour Group

Councillor R Pearson (Chair), Councillor L Singh (Vice-Chair) and Councillors S Harrison, G Rhind, M Mulgrew, B Stuart, S Taylor and A Tilley (substituting for Councillor N Tilley).

Conservative Group

Councillors D Corbin, M Fitzpatrick, M Ford and S Meghani.

Liberal Democrats

Councillor G Andrew.

In Attendance

Councillor N Atkin
Councillor A Wheelton.

FM/42 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor N Tilley (Labour Group).

FM/43 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of the meeting held on 16 March 2023, were noted and approved as a true record and signed by the Chair.

FM/44 **DECLARATIONS OF INTEREST**

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

FM/45 **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/46 **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/47 REPORTS OF OVERVIEW AND SCRUTINY

The Committee was informed that no reports from the Overview and Scrutiny Committee had been received.

FM/48 BUDGET SETTING APPROACH 2024-25

The Head of Finance presented the report to the Committee highlighting the approach for the coming financial year and the key principles set out at section 3.6 of the report.

Members welcomed the report and the clarity of the new approach.

RESOLVED:

1.1 *The Committee noted the budget setting approach within the report and Members were to provide feedback accordingly to the Strategic Director (Corporate Resources).*

FM/49 DEVOLUTION RETROFIT FUNDING

The Chief Executive presented the report on behalf of the Head of Housing and noted that the offer of funding had not been expected and that it would be used to provide the best standards of decarbonisation in five properties in the District.

RESOLVED:

1.1 *The Committee approved that the Council accept a Grant offer of £583,500 from Midlands Net Zero Hub to fund low carbon retrofit measures to be installed at social and private housing across South Derbyshire on the terms of the Grant Agreement, attached to the report as Appendix A.*

1.2 *The Committee granted delegated authority to the Chief Executive in consultation with the Chair of the Finance and Management Committee to negotiate changes to and revisions of the programme, milestones and Grant Agreement.*

FM/50 MEMBER ICT PROTOCOL

The Head of Business Change and ICT presented the report to the Committee and summarised the proposed changes in the Members ICT Protocol. which included an opportunity for Members to request a mobile device. The Committee was informed that the protocol had been reviewed by a cross party working group.

Councillor Harrison thanked officers and Members of the working group for addressing key issues such as security and GDPR.

RESOLVED:

1.1 The Committee reviewed the refreshed member ICT protocol and recommended the document to Full Council for approval.

FM/51 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the report and informed Members that the Work Programme would be updated to include the Annual Accounts for 2020-21.

RESOLVED:

The Committee considered and approved the updated work programme.

FM/52 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:

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

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETINGS:

The Exempt Minutes of the Finance and Management Committee held on the 16 March 2023 were received.

QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no questions had been received.

SHARPE'S POTTERY HERITAGE AND ARTS TRUST

RESOLVED:

The Committee approved the recommendations in the report.

WRITE-OFF: COUNCIL TAX BUSINESS RATES BENEFIT OVERPAYMENT

RESOLVED:

The Committee approved the recommendations in the report.

LONG TERM LEASE OF SHARDLOW ALLOTMENTS TO SHARDLOW AND GREAT WILNE PARISH COUNCIL

RESOLVED:

The Committee approved the recommendations in the report.

REGRADE OF POST – PROJECT OFFICER ENVIRONMENT (HO132)

RESOLVED:

The Committee approved the recommendations in the report.

The meeting terminated at 18:55 hours.

COUNCILLOR R PEARSON

CHAIR

OVERVIEW AND SCRUTINY COMMITTEE

11 October 2023

PRESENT:

Labour Group

Councillor S Bambrick (Chair) and Councillor M Gee (Vice-Chair)
and Councillors A Jones, G Jones and L Mulgrew.

Conservative Group

Councillors N Atkin, A Kirke and D Muller.

In Attendance

Councillor J Carroll
Councillor D Shepherd
Councillor B Stuart
Councillor S Taylor
Councillor A Tilley
Councillor A Wheelton

OS/19 **APOLOGIES**

The Committee was informed that no apologies had been received.

