

**MINUTES** of a meeting of the **REGULATORY – LICENSING AND APPEALS COMMITTEE** held on 3 November 2014 at County Hall, Matlock.

**PRESENT**

Councillor J G Williams (in the Chair)

Councillors Mrs D Charles, P Dunn, J Frudd, Mrs Janet Hill, Ms Julie Hill, A I Lewer, D McGregor, R A Parkinson and Mrs J S Street.

Prior to the meeting, members observed a minutes silence in memory of Councillor Walter Burrows who had recently passed away..

**35/14** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 8 September 2014 be confirmed as a correct record and signed by the Chair.

**36/14** **AUTHORISATION FOR THE TRADING SERVICES DIVISION TO RENEW THOSE ANNUAL LICENCES TO SELL FIREWORKS PREVIOUSLY GRANTED** Members were informed of three anticipated applications to renew current annual Fireworks Sales Licences from four established specialist fireworks businesses within the County all of whom are explosives stores properly licensed or registered under the Explosives Regulations 2014 by the Trading Standards Division.

**RESOLVED** that subject to the receipt of completed application forms and payment of £500 in each case an annual fireworks sales license be granted to:

- Johnsons of Ripley Limited at The Phone Shop, 54 Oxford Street, Ripley;
- Mr S Hutchinson, trading as Pure Party at 544 Sheffield Road, Chesterfield; and
- Big Bang Fireworks Limited at 23 Oakleys Road, Long Eaton.

**37/14** **WILDLIFE AND COUNTRYSIDE ACT 1981 THE DERBYSHIRE COUNTY COUNCIL – (BRIDLEWAY AND FOOTPATH ALONG THE NON-CLASSIFIED HIGHWAY KNOWN AS BRUSHFIELD LANE – PARISHES OF BRUSHFIELD AND LITTLE LONGSTONE) MODIFICATION ORDER 2014**

Members were informed that the County Council had received a Definitive Map Modification Order (DMMO) claim from an individual claiming that Brushfield Lane, which was currently recorded on County Council records as a non-classified highway maintainable at public expense, was an old public

carriage road that ought to be recorded on the Definitive Map and Statement as a Byway Open to All Traffic (BOAT).

The application was reported for determination to the Council's Licensing and Appeals Committee in December 2013. The report found, that historically, public carriage road rights had not been shown to exist and that there was insufficient user evidence submitted by recreational motorists to raise a presumption that such rights had been dedicated over the route in more recent years.

Consequently, based on the evidence then available to the Council, committee approved the making of a DMMO adding part of the route to the Definitive Map and Statement as a bridleway and part as a public footpath, as detailed on the plan appended to the report.

Following the making and advertising of the Order, the County Council received many representations in support but also many letters and emails of objection from people who said they had driven along the route for substantial periods of time and that the Council ought to have made a BOAT Order instead. Included amongst those letters and emails of objection were 30 additional user evidence forms completed by recreational motorists.

Because there were outstanding objections with regard to this DMMO, the County Council must now forward the matter to the Planning Inspectorate in Bristol, who would then arrange for an Inspector to decide the matter on behalf of the Secretary of State. When the County Council forward such cases to the Planning Inspectorate it was required to produce a statement of reasons explaining how the matter had developed thus far and also informing the Inspectorate what stance the County Council would be taking in relation to confirmation of the Order as made. That is, whether it would support or oppose confirmation or whether it intended to adopt a neutral stance.

In this instance, given the conflict between the evidence for and against the acquisition of public vehicular rights over Brushfield Lane it would be necessary for officers to adopt a neutral stance at any public inquiry, hearing or exchange of written representations regarding this case.

**RESOLVED** that approval be given for officers to adopt a neutral stance with regard to the above Order, when it was determined at a public inquiry, hearing or exchange of written representations.

**38/14      WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH BETWEEN NEWLANDS ROAD AND BULLOCK LANE.**

**RIDDINGS** Members were informed that an application had been received in 2009 to amend the Definitive Map and Statement by adding a footpath from Newlands Road to Bullock Lane, Riddings. The application was accompanied by 11 user evidence forms. A plan showing the claimed route was appended to the Director of Legal Services report.

Consultation was carried out in August and September 2014 with 9 objections to the application being received, which were detailed in the report.

The Director of Legal Services summarised all of the available evidence as detailed in the report and gave his conclusions to the committee.

**RESOLVED** to reject the application made under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath between Newlands Road and Bullock Lane to the Definitive Map and Statement.

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 6 October 2014

**PRESENT**

Councillor B Wright (in the Chair)

Councillors M Ford, Julie Hill, R L Hosker, J Innes, R Mihaly, R A Parkinson, P Smith, T Southerd and J Twigg.

No Declarations of Interest were received.

No Significant Lobbying had been received.

**81/14** **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 1 September 2014 be confirmed as a correct record and signed by the Chair.

**82/14** **PROPOSAL FOR THE RETENTION AND RESTORATION OF THE GROVE FARM LANDFILL SITE, OFF SOWBROOK LANE, ILKESTON APPLICANT: SAINT GOBAIN PAM (CODE NO: CW8/1112/94)**

The application proposed to retain and restore a landfill site to enable agricultural and amenity after-use. Details of the proposal, together with comments received from consultees and following publicity, and commented by Stanton-by-Dale Parish Council in objection, were contained in the report of the Strategic Director for Economy, Transport and Environment. One letter of support and one letter of objection from a local company had also been received which were summarised in the report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; other material considerations had also been taken in to account (eg Government policy in the National Planning Policy Framework). The key planning considerations relating to the application were the need for the development, landscape and other visual impacts, pollution, flooding, ecology and highways. These issues were examined in the report. The Strategic Director concluded that subject to the imposition of planning conditions, the proposal would accord with National and Local Plan policies.

The Strategic Director explained that the Environment Agency had worked closely with the applicant regarding this application and confirmed that the waste on site was non-hazardous. It was also noted that the development

proposed in the Environmental Permit, which the Environment Agency had granted to the applicant.

Several Members commented on concerns about potential impacts from the proposal, including the composition of deposited material which would be moved under the proposal and provisions for containment of any leachate, and wildlife protection and the potential for root penetration of the capping membrane. The Strategic Director's representative explained that the waste was identified as being non-hazardous, that there were no concerns relating to root penetration because of the soil depth proposed, and that planning conditions as recommended, together with the Environmental Permit could ensure that the development generally would be under effective control to protect amenity and environment.

**RESOLVED** that planning permission be granted, subject to conditions based on those drafted in the report of the Strategic Director for Economy, Transport and Environment.

**83/14                      PROPOSED ERECTION OF A BUILDING TO HOUSE A SKIP MAINTENANCE AND SKIP REPAIR FACILITY ON LAND ADJACENT TO THE ESTABLISHED DONALD WARD WASTE RECYCLING FACILITY, OFF MOIRA ROAD, WOODVILLE APPLICANT: MR D WARD (CODE NO: CW9/0314/177)** The planning application sought permission to retain and complete the construction of an industrial building to be used as a repair and maintenance facility for skips in connection with the applicant's waste recycling activities on adjacent land. Although a planning permission to allow skips to be repaired on the site temporarily had been granted by the County Council in 2010 that permission had not been implemented and consequently had expired. The current application sought permission to use the application site for the same purpose but proposed the retention and completion of a building which was different in size and its location on the site from the structure approved under the previous permission. Details of the application, together with comments received from consultees and following publicity, were given in the report of the Strategic Director for Economy, Transport and Environment. Two representations of objection had been received as a result of publicity which were summarised and addressed in the report.

The key planning considerations relating to the application were considered to be the appropriateness of the proposed use of the application site in this location, the potential disturbance that could arise due to noise and vibration, and the potential loss of amenity for the residents of the locality. These issues were examined in the report.

On balance the Strategic Director concluded that the environmental impacts raised by the proposal would not be significantly detrimental to the

character of the locality if implemented in accordance with the proposed conditions and would be acceptable in the context of local plan policies and the National Planning Policy Framework. Detailed consultations had been undertaken with the Environmental Health Officer and the Environment Agency and they had concluded that subject to appropriate controls the proposal was acceptable.

Councillor Southerd had concerns relating to the proposed hours of operation in particular in respect of noise and suggested that for permission to be acceptable a three-year limit should be imposed on the use under the permission, which would enable the impact of operations to be monitored prior to any permanent permission for the use being granted. Councillor Smith agreed that such a 'temporary' permission would be appropriate.

**RESOLVED** that planning permission in respect of the application be granted, subject to the imposition of conditions substantially similar to those listed in the report on the application by the Strategic Director for Economy, Transport and Environment, and a further condition to limit the use permitted under the permission to a period of three years so as to prevent any extension of such a use in the absence of a review of all impacts on the amenity of the locality that might be associated with it, including any noise vibration and dust impacts

**84/14                      PROPOSED INSTALLATION OF PALISADE AND WELDMESH FENCING ALONG WITH VEHICLE AND PEDESTRIAN GATES AT WILLIAM ALLITT SCHOOL, SUNNYSIDE, NEWHALL**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD9/0714/48)**

The application proposed the installation of new security fencing and gates at three locations within the grounds of William Allitt School, Newhall. Details of the application, together with comments received from consultees and following publicity, were given in the report of the Strategic Director for Economy, Transport and Environment. One letter of objection had been received regarding the proposal to set the existing gates on Sunnyside back 6 metres. The representation was concerned that this would create a turning facility for vehicles using Sunnyside, loss of privacy, traffic noise, vehicle pollution and traffic congestion, and these points were addressed in the report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; the National Planning Policy Framework had also been taken in to account. The key planning considerations relating to the application were considered to be the need for the development and the design. These issues were examined in the report. The Strategic Director concluded that he was satisfied that there was a need for the development to ensure the safety of pupils attending the school and that the style and colour of fencing would complement the existing security

fencing. He confirmed that no rights of way would be affected and that there were no highway objections.

The resident who had made the representation in objection addressed the Committee. He referred to living at the property adjacent to location 'A' on the plan and commented that the proposal for the moving back of the existing gate and installation of palisade fencing would be intrusive and be visible from his kitchen window. He stated that the gate was open from 6.30 am until 9.00 pm daily with approximately 60 vehicles using the site daily. He suggested that the moving of the gates in this location to make the entrance straight would make the use of the entrance/exit easier for vehicles and that the dropped kerb and white lines should also be extended. He asked that a decision be deferred to enable the Committee to have a site visit.

Councillor Southerd commented that he was familiar with the site and asked if alternative locations for the gates had been considered by the Department. The Strategic Director's representative replied that the Department had considered the proposal to be the best solution to the situation. The main concern was the safety of the children and the proposal addressed those concerns.

**RESOLVED** that planning permission be granted, subject to the conditions contained in the report of the Strategic Director for Economy, Transport and Environment.

**85/14                      REQUEST FOR AUTHORISATION TO ADOPT A LOCAL LIST OF REQUIREMENTS FOR FUTURE PLANNING APPLICATIONS SUBMITTED TO DERBYSHIRE COUNTY COUNCIL AND TO ENABLE SUBSEQUENT MINOR AMENDMENTS TO BE MADE TO THE ADOPTED LOCAL LIST** (Minute No 23/14) Following consultations on a revised draft Local List of requirements for planning applications, a summary of the main representations was reported and a revised Local List of information requirements was attached to the report for information. The revised Local List was to be reported to the Cabinet Member – Jobs, Economy and Transport for approval and adoption. Authorisation was also to be sought to make subsequent minor amendments due to changes to relevant guidance and regulations during the two year period from its adoption to the next review date. The Strategic Director for Economy, Transport and Environment explained that being able to make such minor amendments would have benefits in that applicants would be provided with the most update guidance available at the time, which should minimise the need to request further information from applicants and avoid delays.

**RESOLVED** to note that the draft final Local List of requirements for planning applications has been amended in light of the consultation responses and is to be adopted from 21 October 2014.

**86/14**                    **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

**87/14**                    **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 6 October 2014 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

**88/14**                    **CURRENT APPEALS/CALLED-IN APPLICATIONS** The Strategic Director for Economy, Transport and Environment's representative reported that notice of two Planning Inquiries had been received from the Secretary of State since the report had been prepared; both related to the refusal of the Certificate of Lawful Use in respect of land at the Donald Ward site, Griffon Road, Ilkeston.

**RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**89/14**                    **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for September 2014.

