

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 1st July 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, Lauro, Mulgrew, Murphy, Pabla, Shepherd, Southerd, Southern, Stone, Taylor, Whyman, M.B.E. and Wilkins.

Conservative Group

Councillors Atkin, Bladen, Ford, Harrison, Mrs. Hood, Hood, Lemmon, Martin, Nalty, Mrs. Renwick, Shaw and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Isham and Richards (Labour Group), Councillors Bale and Mrs. Hall (Conservative Group) and Councillor Mrs. Walton (Independent Member).

CL/28. **MINUTES**

The Open Minutes of the Meeting of the Annual Meeting of the Council held on 20th May 2004 (Minutes Nos. CL/1 - CL/16), of the Civic Council Meeting held on 27th May 2004 (Minutes Nos. CC/1 - CC/5) and of the Special Council Meetings held on 16th June 2004 (Minutes Nos. CL/21 - CL/24) and 29th June 2004 (Minutes No. CL/25 - CL/27) were taken as read, approved as true records and signed by the Chair.

It was noted that Annexe 'B' to the Minutes of the Special Council Meeting on 16th June 2004 should have indicated the inclusion of Councillor Ford on the membership of the Comprehensive Performance Assessment Working Panel.

The Leader of the Conservative Group referred to the vacant position relating to the Council's representation on the Acre Lane, Shardlow Sand and Gravel Site Liaison Committee and the Leader of the Council advised that this would be discussed in due course.

CL/29. **CHAIR'S ANNOUNCEMENTS**

The Chair reported on various events she had attended since the end of May, including the Heywood Hill Literary Prize Giving at Chatsworth House, the D Day 60th Anniversary Parade and Service at Church Gresley, a Rolls Royce Centenary Day at Donington Park, the St. Giles Hospice Sunflower Ball at Drayton Manor Park and sports awards to regional, national and international sports stars from the area. With regard to the latter item, Councillor Lauro endorsed the Chair's comments on the high standards of young people in the various sports and considered that the Council should now consider the reinstatement of sports grants following budget cuts in this

area in 2000 for financial reasons. The Chair advised that this year's Inter-town sports competition would be held at the Green Bank Leisure Centre on 2nd July. She reminded Members to return their reply slips as soon as possible for the Japanese Musical Evening on 9th July and the Civic Service on 11th July.

The Chair reported that several concerns had been brought to her attention regarding the services to be provided at the proposed new Health Centre in Swadlincote. In this regard, the Chair invited Councillor Lemmon to inform Members further on this matter and Councillor Lemmon advised of the contents of a recent letter to him from the Director of Patient Services at the Derbyshire Dales and South Derbyshire Primary Care Trust. This revealed that no changes had been made to the proposed services and all services were proposed to proceed in accordance with the consultation document. Councillor Lemmon informed Members of the various services to be provided and Members expressed their gratitude to Councillor Lemmon for clarifying the situation, following recent rumours. It was hoped that the information which Councillor Lemmon had provided could now be conveyed to the general public.

CL/30. **LEADER'S ANNOUNCEMENTS**

The Leader reiterated his gratitude to Councillor Lemmon for the information provided on the previous item.

On behalf of Councillor Bale, the Leader expressed his gratitude to Councillor Lane for raising the sum of £2,517 for the Chair's Charity Appeal in connection with his participation in the London Marathon. In association with his running partner Mr. I. Tilley, Councillor Lane had now raised nearly £100,000 for various charities during recent years. Councillor Lane confirmed that he would again be participating in the 2005 London Marathon for Councillor Mrs. Mead's Charity Appeal.

CL/31. **BUSINESS REMAINING FROM THE LAST MEETING**

Further to Minute No. CL/27 of 29th June 2004 regarding the establishment of a Working Panel to consider matters associated with the implementation of high hedges legislation, the following Members were appointed to the Panel:-

Labour Group

Councillors Bell, Southerd and Whyman (substitutes: Councillors Dunn, Lane and Wilkins).

Conservative Group

Councillors Ford and Martin.