OS/20 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

Councillor Neil Atkin declared a personal interest in item OS/24 by virtue of being a Derbyshire County Councillor and Councillor David Muller declared a personal interest in item OS/24 by virtue of being a Derbyshire County Councillor.

OS/21 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

In accordance with Council Procedure Rule No. 10 Mr Steven Ayre asked the following questions:

Why haven't you notified all the tenants of south Derbyshire where the asbestos is in their homes?

The Strategic Director (Service Delivery) responded to the question as follows:

The Council have a duty of care under the Control of Asbestos Regulations 2012 towards our tenants and the management of Asbestos through the Councils Asbestos Management Plan and Asbestos Register. The Council provides all new tenants with a copy of the Asbestos Management report for their property.

For existing residents, asbestos information is provided on request. The tenancy agreement and the Councils Housing Repairs Policy is clear that tenants should request permission to make alterations to the property.

In accordance with Council Procedure Rule No. 10 Mr Steven Ayre asked the following questions:

Can you notify them that they can make a claim for risk off the council for negligence under the Health and Safety At Work Act 1974?

The Strategic Director (Service Delivery) responded to the question as follows:

The Council will not notify residents as we are not required to do so by law. As per their tenancy agreement and the Councils Housing Repairs Policy, tenants should request permission before making alterations to their properties.

OS/22 **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.

MATTERS DELEGATED TO COMMITTEE

OS/23 **BUDGET SETTING APPROACH 2024-25**

The Head of Finance presented the report to the Committee outlining the key principles at section 3.6 of the report and highlighting how the new approach would be service led budgets to help Members make decisions and reduce the number of ad-hoc requests.

Members commended the report and welcomed the new approach to budget setting.

RESOLVED:

1.1 The Committee noted the budget setting approach within the report and Members were to provide feedback accordingly to the Strategic Director (Corporate Resources).

OS/24 **SECTION 106 CONTRIBUTIONS**

The Head of Planning and Strategic Housing presented the report to the Committee and introduced two members of the Integrated Care Board who attended the meeting to respond to questions regarding Healthcare provision in South Derbyshire through Section 106 Agreement funding.

Following approval by the Chair, the Committee and Members in attendance were invited to put forward questions to the Integrated Care Board

representatives. The Chair clarified that questions should pertain to the content of the report.

Members raised queries regarding many aspects of the Integrated Care Board's policies and processes, how Section 106 Agreement funding could be used, the loss of surgeries, placement of current healthcare services, access to services for rural communities, recruitment of General Practitioners, allocation of land for healthcare buildings, population ratio to size of practice, pharmacy and dispensing services and an update on healthcare improvements for Stenson, Boulton Moor, Melbourne, Etwell and Seales.

Two representatives from the Integrated Care Board addressed the Committee and explained that Section 106 Agreement Funding could be used by General Practitioners to invest in buildings, refurbishment, extensions and some equipment and consumables. They explained that General Practitioners are not employed by the National Health Service and that each surgery is an independent business. The Committee was informed that there were processes for calculating the number of residents each practice can accommodate and that satellite sites are becoming difficult to staff.

Members were advised that when Section 106 Agreement Funding for Healthcare provision had been allocated by a developer then it would be included in the Local Plan and the General Practitioner would engage with architects to design buildings based on a calculation which determined the amount of space required and these would be verified by statements from the District Valuer and specialist surveyors.

The Integrated Care Board representatives informed the Committee that it was not recommended for practices to provide pharmacy and dispensing services.

Councillor Shepherd, the local ward member for Stenson, requested an update on the Cavell Centre which had had its funding paused in January. The representatives from the Integrated Care Board confirmed it was a top priority to look for an alternative solution.

Councillor Wheelton, local Ward Member for Seales, raised concern regarding the lack of healthcare provision in the area. The Chair informed Councillor Wheelton that the matter should be raised directly with the Integrated Care Board.

RESOLVED:

That the Committee noted the Section 106 Contributions held by South Derbyshire District Council as outlined in Appendix 1 of the report.

OS/25 **COMMITTEE WORK PROGRAMME**

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

RESOLVED:

That the Committee considered and approved the updated work programme.

OS/26 **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.

OS/27 **EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

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

The Meeting terminated at 19:30 hours.

COUNCILLOR S BAMBRICK

CHAIR