**90/14**                    **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER THE DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Environment under the Delegated Powers on:-

**(a) 4 September 2014**

- 1      Proposed Section 73 Application to Extend the Temporary Period Set out under Condition 1 of Planning Permission CD1/0809/108  
Applicant: Derbyshire County Council  
Planning Application Code No: CD1/0714/52
- 2      Submission of the Authority's Approval Under Part 19B of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995: the Proposed Changes to the Site Entrance Layout to Improve Health and Safety in the Quarry Complex in Relation to The



Management of Pedestrians and Heavy Goods Vehicle Traffic,  
Brassington Moor Quarry, Longcliffe  
Applicant: Longcliffe Ltd  
Submission No: PD19/3/49

**(b) 11 September 2014**

- 1 Proposed Erection of a Polytunnel at Shardlow Primary School, London Road, Derby  
Applicant: Derbyshire County Council  
Planning Application Code No: CD9/0614/45
- 2 Proposal for the Development of a Cycleway/ Pedestrian Link between Hipper Street South and Chesterfield Railway Station  
Applicant: Derbyshire County Council  
Planning Application Code No: CD2/0814/60

**(c) 18 September 2014**

- 1 Proposed Section 73 Application to Not Comply with (Vary) Condition 3 (Canopy Design) of Planning Permission CD4/0113/139 for the Installation of a Freestanding Canopy at Holmesdale Infant School, The Avenue, Dronfield  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0814/59
- 2 Application for Non-Material Amendments at Florence Shipley Home, Market Place, Heanor  
Applicant: Derbyshire County Council  
Planning Application Code No: NMA/0814/30
- 3 Delegated Decision on Schemes Required by Planning Conditions:
  - SD2614
  - SD2608
  - SD2611
  - SD2609

**(d) 25 September 2014**

- 1 Proposed Erection of a Single Classroom Extension incorporating a Canopy and the Installation of Additional Car Parking Spaces at Clowne Infants and Nursery School, Ringer Lane, Clowne  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0814/55
- 2 Proposed Installation of an Outdoor Classroom at Hodthorpe Primary School, Queens Road, Hodthorpe  
Applicant: Derbyshire County Council

Planning Application Code No: CD5/0814/56

- 3     Proposal to Demolish the Existing Library Building and Develop a New Single-Storey Library Building at Ilkeston Road, Heanor  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0814/58

- 4     Delegated Decision on Schemes Required by Planning Conditions:
- SD2581
  - SD2617
  - SD2588
  - SM2580

**(e) 2 October 2014**

- 1     Retrospective Planning Application for the Retention of Infilling of an Existing Railway Cutting Adjacent to 134 Derby Road, Ilkeston  
Applicant: Mr Ryan  
Planning Application Code No: CW8/0714/50
- 2     Proposed Installation of a Single Containerised Gas Engine Producing Electricity using Coal Mine Methane (CMM) and the Change of Use of the Existing CMM Fuelled Generator Engines to Stand-By Back-Up Power Response Electricity Generation Fuelled by Natural Gas at Shirebrook Energy Park, off Portland Drive, Shirebrook  
Applicant: Alkane Energy Limited  
Planning Application Code No: CM5/0714/46
- 3     Proposed Installation of a Multi-Use Games Area (MUGA) with 2.4 Metres High Fencing on a Section of the School's Play Area at Westhouses Primary School, Bolden Terrace, Westhouses  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0814/63
- 4     Proposed Erection of Weld Mesh Security Fencing and Gates at Hasland Junior School, The Green, Chesterfield  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0814/62
- 5     Proposed Installation of Canopy at Brockwell Infants and Nursery School, Purbeck Avenue, Chesterfield  
Applicant: Derbyshire County Council  
Planning Application Code No: CD2/0814/57
- 6     Delegation Decisions on Schemes Required by Planning Conditions:
- SD2613

- SD2520
- SD2627

**91/14**                      **EXCLUSION OF THE PUBLIC RESOLVED** that the public, including the press, be excluded from the meeting during the Committee's consideration of the remaining item on the Agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING**

- 1      To consider the exempt Report of the Strategic Director – Economy, Transport and Environment on Breach of Planning Control at Mansfield Road, Corbriggs (contains information relating to the financial and business affairs of any particular person).

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**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 10 November 2014

**PRESENT**

Councillor J Innes (in the Chair)

Councillors M Ford, S Freeborn (substitute Member at reconvened meeting following site visit only), Janet Hill (substitute Member), Julie Hill, R L Hosker, R A Parkinson, J Twigg (at reconvened meeting following site visit only) and B Wright.

Councillor B Atkins attended the meeting in accordance with Standing Order 17.6 as local Member in respect of the Birch Vale Quarry application (Minute No 95/14).

Apologies for absence were received from Councillor R Mihaly, P Smith and T Southerd.

No Declarations of Interest were received.

No Significant Lobbying had been received.

**93/14** **SITE VISIT** In accordance with the Code of Practice the Committee visited the site at Hartington Reclamation, Farndale Road, Staveley (Minute No 96/14).

**94/14** **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 6 October 2014 be confirmed as a correct record and signed by the Chair.

**95/14** **PROPOSED GREEN WASTE COMPOSTING, STORAGE AND PROCESSING FACILITY TO BE LOCATED WITHIN AREA PREVIOUSLY APPROVED FOR RECYCLING AT BIRCH VALE QUARRY, BIRCH VALE, NEW MILLS APPLICANT: P CASEY ENVIRO LTD (CODE NO: CW1/0514/23)** The proposal sought to undertake green waste composting within the site of the approved waste recycling facility situated adjacent to the Arden Landfill site. The applicant proposed that the facility would manage up to 2,000 tonnes of non-animal green waste per annum, which it stated would otherwise be disposed of as waste in the landfill, in order to produce compost for use in the restoration of the site.

Details of the proposal, including the background history of the site, together with comments received from consultees and following publicity were contained in the report of the Strategic Director for Economy, Transport and Environment.

The Strategic Director commented that a number of concerns had been expressed about public health in relation to the Arden Landfill site, which did not necessarily relate to the application. Hayfield Parish Council wished to maintain its objections submitted on a previous application for the proposal (Code No CW1/0512/15) which the applicant had subsequently withdrawn. Concerns and objections as a result of publicity were given in the report and addressed in the planning considerations section of the Strategic Director's report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework, the National Planning Practice Guidance, the Waste Management Plan for England December 2013, and the National Planning Policy for Waste were material policy considerations. In the report the Strategic Director commented on his recommendation for refusal of the previous planning applications and the reason why he had reached that conclusion.

A submission from Councillor Atkins, the local Member, and an email from a local resident in furtherance of her objection had been received following the production of the report and circulated before the start of the meeting. The Strategic Director's representative confirmed that all objections which had been received to the previous application had been taken in to account when officers had considered the current proposal. He understood that many of the points of concern raised related to dissatisfaction with the operation by the applicant of the existing Arden landfill site, in respect of which there had been a history of problems, but they were not considered to affect the acceptability of the proposal which was being reported on.

The Strategic Director's representative gave a slide presentation with several photographs of the site and diagrams to show the location of the proposal and its position in relation to residential properties.

He commented that the compost produced would be blended with other inert waste to produce an acceptable compost mix.

In respect of comments made regarding tourism in the area and the proposal having a negative effect on it, he commented that this would have been a more significant issue if the proposal in the application had been in isolation instead of being as it was within an operational site. He

acknowledged that there had indeed been serious problems at the landfill site; however, the Environment Agency had more recently expressed satisfaction with how the site was operating.

He further commented that the diversion of waste from landfill and securing another use of that waste was considered to fulfil Government policy on managing waste in a sustainable manner. He did not consider that the proposal would result in any significant adverse impacts which would outweigh the benefits it would provide. It was a small scale proposal, representing an additional waste management activity to be undertaken at an existing site, which was co-located with another larger waste management facility. It would take some waste and would enable it to be recycled for a beneficial re-use in restoring the landfill site, instead of being disposed of in the landfill void. He considered it to be a proposal in compliance with the provisions of the development plan and other material considerations. Subject to suggested conditions, which would tie the use of the product from the composting to the landfill site, and require the composting to end when the landfill site had been restored, he recommended approval of the application.

Councillor Atkins, as the local Member for where the site was located, addressed the Committee on her concerns. She emphasised that the locality had been suffering harmful effects from the operation of the landfill site, particularly from odour. She spoke of many activities which had been undertaken in the Hayfield and New Mills areas to encourage tourism, which highlighted to her its importance to the local economy and the effect that more odour problems could have on it.

Jill Jones, a resident in the area, then spoke to the Committee on her objection. She spoke about the handling of reports of incidents relating to the landfill site by the Environment Agency, and referred to smells from the landfill site having reached as far as New Mills and Hayfield and as having a significant impact on local people and businesses.

The Strategic Director's representative commented that officers had considered the odour issue carefully and worked very closely with the Environment Agency regarding the landfill site. However, with regard to the proposal, the environmental sustainability of composting was also an important consideration. The potential addition of agricultural smells from the process needed to be regarded alongside all other issues which were relevant to the proposal. If the current application was approved as recommended, conditions would be attached to the permission which would require the activities to be limited so as to avoid adverse impacts on amenity from the proposal.

**RESOLVED** that planning permission be granted, subject to conditions based on the draft conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

**96/14                      PROPOSED                      RECOVERY                      OF                      SECONDARY  
AGGREGATES, OPENCAST COAL AND ANCILLARY DEVELOPMENT AT  
HARTINGTON RECLAMATION, FARNDALE ROAD, STAVELEY  
APPLICANT: TAWNYWOOD LTD (CODE NO: CM2/0911/81)** The proposal was for the recovery of approximately 872,250 tonnes of foundry tip material as secondary aggregate and the extraction, by open cast methods, of approximately 87,119 tonnes of coal at the Hartington Reclamation Site and the subsequent reclamation of the land to development platforms suitable for use as employment land. Details of the proposal, including the background history of the site, were contained in the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity. Concerns and objections received were addressed in the planning considerations section of the report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework was also a material consideration. It was reported that the main issues to be considered in respect of the application were the need for the development in respect of secondary and recycled aggregate and coal; the proposed location of the development and the need for employment land; the type, scale and acceptability of any impacts that would arise from undertaking the works in the manner proposed; and whether the benefits identified by the applicant would be sufficient to outweigh any adverse impacts. These issues were examined in the report. It was reported also that the applicant had indicated a willingness to enter in to a legal Agreement, under Section 106 of the Town and Country Planning Act 1990, to cover a number of measures including the establishment and coordination of a Local Liaison Group for the site; the scheduling and undertaking of the off-site habitat creation works at Campbell Tip and Troughbrook Road; the long term management of the Breck Farm Watermeadows LWS; the provision of community benefits by means of the creation of a community fund of £15,000; and a £15,000 fund payable to the Council towards improving the Staveley length of the nearby Chesterfield Canal; and traffic routeing for the transport of secondary aggregates and coal to market, and the transport of material from the Hartington Tip site to the Campbell Tip and Troughbrook Road sites in order to carry out the ecological enhancement works.

The Strategic Director commented that the effects of the proposal would not be such that the environmental impacts of the development would be unacceptable, subject to the imposition of appropriate conditions and obligations, which would include requirements to implement on and off-site

mitigation measures. He considered that the development would not have unacceptable individual or cumulative impacts on the environment or local communities. He concluded that the proposed development met the test of environmental acceptability in the first part of Policy MP27 of the Derby and Derbyshire Minerals Local Plan. In reaching this conclusion he did not feel it necessary to consider the local community benefits of the proposed development as suggested by the applicant company, and the weight they should be given, as would otherwise be required under the further provisions of Policy MP27. He reported that there were no conflicts with other relevant policies of the development plan and no material considerations indicated other than the grant of planning permission, subject to conditions and planning obligations, as recommended in his report.

Photographs of the site location in comparison to the Campbell landfill and restoration site and the Troughbrook site were shown to the Committee.

Members asked about the consequences of removing settlement lagoons from the site and expressed concerns about its closeness to the gas site and the risk of Hall Lane flooding as a result of the proposed diversion of the River Rother. The Strategic Director's representative commented that Network Rail had also initially raised concerns regarding the flood risk to the railway but had noted that under revised plans the existing spoil heap material would remain undisturbed across a 5 metre standoff area from the railway land. He commented that the river diversion would improve the flood capacity of the river and that any possible increase to flooding would have resulted in an objection by the Environment Agency; its initial objection had been withdrawn following the provision of further information. He reported that the proposed opencast extraction was understood to not raise a gas site hazard since it would not involve explosive blasting.

**RESOLVED** that planning permission be granted, subject to (1) the applicant or operator and any other persons with an interest in the application site entering into an Agreement with the County Council under Section 106 of the Town and Country Planning Act 1990 to secure planning obligations considered by the Strategic Director – Economy, Transport and Environment and the Director of Legal Services to make satisfactory provision for:

- The convening of a Local Liaison Group representing the communities local to the site.
- The provision of a Community Fund of £30,000 to be administered by the Local Liaison Group.
- The provision of highway safety improvements at Eckington Road and Farndale Road.
- Provision for inspection of the highway at Farndale Road during the operational period of the development.



- Provision of ecological compensation works at the Campbell Brickworks site and the Troughbrook Road site.
- Management of compensatory habitat enhancement at Breck Farm Watermeadows

(2) a set of conditions substantially based on the conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

**97/14                      PROPOSED ECOLOGICAL ENHANCEMENT SCHEME FOR THE FORMER CAMPBELL LANDFILL SITE AND TROUGHBOOK ROAD FORMER OPENCAST COAL SITE, STAVELEY**  
**APPLICANT: TAWNYWOOD LTD (CODE NO: CM2/0213/144)**

The application proposed the creation of ecological enhancement at the former Campbell Landfill site and the former Troughbrook Road Opencast Coal Site to compensate for the loss of habitat at the Hartington Reclamation site as considered by the Regulatory – Planning Committee under Planning Application Code Number CM2/0911/81 (Minute No 96/14 above refers).

Details of the proposal were contained within the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework was also a material consideration.

The Strategic Director had considered the potential environmental effects of the development and had concluded that these were acceptable or could be made acceptable by means of conditions or legal obligations. Whilst the construction and establishment works would result in a number of impacts relating to noise, dust and landscape and visual amenity, these would be for a short period only and were not considered to be so severe as to be detrimental to the amenity of the surrounding area. Given relevant policy and environmental criteria, he consider the development to be acceptable and was satisfied that the development would provide adequate compensation for the loss of biodiversity at the Hartington Reclamation site and would be acceptable as a development of the Campbell and Troughbrook sites.

**RESOLVED** that planning permission be granted, subject to a set of conditions substantially based on the conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

**98/14                      SECTION 73 APPLICATION TO VARY CONDITION 10 OF PLANNING PERMISSION CW4/0114/141 TO PERMIT LOCAL**

**DISTRICT AUTHORITIES THAT COLLECT GREEN WASTE TO TRANSPORT IT TO THE IN-VESSEL COMPOSTING FACILITY FOR PROCESSING TO BE ACCEPTED AT THE SITE ON SATURDAYS PRIOR TO AND IMMEDIATELY AFTER BANK OR OTHER HOLIDAYS UNTIL 1700 HOURS AT ARKWRIGHT OPENCAST COLLIERY, DEEPSICK LANE, ARKWRIGHT APPLICANT: SITA UK LIMITED (CODE NO: CW4/0614/42)**

The application related to a previously granted planning permission (Code No CW4/0114/141) for the construction and operation of an in vessel composting (IVC) facility on land at the former Arkwright Colliery, Arkwright. The Section 73 application sought permission to carry out the development without compliance with Condition 10 of the planning permission. This would allow the importation of green waste to the site on Saturdays prior to and immediately before and after a bank holiday until 1700 hours to maintain an efficient service.