CL/32. **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:-

Development Control Committee, 1st June 2004 (Minutes Nos. DC/1 - DC/6)

Environmental and Development Services Committee, 3rd June 2004 (Minutes Nos. EDS/1 - EDS/4)

Housing and Community Services Committee, 8th June 2004 (Minutes Nos. HCS/1 – HCS/12)

(Members welcomed Councillor Southern on his return to the deliberations of the Council following his recent illness. Councillor Southern thanked Members for their good wishes and also expressed his gratitude to the Ambulance Service for a speedy response and to the nursing staff at the Burton Queens Hospital.

Minute No. HCS/5, Rural Housing Initiative – Councillor Carroll welcomed this initiative, which was endorsed by Councillor Mrs. Wheeler. It was suggested that discussions should be held with Peak Housing, which had experience in the matter.

Minute No. HCS/7, Crime and Disorder Partnership End of Year Report – Councillor Carroll paid tribute to the work of the Crime and Disorder Partnership, advising that Derbyshire was the safest County in the East Midlands and South Derbyshire the second safest District in the County.)

Community Scrutiny Committee, 14th June 2004 (Minutes Nos. CYS/1 - CYS/5)

Finance and Management Committee, 17th June 2004 (Minutes Nos. FM/1 - FM/7)

Licensing and Appeals Committee, 21st June 2004 (Minutes Nos. LA/1 – LA/2)

Corporate Scrutiny Committee, 21st June 2004 (Minutes Nos. COS/1 – COS/5)

Development Control Committee, 22nd June 2004 (Minutes Nos. DC/9– DC/15)

(Minute No. DC/9, Site Visit – Councillor Taylor expressed his disappointment at the Committee’s decision and queried why the Committee had not been informed of the receipt of a petition prior to the decision. The Chair of the Committee advised that this had probably been received too late and “out of time” in accordance with the planning process but he agreed to clarify the matter with the Planning Services Manager).

Licensing and Appeals Committee, 24th June 2004 (Minutes Nos. LA/4 – LA/5)

Overview Committee, 28th June 2004 (Minutes Nos. OV/1 – OV/7)

(Minute No. OV/7, Programmes and Workload – Councillor Harrington referred to the proposed Scrutiny Conference next year, at which it was hoped to attract a good level of support).

Area Meetings***Etwall, 14th April 2004 (Minutes Nos. EA/25 – EA/29)******Swadlincote, 27th April 2004 (Minutes Nos. SA/28 – SA/36)******Newhall, 28th April 2004 (Minutes Nos. NA/29 – NA/35)******Melbourne, 5th May 2004 (Minutes Nos. MA/23 – MA/29)******Linton, 6th May 2004 (Minutes Nos. LA/24 – LA/30)******Repton, 13th May 2004 (Minutes Nos. RA/26 – RA/32)***CL/33. **SEALING OF DOCUMENTS**

Councillor Shaw expressed concerns regarding procedures followed by the Council with regard to sale of assets, including Right to Buys. He considered it of the utmost importance that in the determination of the sale of assets, adjoining assets owned by this Council were protected and he provided an example of this relating to visibility splays. He considered that this could be addressed by greater communication between departments and urged that this be undertaken as soon as possible.

Councillor Whyman responded, advising that this operational detail related to past difficulties in the service. Since the establishment of the new Legal and Housing Teams, such incidents had not occurred and he praised the ongoing commitment of the staff within these sections. Councillor Whyman advised that he had been monitoring the situation with the Chief Executive and the Legal and Democratic Services Manager and assured Members that the system was now operating smoothly.

RESOLVED:-

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

CL/34. **SENIOR OFFICER APPOINTMENTS PROCEDURE**

It was reported that this procedure had been considered by the Finance and Management Committee on 29th April 2004, which had approved the procedure with some amendments now reflected to Members. The Local Authorities (Standing Orders) (England) Regulations came into force in November 2001 and were designed to achieve a number of policy aims and provide clarity on the involvement of elected Members in the appointment and dismissal of Senior Officers. Under the Regulations, Councillors may take part in the appointment, dismissal or disciplinary action in respect of the following Officers:-

- The Head of Paid Service
- Statutory Chief Officers (S151 Finance Officer)
- Non-statutory chief officers (who report direct to Head of Paid Service or to the Council) – Members of Corporate Management Team for the Council and the Monitoring Officer
- Deputy Chief Officers (officers who report direct to a chief officer) – Divisional Managers for the Council
- Political assistants – none at the Council
- Mayor's Assistant – none at the Council

