

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 23rd September 2004
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Chair), Councillor Jones (Vice-Chair) and Councillors Bambrick, Bell, Carroll, Dunn, Harrington, Lane, Mulgrew, Murphy, Pabla, Shepherd, Southerd, Southern, Stone, Taylor, Whyman, M.B.E. and Wilkins.

Conservative Group

Councillors Atkin, Bale, Bladen, Mrs. Hall, Mrs. Hood, Hood, Martin, Mrs. Renwick, Shaw and Mrs. Wheeler.

Independent Member

Councillor Mrs. Walton.

The Chair referred to the recent deaths of Sir Stanley Clarke and Brian Clough, both of whom had suffered from cancer. Members paid tribute to their dedication and stood in silence as a mark of respect.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Isham, Lauro and Richards (Labour Group) and Councillors Ford, Harrison, Lemmon and Nalty (Conservative Group).

CL/59. **MINUTES**

The Open Minutes of the Meeting of the Council held on 12th August 2004 (Minutes Nos. CL/42 – CL/56) were taken as read, approved as a true record and signed by the Chair.

CL/60. **CHAIR'S ANNOUNCEMENTS**

The Chair thanked those who had supported the Beer Keller Evening and the Cheese and Wine Evening, which had raised the sums of £320 and £496.20 respectively. The Official Opening of the Jubilee Cancer Unit at Queens Hospital had taken place on 15th September 2004 and the Chair reminded Members that the sum of £10,000 had been donated to the appeal through her Charity in 2002. On 11th October 2004, the Chair would be hosting a Civic Visit to Toyota Motor Manufacturing (UK) Limited and on 15th October 2004, a Last Night at the Proms Concert would be held at Gresley Old Hall in aid of the Chair's Charity Appeal, for which tickets were available. The Chair advised that earlier in the day, she had attended the Annual General Meeting of the Queens Hospital Trust and the Annual Report was available in her office.

CL/61. **QUESTION BY MEMBER OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Following the approval of the Chair that this matter was urgent pursuant to Council Procedure Rule No. 11.4, Councillor Southern queried the support which could be offered to local residents following the recent occupation of land at Caldwell Lane, Linton by travellers. The Chief Executive responded, advising that the appropriate Notice had been served and a provisional Court date secured in the event of non-compliance with the terms of the Notice.

CL/62. **REPORTS OF COMMITTEES**

RESOLVED:-

That the Open reports of the following Committees be received and noted and any recommendations contained therein be approved and adopted, subject to any matters annotated:-

***Environmental and Development Services Committee, 19th August 2004 (Minutes Nos. EDS/19 – EDS/26)
(Minute No. EDS/24, Proposed Changes to the Council's Recycling Plans 2004/05 – The Chair of the Committee advised that at the next Meeting of the Committee on 30th September 2004, further details on areas to be included within the scheme would be provided.)***

***Corporate Scrutiny Committee (Special), 23rd August 2004 (Minutes Nos. COS/10 – COS/12)
(Minute No. COS/12, Best Value Review Process – Councillor Mrs. Wheeler queried the arrangements for the first Meeting of the Comprehensive Performance Assessment Improvement Panel and the Chief Executive advised that this was to be held during October on a date to be confirmed. In the meantime, guidance had been sought from the external auditors on the Improvement Plan.)***

Development Control Committee, 24th August 2004 (Minutes Nos. DC/31 – DC/41)

Housing and Community Services Committee, 26th August 2004 (Minutes Nos. HCS/25 – HCS/31)

Standards Committee, 2nd September 2004 (Minutes Nos. SC/1 – SC/12)

***Finance and Management Committee, 2nd September 2004 (Minutes Nos. FM/26 – FM/37)
(Minute No. FM/36, Corporate Image – The Chair of the Committee advised that this matter was the subject of further discussions and a report would now be submitted to a future Meeting.)***

Community Scrutiny Committee, 6th September 2004 (Minutes Nos. CYS/11 – CYS/16)

Corporate Scrutiny Committee, 13th September 2004 (Minutes Nos. COS/12 – COS/13)

Development Control Committee, 14th September 2004 (Minutes Nos. DC/44 – DC/54)

Licensing and Appeals Committee, 17th September 2004 (Minutes Nos. LA/13 – LA/14)

Corporate Scrutiny Committee (Special), 20th September 2004 (Minute No. COS/14)

Overview Committee, 20th September 2004 (Minutes Nos. OV/15 – OV/19)

Area Meetings

Repton, 27th July 2004 (Minutes Nos. RA/1 – RA/10)

Swadlincote, 4th August 2004 (Minutes Nos. SA/1 – SA/11)

Linton, 5th August 2004 (Minutes Nos. LA/1 – LA/10)

Newhall, 10th August 2004 (Minutes Nos. NA/1 – NA/11)

Etwall, 11th August 2004 (Minutes Nos. EA/1 – EA/12)

Melbourne, 18th August 2004 (Minutes Nos. MA/1 – MA/10)

CL/63. **SEALING OF DOCUMENTS**

RESOLVED:-

That the Sealed Documents listed at Annexe SMB1 to the Signed Minute Book, which have no specific authority, be duly authorised.