Details of the proposal were contained in the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Other material considerations included statements of Government policy in the National Planning Policy Framework, the National Waste Management Plan for England 2013, and Planning Policy Statement 10: Planning for Sustainable Waste Management. The main consideration for the proposal was whether the development, as proposed to be amended, would be likely to give rise to any unacceptable impacts on amenity, which the Strategic Director examined in his report. He commented that he was aware that complaints had been received regarding odour from the site, which the Sutton cum Duckmanton Parish Council had raised in its consultation response. He reported that this was a matter for the Environment Agency, the local Environmental Health Officer and the County Council's Monitoring Officers. He was also aware that this issue had been raised with the operator and was currently being addressed.

The Strategic Director concluded that the proposed amendment to the hours of operation at the site was acceptable and he did not consider that the proposed amendment would give rise to any significant environmental or amenity impacts. He was satisfied that it would accord with Government guidance and development plan policies.

It was explained at the meeting that the objection submitted by North East Derbyshire District Council (Planning) had been withdrawn since the report had been circulated. Additional information from Sita UK was circulated at the meeting.

Councillor Julie Hill commented that at the time she had been consulted on the proposal she had received no concerns regarding activity at the site, however, she had subsequently received complaints about smells from the site and asked that this be investigated and addressed. The Strategic Director's representative indicated in response that details of reports of smells from the site had been provided to the District Council Environmental Health Officer and that they were under investigation, but did not affect the acceptability of this proposal.

**RESOLVED** that planning permission be granted, subject to the conditions contained in the report of the Strategic Director for Economy, Transport and Environment.

**99/14**                    **CURRENT ENFORCEMENT ACTION**   **RESOLVED** to receive the report on Current Enforcement Action.

**100/14**                    **OUTSTANDING APPLICATIONS**   **RESOLVED** to receive the list on decisions outstanding on 10 November 2014 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

**101/14**                    **CURRENT APPEALS/CALLED-IN APPLICATIONS**  
**RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**102/14**                    **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING**   **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for October 2014.

**103/14**                    **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER THE DELEGATED POWERS**   **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Environment under the Delegated Powers on:-

**(a)    9 October 2014**

- 1      Proposal to Improve the Archaeological Way Multi-User Route at the A632 Bridge, Langwith  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0814/67

**(b) 16 October 2014**

- 1 Proposed Erection of 2.4 Metres High Weldmesh Perimeter Fencing, together with two Corrugated Steel Storage Units at Somercotes Infant School, Nottingham Road, Alfreton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0814/64
- 2 Proposed Installation of a Multi-User Games Unit and Trim Trail at Cotmanhay Junior School, Beauvale Drive, Ilkeston  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/0914/70
- 3 Delegated Decision on Schemes Required by Planning Conditions:
  - SW2619
  - SW2620
  - SW2621
  - SW2622
  - SW2623
  - SW2624
  - SW2625

**(c) 23 October 2014**

- 1 Proposed Replacement of an Existing School Building with a New Building at Temple Normanton Primary School, Temple Normanton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0314/174
- 2 Delegated Decision on Schemes Required by Planning Conditions:
  - SM2644
  - SM2526
  - SD2616
  - SD2607

**(d) 30 October 2014**

- 1 Delegated Decision on Schemes Required by Planning Conditions:
  - SD2639
  - SD2638
  - SD2640
  - SD2641
  - SM2643
  - SM2642

**(e) 6 November 2014**

- 1 Proposed Erection of 10 Linear Metres of 2.4 Metres High Weldmesh Fence with incorporated Pedestrian Access Gate at Fritchley C of E Aided Primary School, Church Street, Fritchley  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0914/76

**104/14** **EXCLUSION OF THE PUBLIC RESOLVED** that the public, including the press, be excluded from the meeting during the Committee's consideration of the remaining item on the Agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING**

1. To confirm the exempt Minutes of the meeting held on 6 October 2014.

**105/14** **MINUTES RESOLVED** that the exempt Minutes of the meeting of the Committee held on 6 October 2014 be confirmed as a correct record and signed by the Chair.

**MINUTES** of a meeting of the **PENSION AND INVESTMENT COMMITTEE** held at County Hall, Matlock on 10 September 2014

**PRESENT**

Councillor W Burrows (in the Chair)

**Derbyshire County Council**

Councillors D Collins, R Davison, P Dunn (substitute member), S J Ellis, S Freeborn, M V Longden and S Marshall-Clarke

**Trade Union Representatives**

J Cowings – Derbyshire County Unison

**Investment Advisers**

Mr J Somers – Aviva  
Mr P Williams

Apologies for absence were submitted on behalf of Councillors B Shanker, M Tittley and D J Wilcox

**59/14**      **MINUTES RESOLVED** that the minutes of the meeting held on 11 June 2014 be confirmed as a correct record and signed by the Chair.

**60/14**      **MATTERS ARISING – (a) Local Government Pension Scheme Guaranteed Minimum Pensions** (Minute No 43/14 refers) It was reported that a letter had been sent to NICO from the County Council's Chief Executive expressing the concerns that had been raised, and a reply had been received. It was not currently certain whether there had been any improvements, but the situation would be kept under review.

**61/14**      **ECONOMIC BACKGROUND AND RECENT INVESTMENT MARKET RETURNS** The consensus Global GDP growth forecast for 2014 was 2.8% and 3.3% for 2015. The 2014 growth outlook for Western economies remained mixed, the US was forecast to grow at 2.1%, the UK by 3.1% and the Eurozone by 1.0%. Elsewhere, 2014 GDP growth forecasts ranged from 4.8% for Asia Pacific, 1.7% for Latin America and 1.5% for Japan.

Within the UK, in the second quarter of 2014, GDP had grown by 0.8%, which gave a year on year growth rate of 3.1%. The growth had been broad based, and economic surveys indicated an expectation that growth would continue to improve for the rest of the year. The question of when and by how

much the Bank of England's Monetary Policy Committee would raise interest rates remained, and further pressure to raise interest rates was coming from fears of a developing housing bubble. However, the Monetary Policy Committee had voted to hold the interest rate at 0.5% at its August meeting, with little visibility on when this could change, although Q2 2015 was being widely touted. Shortly after the meeting, CPI inflation data had showed a slowdown to 1.6% from an expected 1.9%, and this would appear to make a rate rise less likely in 2014 and possibly not until after the General Election in May 2015. The consensus forecast for UK GDP growth was 3.1% for 2014 and 2.6% for 2015, and the consensus forecast for CPI inflation was 1.7% in 2014 and 2.0% in 2015.

With regard to the USA, following the disappointing contraction in the first quarter, the second quarter GDP outturn of plus 3.9% had signalled a strong turnaround. Inventory growth had driven much of the improved outturn, although there were some concerns that the higher inventory levels could lead to a slowdown in production. Personal spending had continued to expand in Q2, and the jobs recovery had continued. Interest rates looked set to remain low for quite some time. The Federal Reserve Open Market Committee had continued to gradually taper its quantitative easing programme, which now amounted to \$25bn per month. Consensus estimates for GDP growth for 2014 and 2015 were 2.1% and 3.1% respectively, and CPI inflation was forecast at 1.9% for 2014 and 2.1% for 2015.

In Europe, high unemployment and high taxes continued to hold back consumer spending and economic growth, so the outlook remained fragile. Growth was also being stifled by geopolitical issues, particularly those in the Ukraine and its impact on German exports. Q2 GDP had been flat, with Germany, France and Italy all experiencing economic slowdown. Inflation was low and falling, which could impact consumer spending. In June 2014, the European Central Bank had cut its base rate by 10 basis points to .015% and its deposit rate to minus 0.1%. There was the possibility that the European Central Bank would introduce Quantitative Easing to fight deflation and stimulate demand, although so much uncertainty made monetary policy difficult for such diverse economies. The forecast for 2014 GDP growth for the Eurozone as a whole was 1.0%, whilst it was 1.5% for 2015, and CPI inflation was forecast at 0.6% and 1.1% respectively.

In Germany, Q2 growth had contracted by 0.2%, as orders from other European economies contracted in the period, as did those from Russia following imposed sanctions on exports due to geopolitical tensions in the Ukraine. The outlook for Q3 was mixed, although job market data was encouraging. Forecasters expected 2014 growth to continue via increased domestic consumption and demand for German exports, although currency strength, geopolitical tensions and Eurozone weakness would play a part.

GDP forecasts for 2014 and 2015 were 1.9% and 2.0%, with CPI inflation forecast at 1.1% and 1.7% respectively.

Economic growth in France had stagnated, with Q2 2014 GDP being flat. France had committed to cutting public spending by €50bn by 2017, and the new Prime Minister had sought to soften the policy by announcing new tax cuts of €11bn for firms and households. Manufacturing output and export orders had fallen sharply, with the outlook bleak. France was uncompetitive, with an inflexible labour market and a top rate of tax of 75% on salaries over €100,000. Unemployment was high and deflationary pressures remained. Consensus estimates were for GDP growth on 0.7% in 2014 and 1.2% in 2015, and CPI inflation was expected to be 0.7% for 2014 and 1.0% for 2015.

Italy had fallen back into recession as Q2 2014 GDP had fallen by 0.2%. Unemployment remained very high, with youth unemployment at around 42%. Company profits were in decline due to lack of demand and uncompetitive fundamentals, which pointed to a weak outlook. Inflation was low at 0.1% and the economy faced the risk of deflation, which hampered the Government's ability to manage its budget deficit. GDP growth for 2014 was forecast at 0.1% and at 1.1% for 2015. CPI inflation on 0.4% and 0.8% were forecast for 2014 and 2015 respectively.

In Japan, the sales tax increase in April 2014 had curtailed Q2 growth. Export demand was low, although business surveys were optimistic on the short term outlook. In addition, consumer confidence was on the rise which could indicate that the recent outturn had been a temporary blip. Unemployment remained low, which could lead to wage rises, encouraging spending and inflation over the longer term. An essential part of the Government's economic plan was that wage rates should increase so that consumer spending did not become stunted as inflation rose. GDP growth was forecast at 1.5% for 2014 and 1.2% for 2015, and inflation was forecast at 2.7% for 2014 and 1.8% for 2015.

Over the past three months, the FT Asia-Pacific ex-Japan Index had continued to recover, rising by nearly 4%. There had been a wide divergence of performance across the region, with Hong Kong rising over 12% and Shanghai ahead nearly 11%. India had been ahead a 6.9% bounce and Australia ended almost unchanged. Asian growth expectations had stabilised after earlier downgrades and continued to outstrip those of other regions. Asian markets continued to watch developments in Japan, as they would be first in line to benefit from a Japanese economic recovery. In China, the recovery in manufacturing activity had continued to accelerate going into Q3. Policymakers appeared comfortable with the current growth rate and had reined back on stimulus measures, switching the focus to longer term structural reforms. Headline inflation remained subdued. Q2 GDP growth figures had shown mixed results with China and Taiwan growing whilst South



Korea, Indonesia and Singapore had slowed. In China, GDP growth had risen to 7.5%. For 2014, the consensus forecast GDP growth for China was 7.4%, Philippines 6.2% and Indonesia 5.2%. Consensus forecasts for 2014 CPI inflation were 2.4% for China, Philippines 4.3% and Indonesia 6.1%.

The FT Emerging Index had risen 6.5% over the last three months, with Emerging Asia leading the way with an 8.5% rise and Latin America 2%, although Europe had fallen 3% over the period. Recent data suggested that growth across the emerging world had picked up, with manufacturing activity across the emerging world strengthening, although this had been heavily skewed towards Emerging Asia, with Latin America much more subdued and Emerging Europe edging ahead due to an improved position in Russia, now likely to be disrupted by geopolitical developments. The US economy was expected to rebound over the coming months, boosting several emerging markets such as Mexico and parts of Asia.

In Brazil, though the longer term prospects remained encouraging, the near term was more problematical. Mexico had better shorter term prospects on the back of a US recovery and structural reforms in the economy. Further, the economy had not built up the imbalances evident elsewhere in Latin America. The current account deficit remained relatively small, leaving it less vulnerable than others to the withdrawal of stimulus by the Federal Reserve Committee. There remained concern over the exposure of countries such as Poland, Hungary and the Czech Republic in emerging Europe to the weak Eurozone. The region was also closely tied to the Eurozone financial system. Markets were expected to remain volatile, although valuations were not excessive and there had been recent positive trends in Poland. The upheaval in the Ukraine added further uncertainty. The major loser from any escalation in the Ukraine would be likely to be Russia. After initially holding up well, the Russian market had fallen by around 10% in the last month. 'Frontier' markets remained interesting, with low correlation with other markets and low price:earnings ratings exacerbated by Middle East tensions.

The returns for the major asset classes for the period 1 April 2014 – 31 July 2014 were reported. Returns in the four months to 31 August 2014 had ranged from a positive 6.7% from Property compared to minus 4.5% from European Equities. Volatility remained a feature as investor risk appetite continued to wax and wane with the changing outlook on the Eurozone crisis, sovereign debt levels, monetary policy and global economic growth. Political instability, Middle East and Ukrainian tensions and widespread elections had exacerbated policy indecisiveness, heightening uncertainty.

**RESOLVED** that the report be noted.

**62/14**      **ASSET ALLOCATION AND INVESTMENT STRATEGY** The Director of Finance reported on the current asset allocation, and the

proportion of the Fund held in each sector at 31 July 2014 was highlighted and compared with the asset allocation ranges previously approved by the Committee. Relative to its benchmark, the Fund was overweight in equities and cash, but underweight in bonds, property and alternative investments.

Investment activity since the last meeting was reported. The Fund's investment assets were currently valued at £3,360.1m. A list of transactions since the last meeting and a copy of the latest portfolio were presented.

**RESOLVED** that the report be noted.

**63/14      INVESTMENT STRATEGY** The strategy reports of the Investment Advisers were presented, and Mr J Somers from Aviva and Mr P Williams attended the meeting. The Fund's latest asset allocation and the recommendations in relation to the Pension Fund's benchmark were highlighted. It was noted that the current cash position and the DCC recommendation for cash was temporarily higher by around £45m as this amount would be transferred to the Greater Manchester Pension Fund in early November due to the assets of the Derbyshire Probation Trust Service moving to the National Probation Service.