The Regulations provided that the appointment should be undertaken by a Council Committee, which was currently the Finance and Management

Committee or appointed Sub-Committee. For the Head of Paid Service, this should be undertaken by the full Council or an appointed Sub-Committee. The Regulations enabled Members of the Finance and Management Committee to raise objections against Senior Officer appointments only on the grounds that they were material and well founded. Following an appointment, every Member of the Committee would be notified of the proposal and given three days to respond. Notification of an offer would then only be made where the Chair of the Committee had confirmed that no objections had been raised or where objections had been raised, the Chair was satisfied that they were not material or well founded. It was advised that the Committee's rights under these Regulations were merely to make representations and it did not provide a right to change a decision to appoint.

For an objection to be valid, it must be both material and well founded. This was intended to apply such that any matter raised was based clearly on facts and not suspicion or hearsay. It must also be material to the process followed and the post involved and duties required to be undertaken. The appropriate Council Committee (Finance and Management Committee at present or full Council for the Head of Paid Service) should formally record all Senior Officer appointments. A note should be included to confirm the existence, or otherwise, of any objections raised and the decision taken. It was noted that different arrangements would apply for an appointment to the post of Head of Paid Service and this was detailed separately to Members.

A Member queried whether a reference should be included relating to the receipt of satisfactory references prior to any appointment.

RESOLVED:-

- (1) That the amended procedure attached at Annexe 'A' to these Minutes be approved for any appointments to posts of Divisional Managers (or future Heads of Service under any senior management restructuring), Directors or the Head of Paid Service.***
- (2) That the existing practice of delegating appointments below this level i.e. Heads of Service to Officers be continued.***
- (3) That the Council's Constitution be amended to reflect the procedure by extending Terms of Reference FM05 to include reference to the posts of Heads of Service.***
- (4) That an appropriate reference be made in the procedure to the need for satisfactory references prior to any appointment.***

CL/35. **IEG PRIORITY SERVICES DOCUMENT**

It was reported that as part of the Implementing Electronic Government (IEG) 3 grant claim process, the Office of the Deputy Prime Minister (ODPM) required the Council to submit a report outlining progress against the "Baseline of priority service and national strategy transformation outcomes for local e-Government in December 2005" document.

In 2001, the Government asked all Councils to prepare an Implementing Electronic Government Statement setting out their plans for delivering 100% of services electronically by December 2005, where it was possible to do so.

This Council submitted its first statement in July 2001, which was considered satisfactory and the Council was ultimately awarded £200,000 of Government finance in 2002/03 to contribute towards its plan. The Council submitted its second statement in October 2002, which was also considered satisfactory and the Council was ultimately awarded £200,000 of Government finance in 2003/04 to contribute towards its plan. The Council's third statement submitted in November 2003 was again considered satisfactory.

As part of the IEG 3 claim process, the ODPM had requested all Councils to report on progress and review their strategies against the "Baseline of priority service and national strategy transformation outcomes for local e-Government in December 2005" document. This review was designed to plan how Councils would achieve the target for delivering 100% of services electronically by December 2005.

Members considered the Council's response, which was also summarised in the report. With regard to community information, information would be made more available to customers, highlighting the increasing importance of the Council's website and other local organisations would be supported in making information available online. Democratic renewal involved enabling access to information such as agendas, reports and Minutes. This also included Councillors being provided with their own web pages and citizen participation through e-consultation. With regard to local environment, this involved the online receipt of planning and building control applications and assisting the public to track other environmental service requests, as well as accessing geographic information that the Council held. E-procurement would enable the Council to purchase goods and services over the internet and e-payments would enable the public to pay for services over the internet together with checking individual account balances online and arranging direct debits over the telephone. It would be easier to complete and process a benefits claim form electronically and access would be provided to an eligibility check. Supporting new ways of working would involve the provision of e-mail and internet access for Members and staff either in the office or at home, where there was a need. Accessing information and requesting services outside of office hours would be made easier by the improvement of the Council's website. Access to Council documents in general would be improved as part of the Freedom of Information requirements. It would also be easier for citizens to do business with the Council. Only a single notification of a change of address would be necessary and responding to e-mails from the public within one working day would also assist.