CL/64. **MEMBERS' PLANNING CODE OF GOOD PRACTICE**

Members were reminded that at the Planning Training Update held on 7th June 2004, reference was made to a Planning Code of Good Practice which was in the course of preparation for future consideration by the Development Control Committee. The Committee had considered a draft Code at its Meeting on 24th August 2004 and referred it to the Standards Committee for any comments prior to final consideration by the Full Council. At its Meeting held on 2nd September 2004, the Standards Committee had suggested several minor amendments to improve clarity and in doing so, referred the Code to the Full Council for adoption. Councillor Dunn highlighted those amendments suggested by the Standards Committee.

The proposed Code of Good Practice incorporating the suggested amendments was now considered by Members. This had been adapted for this Council's purposes from the model code prepared by the Association of Council Secretaries and Solicitors and was designed to assist and protect Members during their involvement in the various stages of the planning process. The Code would supplement the existing Members' Code of Conduct, which all Members had agreed to observe in a written undertaking.

Members enquired whether the Code could be produced in a booklet format for their practical use and this would be pursued accordingly.

RESOLVED:-

That the Members' Planning Code of Good Practice attached at Annexe 'A' to these Minutes be approved and adopted.

CL/65. **POST OFFICE AREA PLAN FOR SOUTH DERBYSHIRE**

Members considered a letter received from the Post Office following a review undertaken on the network of branches in South Derbyshire. Public consultation would end on 8th October 2004 and Members were requested to indicate any comments in response.

There were currently 27 Post Office branches in the South Derbyshire constituency and this review had only considered those branches in the urban network, of which there were nine in this area. The remaining 18 branches were classed as rural. As a result of the review, and in agreement with the sub-postmaster concerned, it was now proposed to close the Midway branch at Midway Road, Midway. It was stated that this branch was a small, poorly used branch attached as an annexe to a hairdressing salon. There was no scope to expand the retail offer at this branch, and its proximity to the main shopping centre at Swadlincote had limited the ability of this branch to increase custom. The main Post Office branch in Swadlincote was located within the Co-op premises and offered a full range of services. The branch benefited from a regular bus route to the centre and concessions were available.

In addition to considering the effect of this proposed closure on customers, the review had taken into account the potential impact that infrastructure developments within the constituency may have on the long-term viability of the branch. To this end, the applications to build limited housing developments in the area had been considered together with the extensive development that had already been completed. It was not considered that the developments that had been identified would have a material impact on the viability of the Midway branch and furthermore, it was believed that the remaining network would be well placed to serve the new developments across the area. As part of the review, aspects such as availability of public transport, parking facilities, topography and ease of pedestrian access to the branches themselves had also been considered.

It was noted that the existing post box outside the Midway branch would remain sited and it was also proposed to make several investments and improvements to branches in the area, including the improvement of facilities for disabled customers, the improvement of customer services and presentational improvements involving signage issues.

In considering the matter, Members welcomed the support for rural Post Offices, although disappointment and sadness was expressed at the loss of the Midway branch. In this regard, the comment that the branch was poorly used was queried and concern was also expressed that elderly persons in the area may not be able to walk to Swadlincote Post Office. The proposals to improve facilities for disabled customers, together with the presentational improvements were welcomed.

RESOLVED:-

That the comments outlined above be submitted to the Post Office in response to the consultation on the matter.

CL/66. **COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

There were no amendments to the compositions of the existing Committees, Sub-Committees and Working Panels.

CL/67. **SUBSTITUTE PANELS**

The Leader of the Conservative Group reported an amendment to the Group's Substitutes for the Development Control Committee.

RESOLVED:-

That the Groups' nominations of Members to serve on Substitute Panels for the remainder of the municipal year, as set out at Annexe 'B' to these Minutes, be received and noted.

CL/68. **REPRESENTATION ON OUTSIDE BODIES**

Members reviewed the Council's representation on outside bodies.

RESOLVED:-

That the appointment of representatives to or nominations to serve on outside bodies for the remainder of the municipal year, unless otherwise indicated, be made as set out at Annexe 'C' to these Minutes.

CL/69. **LOCAL GOVERNMENT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

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

MINUTES

The Exempt Minutes of the Meeting of the Council held on 12th August 2004 were duly received and approved.

REPORTS OF COMMITTEES

The Exempt reports of the following Committees were received and noted and any recommendations contained therein approved and adopted:-

Environmental and Development Services Committee, 19th August 2004

Development Control Committee, 24th August 2004

Housing and Community Services Committee, 26th August 2004

Finance and Management Committee, 2nd September 2004

Licensing and Appeals Committee, 17th September 2004

SWADLINCOTE TOWN CENTRE RETAIL AND LEISURE STUDY
(Paragraphs 8 and 9)

The Council approved the appointment of a firm of consultants to undertake the Swadlincote Town Centre Retail and Leisure Study.

MRS. J. MEAD

CHAIR