Mr Williams had not changed any of his recommendations since the last meeting. Aviva remained 1.5% overweight in Equities overall, but had made some minor changes within individual markets. Aviva had not changed its recommendations in any other areas.

The recommendations had taken the views of the Investment Advisers into account, and these were detailed. The Committee discussed the recommendations that had been put forward, particularly where there were differing opinions from the external advisers.

**RESOLVED** that the strategy outlined in the report be approved.

**64/14      INVESTMENT PERFORMANCE** The Fund's results for the first quarter of the fiscal year were compared with the benchmark index returns and WM Local Authority Average Fund. In Equities, the Fund had outperformed the benchmark in Japan, Pacific ex Japan and Emerging Markets, but had underperformed in UK, North America and Europe. In Bonds, the Fund had outperformed the benchmark in UK Index Linked, and had matched the index in UK Gilts and Corporate Bonds. The Fund had underperformed its Property benchmark. Overall, the Fund had underperformed its benchmark return by 0.1% over the quarter.

Compared to the WM Local Authority Average, the Fund had outperformed in all equity markets except Europe, and had also outperformed

in Index Linked Bonds. However, it had underperformed in Gilts and Property. The Fund had outperformed the WM Local Authority Average overall by 0.2%.

Details were given of the performance of the Fund over 3, 5 and 10 years to 31 March 2014. The Fund had outperformed against its benchmark for the three and ten year periods, but had underperformed for the five year period. The Fund had matched the Local Authority Average Fund for the three year period and had outperformed it over the five and ten year periods.

**RESOLVED** that the performance be noted.

**65/14**        **LAPFF** The minutes of the LAPFF Business meeting held on 25 March 2014 were presented for information.

**RESOLVED** that the minutes be noted.

**66/14**        **VOTING ACTIVITY** Details of the Fund's voting activity for the period 1 May 2014 – 31 July 2014 were given, along with a summary of votes against management proposals.

**RESOLVED** that the report be noted.

**67/14**        **INVESTMENT RISK MANAGEMENT SCHEDULE** As prescribed in the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 and the Myners' Principles, the Committee was obliged to regularly review the risks associated with managing the Fund. The current risk management schedule was presented. In relation to performance, there had been performance relative to the benchmark index of more than +/- 2% in any asset category, absolute performance of any asset category of more than +/-3%, and outperformance by bonds over equities during the previous quarter.

**RESOLVED** that the report be noted.

**68/14**        **PENSION FUND ANNUAL REPORT** In accordance with the Local Government Pension Scheme (Administration) Regulations 2008, the Administering Authority had to prepare and publish an annual report on or before 1 December following the year end. Details were provided of the contents of the report, including the investment elements of the Fund, investment performance for the year, administration of the Fund, and the Pension Fund's Annual Accounts, which also formed part of the County Council's Accounts (which had been approved by the County Council's Audit Committee). Also to be included was the external auditor's opinion and the Actuarial Valuation Report 2013, which contained the Actuary's Statement.

The report contained a number of appendices which related to the governance statements which had been updated to reflect the new Committee structure from May 2013, and the Statement of Investment Principles, which had not been updated. The Funding Strategy Statement had been updated following the actuarial valuation to reflect Hyman's corporate style, but there had been no change to the approved funding strategy. The updated Communications Policy had also been included.

**RESOLVED** to approved the publication of the annual report as required by the Regulations.

**69/14**      **EXCLUSION OF THE PUBLIC** **RESOLVED** that the public be excluded from the meeting during the Committee's consideration of the remaining items on the agenda to avoid the disclosure of the kind of information detailed in the following summary of proceedings:-

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING**

1. To confirm the exempt minutes of the meeting held on 11 June 2014
2. To consider the exempt report of the Director of Finance on Options for Managing Direct Property (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
3. To confirm the exempt minutes of the meeting, as an Employing Authority, held on 11 June 2014

**MINUTES** of a meeting of the **PENSION AND INVESTMENT COMMITTEE**  
held at County Hall, Matlock on 22 October 2014

**PRESENT**

Councillor S Marshall-Clarke (in the Chair)

**Derbyshire County Council**

Councillors D Collins, R Davison, P Dunn (substitute member), S J Ellis, M V Longden and D J Wilcox

**Trade Union Representative**

N Read – Derbyshire Unison

Apologies for absence were submitted on behalf of Councillors S Freeborn and M Tittley

**73/14      COUNCILLOR W BURROWS** The Committee was informed that Councillor W Burrows, Chair of the Committee, had passed away. Members stood for a minute silence as a mark of respect.

**74/14      MINUTES RESOLVED** that the minutes of the meeting held on 21 August 2014 be confirmed as a correct record and signed by the Chair.

**75/14      EXCLUSION OF THE PUBLIC RESOLVED** that the public be excluded from the meeting during the Committee's consideration of the remaining items on the agenda to avoid the disclosure of the kind of information detailed in the following summary of proceedings:-

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING**

1. To confirm the exempt minutes of the meeting held on 21 August 2014
2. To consider, as an Administering Authority, the exempt reports of the Director of Finance on:-
  - a) Local Government Pension Scheme – Payment of Child's Pension (contains information relating to an individual)
  - b) Local Government Pension Scheme – Payment of Child's Pension (contains information relating to an individual)
  - c) Local Government Pension Scheme – Serious Ill Health Case (contains information which is likely to reveal the identity of an individual)

- d) Local Government Pension Scheme – Payment of Pensions  
(contains information which is likely to reveal the identity of an individual)
- 3. To consider, as an Administering Authority, the joint exempt report of the Director of Finance and the Director of Legal Services on Stage 2 Appeal under the Local Government Pension Scheme Internal Dispute Resolution Procedures (contains information relating to an individual)
- 4. To consider, as an Employing Authority, the exempt report of the Director of HR on Early Release of Pension Benefits on Compassionate Grounds (contains information which is likely to reveal the identity of an individual)

Public

**MINUTES** of a meeting of the **AUDIT COMMITTEE** held on 7 October 2014 at County Hall, Matlock

**PRESENT**

Councillor R Mihaly (in the Chair)

Councillors S J Bradford, S Brittain, L M Chilton and D Williams

Apologies for absence were received on behalf of Councillor C R Moesby

**50/14      MINUTES RESOLVED** that the minutes of the meeting held on 2 September 2014 be confirmed as a correct record and signed by the Chair.

**51/14      VALUATION OF PROPERTY ASSETS** The Director of Finance introduced Alan Orme, Asset Management Officer and Jo Hollick, Group Manager (Assets), from the Property Services Division who attended the meeting to inform Members of the annual valuation of property assets for the County Council.

Members were provided with details of asset categories which included operational, non-operational assets and non-current assets. The interpretation of Fair Value and methods of valuation were highlighted.

In accordance with the Cipfa Code of Practice on Local Authority Accounting in the United Kingdom 2014-15, valuations were undertaken in a five year cycle. Around 20% of assets were inspected and valued commencing shortly after the beginning of the financial year with an anticipated completion before Christmas of the same year. The current year was year 3 in a cycle of 5. It was reported that the total number of valuations undertaken in 2013-14 (year 2) was 259.

On behalf of the Committee, the Chair thanked Mr Orme and Ms Hollick for their very interesting and informative presentation. The Director of Finance wished to place on record his thanks to colleagues from the Property Division for improving the process and the working relationship between the two departments and also recognised the work undertaken by Wendy Round from the Finance Capital Section.

**52/14      CONSULTATION RESPONSE: SIMPLIFYING THE ACCOUNTS AND THE 2015-16 CODE OF PRACTICE** On 25 July 2014 CIPFA and CIPFA/LASAAC issued two consultation documents;

### Simplification and streamlining of the presentation of local authority financial statements

This consultation focused on the reporting of local authority performance and therefore on the comprehensive income and expenditure statement, the movement in reserves statement and the segmental reporting requirements specified in the Code of Practice on Local Authority Accounting in the United Kingdom. As an important part of reporting performance it also considered the narrative reporting requirements which would accompany the financial statements. The consultation asked respondents to consider the ways to make the content of the annual Statement of Accounts more accessible to the reader. It proposed specific statements and notes within the accounts for consideration and asked for ways in which they could be improved. The consultation closed on 19 September 2014. The response sent on behalf of the Council was attached at Appendix One to the report.

### 2015-2016 Code of Practice on Local Authority Accounting in the United Kingdom (the Code) Exposure Draft (ED) and Invitation to Comment (ITC)

The 2015-2016 Code would apply to accounting periods starting on or after 1 April 2015. The proposed amendments in the 2015-2016 Code covered changes in accounting standards and other issues on which CIPFA/LASAAC wished to seek respondents' views. The most significant proposed changes within the code included:

- Introduction of IFRS13, Fair Value Measurement.
  - Changes to the valuation of Surplus Assets to be held at market value. Currently held at operational use value.
  - Additional disclosure requirements to include the valuation methodology and calculation used in determining the value of Council's fixed assets.
- Optional adoption of changes to IAS16 and IAS38, Property Plant and Equipment and Intangible Assets
  - Proportional application of accumulated depreciation upon valuation of an asset.

The consultation would close on 10 October 2014. The response due to be sent on behalf of the Council was attached at Appendix Two to the report.

**RESOLVED** that Members note the consultation and their response.

**53/14      GENERAL RESERVES RISK ASSESSMENT** For a number of years, the Council had risk assessed the level of General Reserves, being one of the first authorities to take this approach. The assessment had been



reviewed and revised annually, and was published in the Five Year Financial Plan. Cabinet had approved a provisional Five Year Financial Plan on 15 July 2014, with the full published version to be revised and updated alongside the Revenue Budget report 2015/16. The Cabinet report on the 15 July included General Reserve projections over the five year period of the Plan.

It was important for Members to receive assurance that procedures were in place to ensure that the level of balances was risk assessed and in the event that the level of balances was considered to be high risk, appropriate action was taken by Members and Senior Management. The Council's Strategic Risk Register was examined to identify any items that could result in a call on the General Reserves. Details of the full analysis, together with information on the approach taken were set out in Appendix One to the report. The outcome undertaken by officers showed that the risk assessed General Reserve balance was £23.3m. This was considered to be within the threshold considered to be minimum risk by the external auditors.

Members were informed that the risk assessment specifically referred to the level of budget reductions in 2014-15, however there was a further risk of non-achievement of the Council's overall budget reduction target in future years. The non-achievement could result in further calls on General Reserves. In the four years following the current financial year, budget reductions of £129m were required in order to set a balanced budget. If the Council were to fail in meeting its target by 10%, for example, the funding gap would be financed by one-off support from General Reserve, thereby reducing the balance by £13m over the medium term. This would take the balance to below or close to the minimum current risk assessed level.

**RESOLVED** to note the details of the risk assessment of General Reserves.

**54/14      TREASURY MANAGEMENT** The Director of Finance presented a report on Treasury Management activities for 2013-14 and on the Council's compliance with the prudential indicators set by the Cabinet at its meeting on 29 January 2013, in accordance with the terms of the Prudential Code for Capital Finance in Local Authorities.

The Director of Finance provided details on Treasury Management Activities 2013-14 provided details on Treasury Management Activities for 2013-14, interest rates, borrowing, debt rescheduling and repayment, lending and a summary of Prudential Indicators set for 2013-14.

**RESOLVED** that the annual report on Treasury Management for 2013-14 be noted.

**55/14      STRATEGIC RISK REGISTER** (The Chair agreed to consider this report as a late item as various reviews had been undertaken at departmental level to enable a comprehensive response to be reported to the Committee) The Council undertook regular reviews of risks and the latest detailed assessment of the highest ranking risks formed the Council's Strategic Risk Register which had been circulated to Members. A summary of new risks, changes to risk score and risks that no longer appeared on the Register were attached as an appendix to the report.

**RESOLVED** that the report be noted.

**56/14      ANTI-MONEY LAUNDERING POLICY** The Anti-Money Laundering Policy was last reviewed in December 2012 and was presented to the Audit Committee at its meeting on 29 January 2013. The Policy had again been reviewed and it was considered that no updates were currently required. The Policy, which took account of the Council's exposure to money laundering, along with guidance notes and supporting documentation, was attached in the Appendices to the report.

**RESOLVED** that Members note that a review of the Anti-Money Laundering Policy had taken place and no updates were required.

**57/14      ANNUAL GOVERNANCE STATEMENT – RECOMMENDATIONS AND ACTION PLAN** At the meeting on 13 May 2014 the Committee considered the Annual Governance Statement (AGS) and on 2 September 2014 the Committee approved the Council's Statement of Accounts 2013-14 which included the AGS. The recommendations made in the AGS and action taken to date was summarised below:-

<b>Recommendation</b>	<b>Action/Current Position</b>
Production of a Governance Manual/Matrices.	Audit Services were currently working on the production of revised matrices for completion by Strategic Directors to underpin the AGS.
Performance Management Information.	To be collated and evaluated in conjunction with the Governance Group.
Review of current arrangements against Cipfa's Audit Committees: Practical Guidance for Local Authorities to ensure compliance with this guidance.	Guidance reported to Audit Committee on 7 October 2014 and recommendation made for consideration by Members.

**RESOLVED** to note the recommendations contained within the Annual Governance Statement and action taken to date.

**58/14      AUDIT COMMITTEES: PRACTICAL GUIDANCE FOR LOCAL AUTHORITIES AND POLICE**

Cipfa had published a revised and updated edition of its best practice guidance 'Audit Committees: Practical Guidance for Local Authorities and Police'. This updated the core functions of the audit committee in relation to governance, risk management, internal control and audit to reflect changes since the Position Statement on Audit Committees issued in 2005. These included the introduction of the Public Sector Internal Audit Standards, Annual Governance Statements and associated guidance.

Whilst the guidance did not prescribe a single model of audit committee it noted that "stand alone audit committees reporting to full council were the norm in the UK." The guidance described audit committees as "a key component of an authority's governance framework" and stated what their core functions were.