A Content Management System for the Council's website together with the Customer Relationship Management System and Contact Centre would contribute substantially towards helping to meet many of the above requirements. New systems had been introduced to make it easier for people to complete forms on the internet (e-forms) and make payments over the internet (e-payments). The document formed an integral part of the IEG 3 grant claim for £350,000 for 2004/05. A further grant of £150,000 would be claimed in 2005/06 but this depended on the Council meeting the specified ODPM targets outlined in the reply.

RESOLVED:-

That the Council's reply to the "Baseline of priority service and national strategy transformation outcomes for local e-government in December 2005" document be approved.

CL/36. **COMMUNITY PARTNERSHIPS SCHEME**

Members were reminded that a Community Partnerships Scheme was re-launched midway through 2002/03 offering grants of up to £25,000 to projects submitted by the voluntary and community sector. The amount of grant available for distribution through the scheme had since been increased from £50,000 in 2002/03 to £150,000 in 2003/04 and 2004/05.

Initially, a Panel comprising of the Partnership Development Officer and three Members was established to assess projects. This was later increased to five Members. The Panel scored applications against set criteria and made recommendations regarding grant distribution to the Housing and Community Services Committee. The Panel met at regular intervals, as determined by the number of applications and other scheme management requirements. If an application was successful, projects would have twelve months in which to spend their award. If the grant was not spent within this period, applicants would need to reapply unless otherwise agreed. Grant payments were released upon receipt of invoices or independently certified completion reports and the projects would also be monitored to ensure that the aims and objectives had been met.

In addition to simply operating a grants programme, the Community Partnerships Scheme through the Partnership Development Officer was also able to offer advice and support to the voluntary and community sector relating to the submission of funding applications, sources of funding and project development. Towards the end of 2003/04, the scheme was reviewed which revealed the generation of a steady stream of enquiries and applications from a spread of geographical communities and different organisations and types of projects. A comparison of grant awarded to total project cost also indicated that the scheme was offering the Council a healthy funding ratio.

The Panel had previously met and operated on the above basis but without formal Terms of Reference. These had now been documented and were attached for Members' consideration. It was noted that the Community Partnerships Scheme had a budget allocation of £150,000 for 2004/05, supplemented by £26,975 carried forward from 2003/04.

RESOLVED:-

That the Terms of Reference for the Community Partnerships Scheme Assessment Panel be approved and the following Members be appointed to the Panel:-

Labour Group

Councillors Southern, Taylor and Whyman (substitutes: Councillors Harrington, Lane and Murphy)

Conservative Group
Councillors Mrs Hood and Mrs. Wheeler

CL/37. **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEES**

It was reported that Article 6 of the Council's Constitution stated that Overview and Scrutiny Committees must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods, if appropriate. Members considered the annual reports of the Overview Committee, the Corporate Scrutiny Committee and the Community Scrutiny Committee. Each report described the Committee's membership, functions, Terms of Reference and working arrangements and reviewed the work undertaken during the previous year. They also outlined work programmes for the next year.

Councillor Harrington expressed his gratitude to Councillor Bell for his past contribution to the Scrutiny function. He also praised the contributions of the Deputy Chief Executive and Policy and Best Value Manager for their efforts. The Annual Report would now be formatted and would include photographs. A condensed pamphlet version would also be produced for public consumption.

RESOLVED:-

That the Annual Report of the Overview and Scrutiny Committees be received and the contents approved and confirmed.

CL/38. **SUBSTITUTE PANELS 2004/05**

The Council reviewed Substitute Panels for the current municipal year.

RESOLVED:-

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

CL/39. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985**

RESOLVED:-

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

MINUTES

The Exempt Minutes of the Annual Meeting of the Council held on 20th May 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:-

Development Control Committee, 1st June 2004

Housing and Community Services Committee, 8th June 2004

Finance and Management Committee, 17th June 2004

Licensing and Appeals Committee, 21st June 2004

Licensing and Appeals Committee, 24th June 2004

MRS. J. MEAD

CHAIR