The revised guidance included a greater focus on supporting improvement and the knowledge and skills that audit committee members required. The publication also provided practical support which could be used by the audit committee to evaluate its effectiveness, plan improvements and identify training requirements, allowing officers to develop an effective programme of support for the committee.

**RESOLVED** to (1) note the revised and updated Cipfa publication 'Audit Committees: Practical Guidance for Local Authorities and Police'; and

(2) consider undertaking a self-assessment of effectiveness and identification of training needs based on the guidance.

**59/14      ANNUAL REVIEW OF THE COUNTY COUNCIL'S REGULATORY FRAMEWORK**

The Council's Financial Regulations and Standing Orders were revised with effect from 1 July 2014 following detailed review and update to bring them into line with current working practices. There was wide ranging consultation with Cabinet Members, Audit Committee, Strategic Directors, Audit Services, Director of Finance, Director of Legal Services, finance officers and other interested parties before the implementation of the revised Regulations which was supported by a training programme.

Financial Regulations continued to identify at all points the underlying principles, the responsibilities of Members, the duties of the Chief Executive, Director of Legal Services, Director of Finance, Strategic Directors/Directors and of the Authority's auditors, both external and internal. Compliance with the revised Regulations would continue to be assessed by Audit Services as part of their on-going work. Further reports would be brought to this Committee

when the reviews of the Code of Conduct for Employees and the Anti-Fraud and Anti-Corruption Strategy had been completed.

**RESOLVED** to note the current status of those key documents which together form a significant component of the Authority's governance framework.

**60/14      EXCLUSION OF THE PUBLIC RESOLVED** to exclude the public from the consideration of the remaining items on the agenda to avoid the disclosure of exempt and confidential information.

### **SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING**

1. To consider the exempt reports of the Assistant Director of Finance (Audit) on:-
  - a) Regulation of Investigatory Powers Act (RIPA) (contains information relating to the prevention of detection of crime)
  - b) Audit Services Unit – Progress against Audit Plan 2014-15 (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))

## PUBLIC

**MINUTES** of a meeting of the **DERBYSHIRE POLICE AND CRIME PANEL** held on 18 September 2014 at County Hall, Matlock.

### **PRESENT**

Councillor P Smith (in the Chair)

Councillors S Blank (Chesterfield Borough Council), I Harry (Amber Valley Borough Council), D Hawksworth (Chesterfield Borough Council), B Murray-Carr (Bolsover District Council), T Norton (High Peak Borough Council), P Pegg (Derby City Council), A Plenderleith (South Derbyshire District Council) L Robinson (North East Derbyshire District Council), C Short (Amber Valley Borough Council), and N Hodges and V Newbury (Independent Members).

Also in attendance: Mr J McElvaney (Director of Legal Services), Mr D Rose (Improvement and Scrutiny Officer) and I Walters (Democratic Services Officer).

A Charles, Police and Crime Commissioner, H Dhindsa, Deputy Police and Crime Commissioner, and D Peet, Chief Executive of the Police and Crime Commissioners Office were also present.

Apologies for absence were received on behalf of Councillors P Bayliss (Derby City Council), C Hart (Erewash Borough Council), P Hickson (Derby City Council), L Rose (Derbyshire Dales District Council) and T Southerd (Derbyshire County Council).

**32/14**      **MINUTES RESOLVED** that the Minutes of the meeting of the Derbyshire Police and Crime Panel held on 17 July 2014 be confirmed as a correct record and signed by the Chair.

### **33/14**      **MATTERS ARISING**

- a) Community Issues (Minute 24/14 refers) The Commissioner was informed of emerging community tensions in the Bolsover area due to members of the Eastern European community whose passports had been lost or stolen, meaning they did not fit the criteria to be provided with temporary housing, thus leaving them homeless. The Commissioner noted this unacceptable situation and would raise the matter with the appropriate officers.
- b) Performance Report (Minute 27/14 refers) It was confirmed that the Commissioner and a member of his HR staff would attend the November meeting to give a full briefing to Members on staff absences.

**34/14      QUESTIONS RELATING TO THE ROLE OF THE POLICE AND CRIME COMMISSIONER** Members of the Panel were given the opportunity to ask questions of the Police and Crime Commissioner as follows:-

“How does the PCC react to the recent HMIC report that some crimes (for example theft of car stereos or broken windows) are in some cases not being recorded or attended to by police across the country? Specifically in Derbyshire the report found that the Force’s current policy required officers to attend all reports of crimes and incidents although the Force was unable to identify the actual number of crimes staff attended”.

In response, the Police and Crime Commissioner stated that if such cases were not being recorded or attended by officers in the County that he would like to be made aware of it, as this was unacceptable. He added that the current HMIC inspection process, whilst very active often failed to highlight the many positive areas of work that were being undertaken by Forces across the country. Within Derbyshire, officers attended as many incidents as possible with all crimes being recorded on a database with emerging trends being highlighted and referred to Safer Neighbourhood Teams. All incidents were reported to the Area Inspector and people were asked to be diligent in looking for supporting information when crimes had been carried out. For example did anyone see it happen? Overall Derbyshire had received a good HMIC report and satisfaction levels amongst the public were going up.

“Can you clarify the Force’s position in relation to dealing with child sexual exploitation (CSE) following the recent adverse publicity in response to the situation in Rotherham”?

The Commissioner responded by saying that shortly after the Rotherham situation was reported, he was fully briefed by Chief Superintendent Debbie Platts who had responsibility for operational support and was recognised as a leading specialist in the CSE area, including the management of several successful operations leading to convictions within the County. The PCC explained that he had issued a number of press releases in order to reassure the public of the many areas of work that were being undertaken across the County in order to deal with the CSE threat. A number of publicity campaigns were taking place in order to raise awareness, including the commissioning of a play called ‘Chelsea’s Choice’ that would be shown to Year 8 students all over the county and city. This was a very hard hitting production and representatives of the charity, ‘Safe and Sound’ would be at each performance to deal with any disclosures that were made and then also provide backup support for future disclosures. It was also hoped that schools would use the budgets provided to them for community safety to roll out this production to older students as well.

“What do you feel you and your office can do in co-operation with others such as this Panel to improve electoral turnout for PCC elections in the future”?

The Commissioner responded by saying that this was a very difficult problem to solve and was not helped by a number of negative stories in the media. There were many areas of positive work which were not often highlighted and members of the public were not aware of. However, the Commissioner felt that the turnout at any future election would be higher due to the fact that it would not take place in November; a change in legislation to allow for candidates to distribute literature in advance of the elections; and that people were now becoming more aware of the role of the Police and Crime Commissioners.

“Could you please update the Panel on the contribution you and your office have made to the work of the Association of Police and Crime Commissioners (APCC), and the benefits you have gained from being a member”?

The Commissioner responded by stating that he believed there was the need for an association. His own personal contribution involved being a member of the Police Negotiating Board and the Police Staffing Board. It was his belief that the APCC needed to have a series of national spokespersons for specific areas of responsibility in order for it to be more influential. For example, in national campaigns such as asking supermarkets to remove high strength alcohol to less accessible areas of their stores.

“Following the recent HMIC report on “Responding to Austerity” that judged Derbyshire to be good overall with some very positive findings, what work was being carried out with the Chief Inspector to look at those Forces who achieved outstanding (Avon and Somerset, Norfolk, Lancashire, Staffordshire and West Midlands) to understand if any best practice on achieving value for money could be learnt and implemented”?

The Commissioner highlighted that overall the report had found Derbyshire to be good and that it had managed cuts to its budget well. He believed that it was hard to draw comparisons with other areas, as the geography and local need was different across the country. In relation to moving forward, the Chief Constable would be finalising the 5 year plan in October and this would provide a positive way forward with further improvements and examples of best practice. The plan would be provided specifically in relation to local need in Derbyshire..

**35/14      ANNUAL REPORT 2013/14 OF THE POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE** Alan Charles, Police and Crime Commissioner for Derbyshire, presented the Annual Report for the period 1 April 2013 – 31 March 2014 in accordance with Section 12 of the Police Reform and Social Responsibility Act 2011.

Members were given the opportunity to ask questions and also made a number of comments and observations on the Annual Report. Panel Members specifically highlighted the lack of reference to the role and work of the Police and Crime Panel within the report.

The Commissioner apologised for this omission and it was confirmed that the plan would be amended accordingly.

**RESOLVED** (1) to recommend to the Police and Crime Commissioner that the Annual Report 2013/14 be issued subject to the amendment regarding the role and work of the Police and Crime Panel being added; and

(2) that the report be published via the PCC's website [www.derbyshire-pcc.gov.uk](http://www.derbyshire-pcc.gov.uk).

**36/14      POLICE AND CRIME PLAN – OBJECTIVE 1** The Police and Crime Commissioner (PCC) provided the Panel with an update on “the approach being taken to commissioning the right services in the right place to support individual victims, communities and localities to prevent crime, cope with the consequences and recover from the impact of that crime”.

Details of the approach and model described were appended to the report and had emerged from consultation and engagement events, and needs analysis and strategic service reviews throughout 2013/14. The over-arching objectives were:-

- To deliver the code of practice for victims;
- To strengthen access co-ordination and integration of services through partnership with local organisations;
- To increase public sense of confidence and safety in their communities;
- To strengthen the quality and access to support services which translated to positive victim satisfaction; and
- To ensure value for money.

The Commissioner gave details of the current provision in Derbyshire and highlighted how the Police and Crime Plan was designed to meet the needs of victims.

Members noted that over the last year the role of Police and Crime Commissioners (PCCs) had been changing with new powers and responsibilities enabling the PCC to commission services for victims and witnesses and restorative justice. From 1 October 2014 responsibility for commissioning services for victims would be transferred from the Ministry of Justice (MOJ) to the PCC and Derbyshire was an “Early Adopter”.

In order to meet this responsibility the Commissioner approved funding from the MOJ Victim and Witness Grant to provide a contract for general support services which would be delivered from 1 October 2014 to 31 March 2016 with Victim Support for an agreed specification and agreed milestones to meet that specification.

In relation to restorative justice, planning work was still on-going and was again planned to be completed to commission services from 1 April 2015. The



Commissioner saw restorative justice and mediation as a very powerful tool, in reducing re offending.

It was intended that the outcomes of a strong commissioning partnership would:-

- deliver responsibility and accountability to victims of crime;
- agree priorities and focus resources;
- make best use of partners' available resources;
- enable joint operational plans and delivery; and
- agree minimum quality indicators (to raise the bar) with providers fit for purpose from April 2015.

**RESOLVED** to note the report.

**37/14      COMMUNITY GRANTS UPDATE** The Commissioner updated Members on the outcomes of the Community Grants made in the financial year 2013/14.

On taking office in 2012 the PCC announced that he would make £250,000 available to community projects throughout Derbyshire which were seeking financial support for projects that contributed towards the PCC's Police and Crime Plan objectives. The Appendix to the report gave information relating to the seven projects that had been completed most of which were in the first funding round. Further updates would be provided as projects concluded.

**RESOLVED** to note the report.

**38/14      PERFORMANCE REPORT** Members were informed of the challenge and scrutiny of the Force's performance from the most recent Police and Crime Commissioner, Strategic Governance Board meeting (SGB).

The PCC received a score card once a quarter and during the other two months reviewed an internally produced performance report.

Copies of the LPCC internal report on performance and the draft notes of the PCC's discussions with the Chief Constable at the SGB meeting relating to performance were appended to the report, to assist the Panel in understanding the management/performance data that the Commissioner received.

**RESOLVED** to note the update performance report.

**39/14      PERFORMANCE TASK AND FINISH GROUP, PERFORMANCE FRAMEWORK** Vicky Newbury presented a report asking members to consider a proposal from the Performance Task and Finish Group on a performance framework for the Police and Crime Panel.

A working group, made up of members of the Panel had been established to develop a performance framework to ensure there was an effective process of monitoring of performance in place. This would enable the Panel to hold to account the Police and Crime Commissioner.

The Performance Framework was appended to the report with its purpose being to not be overly prescriptive, and for the PCC to only bring relevant information as and when appropriate. Therefore, it was agreed that the framework should act more as a guide more than a requirement. Further work would be undertaken by the working group to develop the performance reports and guidance for Panel members.

The report timetable in Chapter 6 of Appendix 1 of the Framework ensured that the Panel received the relevant information at timely points of the year. The timetable was based on the PCC's Business Plan and the dates of Police and Crime Panel meetings.

**RESOLVED** (1) to approve the Performance Framework; and

(2) to receive performance information in accordance with Performance Framework at Panel Meetings.

**40/14      FORTHCOMING EVENTS** It was confirmed that the Police and Crime Panel National Conference was to take place on 17 October 2014 in Nottingham. A number of members had already booked places and other members also made requests to attend.

The Commissioner highlighted the forthcoming Youth Summit that was to be held at the Post Mill Centre in South Normanton with invites having recently been sent to Panel members. Three further summits were planned for next year on domestic violence; drugs; and hate crime. Panel members were invited to attend any Strategic Governance Board meetings.

Following a discussion amongst Panel members it was proposed that a separate briefing be provided by the Office of the Police and Crime Commissioner with regard to the precept process. Members would be informed once a date had been set.

It was also noted that the Member's Development Working Group of Derbyshire County Council was looking to provide training for members on Anti-Social Behaviour and Community Trigger.

**41/14      WORK PROGRAMME 2014/15** The Director of Legal Services provided Members with a suggested work programme which would provide the Commissioner's office and the Panel secretariat the opportunity to enter into a degree of structured forward planning with the understanding that any agreed timetable was indicative and could be amended according to the Panel's wishes and to reflect emerging themes and priorities.

**RESOLVED** to approve the Work Programme for the Derbyshire Police and Crime Panel 2014/15.

**42/14      DATE OF NEXT MEETING RESOLVED** to note that the next meeting of the Derbyshire Police and Crime Panel would take place on Thursday 20 November 2014 at 11.00 am at County Hall, Matlock.

**MINUTES** of the Annual General Meeting of the **DERBYSHIRE FIRE & RESCUE AUTHORITY** held at the Fire & Rescue Service Headquarters, Burton Road, Littleover, Derby commencing at 1100 hours on 26 June 2014.

**Present:**

Councillors: R Hosker, R Banwait, C Moesby, M Stockdale, G Nawaz, T Southerd, S Brittain, P Smith, K Lauro, J Patten, S Spencer, D Lomax, R Skelton

**Officers in Attendance:**

L Taylor	Solicitor/Monitoring Officer
S Allsop	Director of Finance/Treasurer
J Smith	Chief Executive
J Carter	Committee Clerk

**Apologies:** Cllrs J Hill, K Buttery, E Williams

33/14

**APPOINTMENT OF CHAIR OF THE FIRE & RESCUE AUTHORITY FOR THE YEAR 2014/15**

33.1 Cllr Hosker was nominated by Cllr Nawaz and seconded by Cllr Smith.

**Resolution:**

33.2 To appoint Cllr Hosker as Chair for the 2014/15 year.

34/14

**APPOINTMENT OF VICE CHAIR OF THE FIRE & RESCUE AUTHORITY FOR THE YEAR 2014/15**

34.1 Cllr Banwait was nominated by Cllr Stockdale and seconded by Cllr Southerd.

**Resolution:**

34.2 To appoint Cllr Banwait as Vice Chair for the 2014/15 year.

34.3 The Chair welcomed new Members and introduced the Temporary Assistant Chief Fire Officer, Gavin Tomlinson.

35/14

**LEADER OF MINORITY GROUPS**

35.1 Cllr Spencer was confirmed as Leader of the Conservatives. Cllr Skelton was confirmed as Leader of the Liberal Democrats.

**36/14**

**PUBLIC QUESTION TIME**

36.1 There were no questions from members of the public.

**37/14**

**DECLARATIONS OF INTEREST**

37.1 There were no declarations of interest.

**38/14**

**MINUTES OF DERBYSHIRE FIRE & RESCUE AUTHORITY MEETING HELD ON 10 APRIL 2014**

38.1 Members confirmed the minutes as a correct record and these were signed by the Chair.

**39/14**

**MINUTES OF THE INCLUSION & EQUALITY FORUM HELD ON 15 APRIL 2014**

39.1 Members noted the minutes.

**40/14**

**MINUTES OF THE STANDARDS COMMITTEE HELD ON 2 MAY 2014**

40.1 Members confirmed the minutes as a correct record.

**41/14**

**MINUTES OF THE GOVERNANCE & PERFORMANCE WORKING GROUP MEETING HELD ON 2 JUNE 2014**

41.1 Members confirmed the minutes as a correct record.

**42/14**

**APPOINTMENT OF COMMITTEES, WORKING GROUPS AND PANELS 2014/15**

**Resolution:** To appoint Members as follows:

**42.1 Standards Committee**

Composition: 4 Members (to include at least 1 Derby City Member)

Labour 2; Conservative 1; Liberal Democrat 1

Councillors: Hill, Brittain, Buttery, Skelton

**42.2 Budget Development Working Group**

Composition: 4 Members (to include at least 1 Derby City Member)

Labour 2; Conservative 1; Liberal Democrat 1

Councillors: Hosker, Smith, Spencer, Skelton

#### **42.3 Governance and Performance Working Group**

Composition: 5 Members (to include at least 1 Derby City Member)  
Labour 3; Conservative 1; Liberal Democrat 1  
Councillors: Moesby, Stockdale, Southerd, Williams, Lomax

#### **42.4 Brigade Managers' Pay Review Panel**

Composition: 4 Members (to include at least 1 Derby City Member)  
Labour 3; Conservative 1; Liberal Democrat 1  
Councillors: Hosker, Banwait, Spencer, Skelton

#### **42.5 Brigade Managers' Discipline/Grievance and Associated Appeals**

Composition: 8 Members (to include at least 1 Derby City Member)  
Labour 5; Conservative 2; Liberal Democrat 1  
Councillors: Banwait, Hosker, Lauro, Stockdale, Nawaz, Patten, Williams, Skelton

#### **42.6 Brigade Managers' Appointments Panel**

Composition: 5 Members  
Labour 3; Conservative 1; Liberal Democrat 1  
Councillors: Banwait, Hosker, Hill, Williams, Skelton

#### **42.7 Inclusion and Equality Forum**

Composition: 4 Members (to include at least 1 Derby City Member)  
Labour 2; Conservative 1; Liberal Democrat 1  
Councillors: Nawaz, Lauro, Patten, Lomax

#### **42.8 Transformational Steering Group**

Composition: 8 Members (to include at least 1 Derby City Member)  
Labour 4; Conservative 2; Liberal Democrat 2:  
Councillors: Hosker, Banwait, Smith, Moesby, Spencer, Buttery, Skelton, Lomax

**43/14**

#### **DRAFT TIMETABLE OF MEETINGS FOR 2014/15**

- 43.1 Members approved the dates for 2014/15 meetings subject to a revised start time of 1030 hours.

**44/14**

#### **COMMITTEE ANNUAL WORK PROGRAMME**

- 44.1 Members approved the Work Programme for 2014/15.

**45/14**

**SERVICE IMPROVEMENT PRESENTATION**

- 45.1 Sheril Buxton and Ben Smart, DFRS Service Improvement Advisors gave a brief overview of the on-going work to target areas of wastage and introduce leaner ways of working. Members were briefed on examples of such changes in ways of working including a new process to ensure maximum attendance on training courses and a level and spread of skill sets and competency across the county. In addition, the procedure for mobilisation to false alarms which had also been reviewed and had resulted in the reduction from two to one appliance attending incidents relating to smoke alarm calls. Future areas of focus by the Service Improvement team will be the way prevention education is delivered to schools and administrative systems associated with Prevention and Protection.

***REPORTS FOR DECISION:***

**46/14**

**ANNUAL GOVERNANCE STATEMENT 2013/14**

- 46.1 Members' approval was sought for the Annual Governance Statement 2013/14.
- 46.2 The Annual Governance Statement (AGS) summarises the results of the work of the Governance & Performance Working Group in scrutinising the Service's compliance status against the CIPFA/SOLACE Framework – Delivering Good Governance in Local Government. The AGS will continue to be a live document until its publication in September 2014.
- 46.3 The Chief Executive explained that the document was a backward look and any future impacts from significant changes such as the Firefighters' Pension Scheme will be closely monitored by the Director of Finance/Treasurer and the Service's Senior HR Partner. Members were advised that future reports on pension developments will be presented to the Authority in addition to training where considered relevant.

**Resolution:**

- 46.4 Members approved the AGS for 2013/14.

**47/14**

**REVIEW OF THE EFFECTIVENESS OF INTERNAL AUDIT 2013/14**

- 47.1 Members' approval was sought to appoint a qualified and independent assessor from outside the Service to undertake an external validation of the compliance of internal audit against the new Public Sector Internal Standard. This recommendation had been endorsed at the Governance & Performance Working Group meeting on 2 June 2014.

- 47.2 The Treasurer reported that the cost of the independent review will be met from the existing budget for professional fees.

**Resolution:**

- 47.3 Members gave approval to commission an external validation process undertaken by an independent assessor.

**48/14**

**INTERNAL AUDIT PLAN 2014/15**

- 48.1 A fundamental role of Internal Audit is to provide Members and senior management with independent assurance on the Service's overall control environment, comprising systems of governance, risk management and internal control to highlight weaknesses and identify areas for improvement. The plan sets out proposals on how this will be achieved in the year ahead.
- 48.2 Cllr Spencer queried the approach taken by the Service in relation to procurement and particularly the draft Chief Fire Officers Association (CFOA) Procurement Strategy. The Chief Executive reported that the Service was currently considering the proposals of the draft CFOA Strategy. Furthermore, DFRS were leading on a fleet procurement framework for emergency service vehicles which would be available to the UK fire and rescue services. This was being developed in collaboration with five other fire and rescue services. The launch of this framework will take place in July and an update will be presented to the Authority in September. CFOA has been kept notified throughout its development.
- 48.3 The Treasurer confirmed that the Service has a contracts register which was shared nationally with other fire and rescue services via the Communities for Local Government (CLG) and published on the website.

**Resolution:**

- 48.4 Members approved the Internal Audit Plan for 2014/15.

**49/14**

**EXTERNAL AUDIT PLAN 2013/14**

- 49.1 The plan sets out the structure of the audit – approach, proposed deliverables, timescales and fees for the audit work. As part of the audit of financial statements, risks and approaches to Value for Money (VFM) will be detailed in the plan. One significant risk in relation to the Local Government Pension Scheme (LGPS) had been identified and this will be assessed again as part of the auditor's interim review. It was also confirmed that J Cornett would no longer undertake the role of Appointed Auditor and was being replaced Andrew Cardoza
- 49.2 The Treasurer reported that the audit fee had remained the same for last three years. He explained that the appointment of an auditor was not subject



to a tendering process and the Audit Office currently allocated the team. However, this may change in the future to allow individual fire and rescue services to tender.

- 49.3 The Treasurer and the Corporate Finance team were commended for their on-going commitment to respond to the requirements of the auditors. It was also recommended that the Chair sends a letter of thanks to J Cornett at KPMG for his service over many years.

**Resolution:**

- 49.4 Members accepted the External Audit Plan 2013/14.

**50/14**

**SERVICE PLAN 2014/17**

- 50.1 Members were asked to approve the draft Service Plan 2014/17 and the key performance measure annual targets for 2014-15.
- 50.2 The Chief Executive gave a brief overview of the five key development projects which had been developed taking account of stakeholder consultation feedback. The proposed work associated with the projects was tabled in the plan together with the estimated financial savings.
- 50.3 The Chief Executive advised Members that progress reports, including feedback from consultation with the representative bodies, will firstly be presented to the Transformational Steering Group prior to formal submission of relevant recommendations to the Authority.
- 50.4 The performance measures had been endorsed by the Governance & Performance Working Group and reflected a more useful and balanced approach to assist the Service move forward. Following a query from Members, the Deputy Chief Fire Officer explained that the Home Fire Safety Check (HFSCs) target has remained unchanged pending a proposed review of how risk profiling will be used to inform the delivery of prevention.
- 50.5 The Treasurer noted the amendment to be made in relation to total service expenditure per head of population.

**Resolution:**

- 50.6 Members approved the Service Plan 2014/17 and the performance measure annual targets for 2014/15.

**51/14**

**REVIEW OF MEMBER DEVELOPMENT NEEDS 2014/15**

- 51.1 The purpose of the report was to seek approval for Members' development during 2014/15. As part of this development the proposal to introduce a 'buddying' scheme facilitated by SLT was recommended in addition to an

invitation to Members to attend the Annual Awards Ceremony to learn more about the innovative work delivered by employees

- 51.2 The Deputy Chief Fire Officer explained that the Member Development Plan was based on previous feedback from Members.

**Resolution:**

- 51.3 Members approved the content of the plan and the development of a 'buddying' scheme.

**52/14**

**CAPITAL AND PRUDENTIAL OUTTURN 2013/14**

- 52.1 The purpose of the report was to update Members on the capital outturn as at 31 March 2014, the position in relation to borrowing and lending, prudential indicators as required by CIPFA and revisions to the capital budget.
- 52.2 Members were also asked to approve areas of slippage on the capital programme, an increase in investment limits, as advised by the Authority's Treasury Management advisors and the revised capital programme.
- 52.3 The Treasurer reported that capital expenditure was funded from reserves or underspends. Following a query from Members, they were advised that no further refurbishments will take place at the HQ site, however, if significant maintenance was required this may have to be funded by capital.

**Resolution: Members**

- 52.4 Noted the outturn position of the 2013/14 Capital Programme and the funding of the programme (sections 3.1 and 3.2 of the report).
- 52.5 Approved net slippage of £668k into 2014/15 (section 3.3 of the report).
- 52.6 Approved an increase in the limit to investments with Barclays Bank to £6m, of which £2m must be held on an instant access basis (section 3.6 of the report).
- 52.7 Approved the 2014/15 revised capital programme totalling £8,269k and related funding (sections 3.10 - 3.14 of the report).
- 52.8 Approved the slippage of £1m for the new headquarters project into 2015/16 (section 3.12 of the report).

**53/14**

**REVENUE BUDGET OUTTURN 2013/14**

- 53.1 Members were presented with the 2013/14 revenue budget outturn, outlining the approvals required for the carry forward of expenditure, movement and transfer of reserves as tabled in the recommendations of the report.

- 53.2 The Treasurer reported that the total underspend was now £5.2m and explained the reasons for the increase in the underspend from the previously reported position. Members were advised that overall savings in relation to staffing were subject to the outcome of future projects and proposals to be presented to the Authority. In addition, the project to review staffing levels and duty systems aligned to risk profiling should determine the future establishment position. Current crewing levels and competence was also measured daily which will also be considered as part of the project.
- 53.3 The Treasurer confirmed that potential costs associated with the changes in the Firefighters' Pension scheme, particularly the Norman vs. Cheshire case had been provided for based on information known to date.

**Resolution: Members**

- 53.4 Noted the favourable Revenue Outturn Position for 2013/2014, being an underspend of £5.2m.
- 53.5 Approved 2013/2014 Carry Forward requests totalling £0.064m, as outlined in Appendix 3 of the report.
- 53.6 Noted the considerable progress made on delivering the initial Effectiveness Programme as outlined in Appendix 4 of the report.
- 53.7 Approved all Movement on Reserves and note the position on Reserves as outlined in Appendix 5 of the report, being a favourable Closing Reserves Balance of £20.3m.
- 53.8 Approved the transfer of £5.0m to the Capital Financing Deferral Reserve and £0.2m to the Vehicle Replacement Fund (see para 3.2 of the report).

**54/14**

**PRIMARY AUTHORITY SCHEME 0<sub>2</sub> TELEFÓNICA**

- 54.1 Members were asked to note and approve in principle that the Service enters into a Primary Authority Scheme (PAS) with 0<sub>2</sub>. Members were also asked to delegate the authority to endorse the active participation of the DFRA in delivering PAS to the Deputy Chief Fire Officer.
- 54.2 The Deputy Chief Fire Officer explained how the scheme will operate, the potential risk and income. Members were advised that PAS allows businesses that trade across more than one authority border to form a statutory partnership with a single authority in order to become the Primary Authority for the co-ordination of relevant regulatory enforcement activity, in relation to those businesses. The Government has extended PAS to include fire and rescue authorities who enforce the Regulatory Reform (Fire Safety) Order 2005.

**Resolution: Members**

54.3 Noted the current position for Derbyshire Fire and Rescue Service (DFRS) and to approve, in principle that the Service enter into a PAS with O<sub>2</sub> Telefónica.

54.4 Delegated the authority to endorse the active participation of Derbyshire Fire & Rescue Authority in delivering the PAS to the Deputy Chief Fire Officer.

#### **55/14**

#### **REVIEW OF MEMBERS' ALLOWANCES**

55.1 The purpose of the report was to determine whether Members wished to undertake a full review of members' allowances to reflect the new membership of the Derbyshire Fire & Rescue Authority effective from the date of the Annual General Meeting (AGM) or continue with the existing scheme and allowances approved by the Authority on 21 February 2013.

55.2 The Treasurer confirmed that he would check the position in respect of members' entitlement to join the Local Government Pension scheme due to proposed changes.

#### **Resolution:**

55.3 Members approved a review be undertaken of the existing scheme and allowances.

#### **REPORTS FOR INFORMATION:**

#### **56/14**

#### **ANNUAL REPORT OF THE MONITORING OFFICER**

56.1 The report was presented to Members to give assurance that the Authority's arrangements comply with legal requirements, principles of good corporate governance and standards of conduct. The report also provides an update on the Standards Committee which confirmed that no referrals had been received in respect of breaches of the Members' Code of Conduct. In addition, one Independent Person had been appointed in accordance with the requirements of the Localism Act 2011

#### **Resolution:**

56.2 Members noted the contents of the report.

#### **57/14**

#### **TRI SERVICE CONTROL UPDATE**

57.1 The purpose of the report was to update Members on the progress of the Tri-Service Control Project with Nottinghamshire FRA and Leicester, Leicestershire and Rutland Combined Fire Authority. Delivery and installation of all hardware has been completed and the wider communication

infrastructure was now in place at Ascot Drive Community Fire Station. Training for Command and Control Operators and operational crews was taking place. There was now a delay to the 'go-live' date of 24 June 2014 for the mobilisation system; the provider, Systel had therefore agreed to cover agreed additional costs incurred by the services.

- 57.2 If Members wished to visit the new Command and Control they should contact Assistant Chief Fire Officer, Gavin Tomlinson.

**Resolution:** Members noted the contents of the report.

**58/14**

**VERBAL REPORT FROM THE CHIEF EXECUTIVE**

- 58.1 The Chief Executive briefed Members on the following:

- A number of new appliances had been introduced into the Service; it was agreed that an event to showcase the vehicles and their use to Members will be arranged as part of Member development.
- The Chair, officers and cadets had attended that Firefighters' National Service of Thanksgiving held at the Arboretum. The cadets were commended for their exemplary performance at the event.
- The Emergency Services Day at Buxton had been supported by local firefighters, Prevention and Protection personnel and Service volunteers. Thanks were expressed; they had all presented the Service in an informative and professional manner
- The Service had signed up to the 'Time to Change' pledge to support employees with mental illness in the workplace.
- Five days of industrial action had taken place since the last meeting; the Gold Command team continued to meet to ensure a level of response was provided during each strike period and have committed to up-skill reservists to deal with a wider range of incidents. During the 24 hour strike period, wholtime stations were used for rest facilities; the representative body had been given prior notification on this matter. The Deputy Chief Fire Officer was thanked for leading the Gold Command team through this difficult period successfully. The Chief Executive reiterated that whilst the periods had been managed successfully by the team, this was not the same level of service as having fully trained competent firefighters in place.
- The sprinkler campaign continues with a retrofit in sheltered housing in the Chesterfield Borough and further developments in new builds. The Protection team was providing fire engineering advice to a number of large organisations in the county and assisting the Environment Agency with the risks associated with recycling plants.

**59/14**

**JOINT FIRE/POLICE HEADQUARTERS BUILDING UPDATE**

- 59.1 A report was presented to inform Members about the on-going progress with the joint Fire/Police HQ project.

**Resolution: Members:**

- 59.2 Noted the continued progress with the new headquarters building and the associated work-streams.
- 59.3 Noted the updated building cost plan estimated at £7-8m attached to the report at Appendix 1 (Cost Plan 5). This falls within the approved capital budget.
- 59.4 Noted the pending full review of the ICT requirements.
- 59.5 Noted the updated costs of the enabling work detailed in the cost plan which remains within the agreed budget.
- 59.6 Noted the submission and approval by the Chair and Treasurer of the bid for Transformational Grant Funding (capital and revenue bid) - 2015/16 including the required cost/ benefit assessment.
- 59.7 Noted that legal support has been procured for the support of the overall programme of works particularly in respect of securing legal title for the new site and building, disposal of the existing headquarters including removal of the telecommunications mast and any issues that may arise in respect of employees affected by the relocation. This is currently being funded from the approved budget in 3.3 of the report.

**60/2014**

**COMPLAINTS AND APPRECIATIONS 2013/14**

- 60.1 The purpose of the report was to inform Members of the complaints and appreciations received by the Service during the financial year 2013/14. In total 23 complaints were registered as tabled in Appendix 1 of the report. Eighty letters or cards of appreciation were recorded throughout the same period as attached at Appendix 2 of the report. Details of the results of customer satisfaction surveys for 'after the incident' and 'post fire safety audits' were also presented.

**Resolution: Members:**

- 60.2 Noted the contents of the report.

**61/2014**

**QUARTER 4 PERFORMANCE REPORT**

- 61.1 Station Manager Ben Smart gave a short presentation on performance against targets and highlighted the status of corporate risks. Members were encouraged to access this information on the FireView intranet site.



**MINUTES** of a meeting of the **D2 JOINT COMMITTEE FOR ECONOMIC PROSPERITY** held on 11 September 2014 at The Arc, Clowne..

**PRESENT**

<b><u>Amber Valley Borough Council</u></b>	<b><u>Derbyshire Dales District Council</u></b>
Councillor P Jones	Councillor G Stevens (substitute)
<b><u>Bolsover District Council</u></b>	<b><u>Erewash Borough Council</u></b>
Councillor E Watts	Not represented
<b><u>Chesterfield Borough Council</u></b>	<b><u>High Peak Borough Council</u></b>
Councillor J Burrows	Councillor C Bisknell
<b><u>Derby City Council</u></b>	<b><u>North East Derbyshire District Council</u></b>
Councillor M Rawson (substitute)	Councillor G Baxter
<b><u>Derbyshire County Council</u></b>	<b><u>South Derbyshire District Council</u></b>
Councillor A Western	Councillor R J Wheeler

Also in Attendance –

Amber Valley Borough Council – J Townsend  
Bolsover District Council/North East Derbyshire District Council – W Lumley  
Chesterfield Borough Council – N Johnson  
Derbyshire County Council – M Ashworth, J Battye, F Horsley, R Murfin, P Peat, J Seymour and I Stephenson.  
Derbyshire Dales District Council – D Bunton  
Derby City Council – A Wilkinson  
High Peak Borough Council – D Larner  
South Derbyshire District Council – F McArdle  
D2N2 – P Richardson

Apologies for absence were submitted on behalf of Councillors R Banwait, C Corbett and L M Rose.



**27/14**      **MINUTES**    **RESOLVED** that the Minutes of the meeting of the Committee held on 15 July 2014 be confirmed as a correct record and signed by the Chair.

**28/14**      **VISIT PEAK DISTRICT AND DERBYSHIRE**      Paul      Roden,  
Chair of Visit Peak District and Derbyshire, had been invited to present an update and initial findings on the Destination Management Organisation review.

He referred to the DMO challenges and what the review had focussed on. The options for a new DMO were:-

- 1) Do nothing – continue with the current delivery model and respond to reduced funding from partners
- 2) Shift the delivery focus to “Derbyshire” with the “Peak District” as a secondary brand
- 3) Split into two DMOs
- 4) Continue to deliver the Peak District brand, develop a complementary ‘Derbyshire’ brand and deliver through one team (two brands, one team)

It was noted that in response to the current challenges and issues raised by stakeholders, from 2015 the DMO would need to:-

- Have put in place a “fit for purpose” delivery model.
- Be representative of the sector – visitor guide, web portal, new membership model.
- Lead on strategy for the visitor economy and meet market failure.
- Be relevant and supportive of tourism businesses.
- Be financially sustainable, with lean core costs/maximising investment and funding to projects and campaigns.

The Committee noted the review panel had been set the challenge of balancing a set of competing issues, most notably:-

The need to protect the strong ‘Peak District’ attract brand;  
Ensuring the attractions and visitor economy across the whole of Derbyshire were supported and promoted;  
Developing a workable business model within a reducing financial envelope;  
Maximising the use of all available resources currently deployed on tourism related activity.

Further to discussion, it was noted that the review panel had made good progress and based on the information presented, the Committee’s preferred option was for 2 brands (Peak District + Derbyshire) and one team.

It was further agreed the review panel would work up more detailed options regarding the best use of DMO resources and would outline how the future

delivery model would link to existing activity e.g. Destination Chesterfield, Marketing Derby etc.

**RESOLVED** to support the further development of the preferred option.

Councillor A Western – in the Chair

**29/14      PROGRESSING THE D2 COMBINED AUTHORITY**      W Lumley and J Battye updated the Committee on progress with the development of the Combined Authority and sought views on how best to progress the proposal.

The outcome of a meeting with BIS, DCLG and Cabinet Office on 10 September was reported. It was clear from this meeting that Government considered one of the key roles of the CA was to support and help strengthen the LEP and the success of the LEP was dependent on the quality of the relationship with local authorities generally and the 2 CAs specifically. Given the critical nature of the relationship, Government needed to be convinced that 2 CAs was the right answer for the region. The advice was also that it would be better if both CA schemes were submitted at or around the same time.

The next steps were:-

- To contribute to LEP governance review and consider the wider delivery options for the region – this work would help secure the shared ‘narrative’ for the nature of the relationship between D2, N2 and the LEP and was a critical piece of work to support the D2 Scheme and review document.
- To secure independent challenge/input to the review(s).
- To ensure a strong, D2 contribution to the finalisation of appraisal framework – linked to infrastructure programme and GD2 projects.
- To consider when best to consult and to submit the scheme and to continue to work up the ambitions.

The Committee discussed the question of timing for the submission of the Scheme and it was agreed that momentum should be maintained, whilst working with N2 to accelerate progress on its CA.

P Richardson gave an update on the discussions that had taken place at the LEP meeting held earlier in the day. The LEP’s view was to support the move to 2 CAs. One issue was that he urged urgent consideration of the agreement on the accountable body for Local Growth Fund purposes.

Draft Scheme - At the previous meeting, the Joint Committee considered the key elements of the draft Scheme which provided the legal basis for the CA. A number of areas required final consideration and confirmation prior to the Scheme itself being finalised, these were:

- i. Voting arrangements – and whether decisions should be unanimous or by majority.

- ii. Finalising the list of powers the CA would seek to adopt.
- iii. Further work on developing the D2 ambitions – known as the ‘promises’ and ‘asks’.
- iv. Further consideration on the future role of DEP and DRB within the overall CA governance structure.

The question of voting arrangements was discussed again and there was no strong consensus on the best way forward. It was therefore agreed that councils would review the list of suggested issues on which a unanimous/ majority vote would be required and suggest any additions to this list (by or at the next meeting of the Committee).

Protocols for neighbouring areas - Discussion at previous Joint Committees has identified and confirmed the need to ensure relationships with the adjoining Sheffield City Region Combined Authority are maintained and maximised, particularly for the ‘overlap’ districts. In addition, the continuing relationship of High Peak Borough Council with the Manchester City Region and Erewash with other districts in Nottinghamshire was also noted. On that basis, it was proposed that a small number of ‘protocols’ be developed with the adjacent areas setting out the nature and principles of joint working and collaboration on shared projects and programmes.

Review Report - Work was progressing on the development of the Review report; a key document that will accompany the Scheme in the submission to Government. Work on this would be prioritised over the next few weeks following discussion with DCLG. It was noted that critical to completing the review document was the need to confirm the narrative and clarify the nature of the working relationships with N2 and the LEP as this would then support public consultation.

It was also noted that the collective work on supporting the LEP governance review would need to fit into this timescale.

To ensure progress was maintained, it was proposed that early drafts of the review report be circulated to D2 authorities for consideration and comment outside of the formal meetings. DCLG and Cabinet Office had also agreed to look at early copies and provide feedback.

**RESOLVED** to note progress in working towards the CA.

**30/14**      **MEETING THE DUTY TO CO-OPERATE**      R      Murfin  
provided an overview of The Duty to Cooperate (DtC), a legal duty on local authorities and public bodies ‘to engage constructively, actively and on an on-going basis to maximise the effectiveness of planning decisions on strategic and cross- boundary matters’.

Six out of eight D2 district/borough local plans had encountered significant challenge around meeting DtC requirements and a failure to do so, particularly

in relation to housing growth provision, is the reason for deferral of these plans by the Planning Inspectorate. A joint statement on agreed growth assumptions and related evidence would enable clarity on how land and infrastructure implications of the LEP's economic initiatives can be reflected in local planning decisions. It would also help reinforce messages to Government that D2 authorities are positively embracing the growth agenda and will help form part of the context for collective/collaborative working relationships as we move forward on developing the combined authority proposals.

Given the issues and challenges faced, the following actions were recommended:

- (a) That the D2 Heads of Planning group be requested to further develop proposals around the Duty to Cooperate, including leading work to coordinate the development, agreement and continual update of a "spatial statement" which sets out the evidence for, and implications/ outcomes of, co-operation on the matters set out below. This joint statement would form non-statutory planning guidance.
- (b) That work (on a task and finish basis) be carried out by existing officer groups, linked to broader officer discussions on compiling a shared programme of planned infrastructure/ site development projects, to aid the development of business plans for Growth Deal 2 funding
- (c) That a report be presented for approval to the D2 Joint Committee on the above proposals, with regular progress reporting thereafter.

This approach would satisfy the DtC requirements, enable partners to understand the role of their organisations/councils in meeting the growth agenda, particularly in terms of cross-boundary infrastructure requirements and pressures, avoid accusations from house builders on 'protectionism' by local authorities, demonstrate to Government that house building was addressed in a positive manner as a key component of the strategic growth agenda, and support on-going dialogue as part of the Combined Authority to build up levels of co-operation, trust and tackle major cross-boundary issues such as housing provision (linked to the draft promises and asks).

In practical terms, the work would take the form of realigning the current activities on evidence and joint working to provide the following:

- Translation of strategic economic issues into local spatial priorities. These would be drawn from D10, D2N2 and other LPA priorities.
- Coordinate population, household, employment and other relevant data, evidence and forecasts – to form robust intelligence. Advise on how this can be consistently translated into needs assessments to inform decision making.

- Providing input on the strategic housing numbers and supporting a forum for discussing the distribution options between different parts of the county. This would reflect both internal and external growth requirements (e.g. linked to D2N2 SEP and Sheffield City Region growth agendas).
- Co-ordinating agreement on the scope and review of what constitutes the formal total joint evidence base for co-operative working and its update cycle.
- Support to achieving consistency on methodologies for site selection. This would need to bring in local constraints, opportunities, sustainability and strategic issues.
- Offer support / input into how infrastructure delivery/funding can be aligned to support mutually beneficial and sustainable growth.

**RESOLVED** that joint work be undertaken by key officers from across D2 authorities as proposed to meet The Duty to Co-operate.

#### **31/14      PREPARATION AND DELIVERY OF D2N2 GROWTH DEALS**

In early July 2014, Growth Deals were announced for each Local Enterprise Partnership. The deals differed for each LEP area in terms of the level of resource offered and the freedoms and flexibilities available over these. For those LEP areas with a combined authority in place, a programme of funding has been allocated e.g. Sheffield City Region LEP received £295.2 million; for those areas with no combined authority e.g. D2N2, funding has been received only for agreed projects. A summary for the two LEPs of immediate interest to the D2 Joint Committee Derby and Derbyshire were set out.

It was understood that during September 2014, Government would issue guidance on how LEPs should prepare their proposals for the next round of Growth Deal funding for projects starting in 2016/17 or later. It was expected these proposals would need to be submitted by the end of December 2014.

Decisions were yet to be taken on which D2N2 projects were proposed and agreed. The situation for SCR was different in that there was already a ranked list of supported schemes extending well beyond the level of funding confirmed to date, and GD2 may simply extend the programme of funded schemes.

To ensure D2 authorities were as well prepared as possible in influencing the discussions and priorities for GD2, work was taking place to compile a 'big list' of all regeneration and key infrastructure projects (including housing sites, employment sites and green/blue and grey infrastructure) schemes – whether confirmed, planned or proposed – across the county.

Given the indicative timescales, pulling together the proposed programme of activity in an inclusive and transparent way would be extremely challenging, particularly considering that initial collation of the full, potential list had yet to take place and sufficient time needs to be allowed for consideration by both Joint Committees. As a result, it was proposed that a timetable be accepted to ensure all local authorities have the opportunity for active participation and that the D2 Joint Committee is allowed sufficient time to consider the proposals and agree recommendations for the LEP Board.

**RESOLVED** (1) to support the continued compilation of the 'big list' for the D2 area; and

(2) to note the current status of the Growth Deal process and the likelihood that the meeting in October will involve more detailed consideration and recommendations over investment priorities for the Derby and Derbyshire area as part of the process for influencing D2N2 decision making on the Growth Deal.

**32/14      NEXT MEETING**      Future meetings were to be held at 2.00pm on 7 October 2014 at North East Derbyshire District Council and 2 December 2014 at South Derbyshire District Council.

A further meeting would also be required in November to support finalisation of the recommended list of GD2 schemes.

**MINUTES** of a meeting of the **D2 JOINT COMMITTEE FOR ECONOMIC PROSPERITY** held on 7 October 2014 at The Council House, Saltergate, Chesterfield.

**PRESENT**

<b><u>Amber Valley Borough Council</u></b>  Councillor C Emmas-Williams (substitute)  <b><u>Bolsover District Council</u></b>  Councillor E Watts  <b><u>Chesterfield Borough Council</u></b>  Councillor J Burrows  <b><u>Derby City Council</u></b>  Councillor M Rawson (substitute)  <b><u>Derbyshire County Council</u></b>  Not represented	<b><u>Derbyshire Dales District Council</u></b>  Councillor L M Rose  <b><u>Erewash Borough Council</u></b>  Councillor C Corbett  <b><u>High Peak Borough Council</u></b>  Councillor C Bisknell  <b><u>North East Derbyshire District Council</u></b>  Councillor G Baxter  <b><u>South Derbyshire District Council</u></b>  Councillor R J Wheeler
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Also in Attendance –

Amber Valley Borough Council – J Townsend  
Bolsover District Council/North East Derbyshire District Council – W Lumley  
Chesterfield Borough Council – H Bowen  
Derbyshire County Council – M Ashworth, J Battye, P Peat and I Stephenson.  
Derbyshire Dales District Council – D Bunton  
Derby City Council – R Williams  
Erewash Borough Council – J Jaroszek  
High Peak Borough Council – S Baker  
D2N2 LEP – D Ralph

Apologies for absence were submitted on behalf of Councillors R Banwait, P Jones and Ms A Western.

**33/14      MINUTES   RESOLVED** that the Minutes of the meeting of the Committee held on 11 September 2014 be confirmed as a correct record and signed by the Chair.

**34/14      PROGRESSING THE GROWTH DEAL**      To ensure D2 was as prepared as possible in developing a collective and agreed programme of major regeneration projects, officers from all authorities had compiled a 'big list' of proposals, accompanied by a spatial map. This represented a major step forward for D2 and was something the county has not had the benefit of for many years.

To support this work, and the prioritisation of these projects for medium and long term funding, the D2 Officer Group commissioned a task and finish project to develop a comprehensive appraisal framework, capable of being applied to objectively assess our 'big list' to help set priorities for the county. This framework had been drafted, built on the tests/ criteria likely to be applied by the LEP – and ultimately by Central Government – in determining the GD2 priorities and aligning funding resources.

The draft appraisal framework which had been developed by D2 officers covered four broad areas:

**1. Deliverability -** can the project demonstrate:

- The necessary land has been acquired, assembled or has related options in place
- Relevant consent and permissions are in place to carry out the required work
- Funding packages have been secured – including non-LGF funding
- There is a clear delivery programme in place (detailing procurement, contracts, project management etc)
- Timescales – confidence in ability to deliver within any specific time constraints set by funders (will vary between funding programmes)

**2. Strategic Fit:** can the project demonstrate:

- Strong alignment to the SEP, DESS or DES priorities and key sectors
- Delivery of any additional, new Government policies
- Is confirmed as a local, top priority by the sponsoring authority

**3. Outputs and Outcomes:** what are the key deliverables of the project:

- New jobs
- New homes
- Time savings (e.g. congestion and journey times)



- Re-use of land or buildings
- Transformational impact – in pump priming or supporting wider projects e.g. network improvements
- Leverage – e.g. scope of the project to lever in additional funding or support other significant deliverables

#### 4. Value for Money

- Risks/ opportunity costs of NOT undertaking the project
- Qualitative considerations of 'value' – broader considerations of potential for projects to transform communities as well as the economy - over and above cost and return on investment
- *(Further work required to consider the merits of including GVA as a potential criterion)*

Although there was scope for further refinement across the whole appraisal methodology, it was proposed that, once agreed by the Joint Committee, the approach be shared with the LEP and with N2 to support the development of a single appraisal framework for the whole LEP area.

On 17 September, Government's Business, Innovation and Skills (BIS) department advised D2N2 LEP of the need to undertake urgent work to scope out the best possible opportunities for project funding to shape Government thinking in the run up to Autumn Statement. This current invitation – known as Growth Deal 1.5 - was focussed on projects which could be accelerated to commence construction in 2015/16, or even quicker into 2014/15. Irrespective of their strategic importance, schemes which could not be delivered until later than 2015/16 were not required for submission as part of the GD 1.5 call for projects.

There were three categories of opportunities for projects set out by BIS:

- Category A: existing funded projects from Growth Deal 1 that could be accelerated, including bringing forward delivery and investment to start late 14/15 or earlier in 15/16 than currently profiled;
- Category B: key priorities (to be ranked) for the LEP's unfunded projects that did not make the 'cut' in GD1;
- Category C: new projects not previously prioritised, accompanied by a clear rationale as to why it was not originally submitted.

An indicative list of projects for all three categories was required to be submitted by the D2N2 LEP by close of play on Friday 3 October; this has allowed very little opportunity for the sharing and consideration of proposals by the D2 Joint Committee. Moreover, the LEP had not been provided with sufficient time to collate proposals from D2 and N2 and undertake a joint prioritisation/ ranking of projects prior to submission, although LEP Board members (including D2 representatives) were consulted on the draft list of project proposals.

The complete list of proposed GD1.5 projects that was sent by the LEP to BIS is set out below. Projects highlighted with an asterisk were those of the D2 authorities considered by the Working Group of meeting the criteria of the three categories and capable of delivery within either 2014/15 or 2015/16.

***Category A: Projects funded in Growth Deal 1 that could be accelerated:***

- a. 14/15 start
  - i. Nottingham Skills Hub (also requesting additional funding from existing SFA funding)
  - ii. Vision University Centre, Mansfield (also requesting additional funding)
  - iii. D2N2 Sustainable Travel programme (a full programme of specific projects had yet to be clarified, but indicatively, no D2 projects appear ready)
- b. 15/16 start
  - i. Rolls Royce, Hucknall

***Category A: Existing LTB Majors Projects that could be accelerated:***

- c. 14/15 start
  - i. Worksop Vesuvius A57/A60 scheme

***Category B: Priority Projects from the Growth Deal 1 ‘Deal Sheet’ that are as yet unfunded***

- d. 14/15 starts
  - i. A46 Employment Corridor
  - ii. Nottingham Creative Quarter
- e. 15/16 starts
  - i. Sherwood Growth Corridor
  - ii. Ashbourne Airfield Access\*
  - iii. Drakelow Park\*
  - iv. Woodville Swadlincote Regeneration Route\*
  - v. Hudson Building Apprenticeship and Employer Hub (Derby College bid)
  - vi. Broomfield Hall Land Based Apprenticeship and Enterprise Centre (Derby College bid)
  - vii. Derby City Centre Accelerated Development Programme\*

***Category C: New Projects not on the Growth Deal 1 ‘Deal Sheet’***

- f. 14/15 starts
  - i. RTC Business Park, Derby\*

- ii. Waterside Transport Strategy, Nottingham
  - iii. D2N2 Connectivity and Resilience programme (Derbyshire)  
e.g. Dronfield Viaduct\*
  - iv. Buxton Crescent\*
  - v. Chesterfield Waterside\*
  - vi. D2N2 Sustainable Travel programme (Derbyshire). A list of  
named projects over and above those included as part of  
GD1 e.g. Ilkeston Gateway\*
- g. 15/16 starts
- i. Institute for Advanced Manufacturing at UoN
  - ii. Glaisdale Drive, Nottingham
  - iii. Beeston Business Park
  - iv. D2N2 Connectivity and Resilience programme (Notts)

**RESOLVED** (1) to accept the proposed principles of the appraisal methodology to assess the deliverability of projects; and

(2) to note and endorse the projects submitted for Growth Deal 1.5.

**35/14      DEVELOPING A SHARED OVERSIGHT OF STRATEGIC REGENERATION PROPOSALS - THE BIG LIST**

The report set out the approach being taken to develop a strategic overview of Derby and Derbyshire's current and proposed regeneration projects – the 'Big List'. The Committee was asked to note the approach being taken and to agree that work across all ten authorities continues, including the mapping of sites, and that appropriate systems for sharing and accessing/ updating the 'big list' be developed.

**RESOLVED** to thank officers for the significant work and progress that had been achieved; to note and endorse the approach being taken and to agree to the work continuing.

**36/14      PROGRESSING THE D2 COMBINED AUTHORITY**      W Lumley and J Battye updated the Committee on progress with the development of the Combined Authority.

The draft Review Report was a critical document and an initial outline of this was given. A draft timescale was also set out but deliverability against the dates was noted as being challenging; this was primarily due to the need to secure a shared narrative with N2 and the LEP the nature of overall relationships, roles, and responsibilities. From recent discussion with DCLG and BIS, it was noted this was a critical piece of work required in advance of public consultation. The Joint Committee noted that every effort was being made to meet to sustain progress.

**RESOLVED** to note progress in working towards the Combine Authority.

**37/14      PROGRESSING THE SKILLS AND EMPLOYMENT AGENDA ACROSS D2**

A great deal of work on the skills and employment agenda was on-going with discussions with all Councils on the Guildhall ambition. It was noted that the future of the Derbyshire Economic Partnership was a matter that would need to be resolved as part of the wider architecture of the proposed combined authority.

**RESOLVED** to note the work being undertaken.

**38/14      RESPONDING TO THE ESIF CONSULTATION**

The European Structural and Investment Fund consultation was expected to be issued in the next few days and a response to this would be discussed at the next meeting of the Committee. D Ralph offered to make a presentation to that meeting on the matter.

**39/14      MAKING THE MOST OF BUSINESS RATES ACROSS D2**

Finance Officers Group had discussed this matter and proposals were currently being progressed to take action to make the most of Business Rates across D2.

**40/14      NEXT MEETING**

Next meeting to be held during week commencing 3 November 2014 at County Hall followed by 2 December 2014 at 2.00pm at South Derbyshire District Council.