

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 17th April 2003
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Chair) and Councillors Bambrick, Bell, Brooks, Carroll, Dunn, Evens, Harrington, Lauro, Pabla, Richards, Rose, Mrs. Rose, Shepherd, Southern, Stone, Whyman, M.B.E. and Wilkins.

Conservative Group

Councillor Bale (Vice-Chair) and Councillors Bladen, Douglas, Harrison, Hood, Mrs. Robbins, Shaw, Mrs. Walton and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Routledge, Southerd and Taylor (Labour Group) and Councillor Lemmon, (Conservative Group).

CL/144. MINUTES

The Open Minutes of the Meeting of the Council held on 27th February 2003 (Minutes Nos. CL/127 - CL/138) were taken as read, approved as a true record and signed by the Chair.

(Councillors Bladen, Douglas, Harrison, Hood, Mr. Robbins, Shaw, Mrs. Walton and Mrs. Wheeler wished it to be recorded that they were not in favour of this decision).

The Open Minutes of the Special Meeting of the Council held on 27th March 2003 (Minutes Nos. CL/141 - CL/143) were taken as read, approved as a true record and signed by the Chair.

CL/145. CHAIR'S ANNOUNCEMENTS

The Chair advised that the evening with Deric Longden at the Bretby Conference Centre on 21st March 2003 had raised approximately £3,000 for the Charity Appeal. The Charity Golf Competition would be held on 16th May 2003 at the Branston Golf and Country Club and entry forms were still available for this event.

As this was the final Council Meeting before the forthcoming District Council elections on 1st May 2003, the Chair took the opportunity to express her best wishes to all Members seeking re-election and also bid farewell to those who were retiring (Councillors Mrs. Rose, Rose, Routledge, Sherratt and Mrs. Robbins). These sentiments were echoed by other Members, who paid tribute to their service during their respective periods of office.

CL/146. CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Chief Executive referred to the forthcoming District and Parish elections on 1st May 2003 and advised that neither the County Council or the District Council had given consent for any election material to be placed on street furniture or within the highway. Although no Regulations were to be produced on this basis, he encouraged the political parties to observe this request and it was noted that neither the County Council or the District Council would accept any liability arising from the matter.

CL/147. LEADER'S ANNOUNCEMENTS

The Leader referred to the recent departure of Mrs. S. Whiles, Head of Community Services from the employment of the Council and Members expressed their best wishes to her for the future.

The Leader advised Members that he had recently attended a regional meeting of the Local Government Association with Councillor Dunn and was disappointed to be told by the County Council that no funds were to be directed to District Councils in respect of the PSA Agreement, from which approximately £10 - £12 million was to be received by the County Council. Following the investment in this agreement by the District Council, the Leader requested further investigations to be made into the matter.

CL/148. 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, 4th March 2003 (Minutes Nos. DC/125 - DC/132)

Licensing and Appeals Committee, 5th March 2003 (Minutes Nos. LA/36 - LA/37)

Environmental and Development Services Committee, 6th March 2003 (Minutes Nos. EDS/68 - EDS/72)

(Minute No. EDS/69(a), Occupation of a Lay-by at Barrow-on-Trent by Travellers – Councillor Harrison advised that the County Council had responded to this matter swiftly and the lay-by was now the subject of a Temporary Closure Order for six months, during which time it was hoped that a permanent Order could be made.

Minute No. EDS/71, Civic Offices Car Park Abuse of Disabled Parking Bays – Councillor Mrs. Rose expressed concern at the continued abuse of the disabled parking bays. The Chief Executive advised that although no particular staff were allocated to patrol the car park, it would be monitored under the Civic Buildings function and steps were currently being taken to police the matter within that Section. It was hoped that publicity given to the matter would discourage the abuse of these bays and signs to be erected in front of the bays were currently under construction.)

Housing and Community Services Committee, 13th March 2003 (Minutes Nos. HCS/103 – HCS/115)

(Minute No. HCS/109, Home Security Project – Councillor Richards referred to the need for publicity for this project and the Chair of the Committee expressed his gratitude to the Community and Leisure Development Manager and the Crime and Disorder Team for their work in this regard. The Best Value Performance Plan Summary recently distributed to all households in the District had contained an offer of free security devices in an effort to assist residents under the Crime and Disorder Partnership.

The Chair of the Committee advised that the Chief Executive was to ensure that every Member had a supply of housing complaint forms in the absence of a Head of Community Services whilst this post was filled. He also congratulated Officers on their efforts in connection with the recent successful legal proceedings relating to the siting of travellers in the Swadlincote area.

Councillor Richards expressed his pleasure at the improvement in grass cutting standards and the Chair of the Committee confirmed that budgetary provision had been made for ongoing improvements in this service.)

Licensing and Appeals Committee, 18th March 2003 (Minutes Nos. LA/39 – LA/40)

Standards Committee, 20th March 2003 (Minutes Nos. SC/8 – SC/17)

Community Scrutiny Committee, 24th March 2003 (Minutes Nos. CYS/62 – CYS/68)

(Minute No. CYS/67(b), BMX/Skateboarding – Councillor Stone expressed a wish that, following this project, activities for young people in the area should be expanded.)

Development Control Committee, 25th March 2003 (Minutes Nos. DC/134 – DC/139)

(Minute No. DC/135(b), Street Naming in Swadlincote – Councillor Rose reminded Members of his wish that a future street in the Swadlincote area should be named after the late Councillor J.T. Ford.)

Joint Consultative Committee, 27th March 2003 (Minutes Nos. JC/10 – JC/12)

Corporate Scrutiny Committee, 31st March 2003 (Minutes Nos. COS/53 – COS/57)

Licensing and Appeals Committee, 3rd April 2003 (Minutes Nos. LA/42 – LA/43)

Finance and Management Committee, 3rd April 2003 (Minutes Nos. FM/104 – FM/109)

(Minute No. FM/107, Review of Designated Polling Places – The Chair advised that due to unforeseen circumstances, it had been necessary to make a further amendment to the Schedule of Designated Polling Places as the Youth Club Hut at Church Road, Egginton was no longer available. However, arrangements had been made to use the adjacent

Egginton Primary School and this modification to the designated list of polling places was approved.)

Overview Committee, 7th April 2003 (Minutes Nos. OV/37 - OV/40)

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/149. BEST VALUE REVIEW – COMMUNITY SAFETY

It was reported that since February, two Meetings of the Best Value Review Team for Community Safety had been held to start the process of completing a review. This was due to be completed by July in view of its importance in supporting the Comprehensive Performance Assessment (CPA) and in particular, the Clean, Safe and Active Open Space cross-cutting review that was part of the CPA process. In view of the timescale, the review would have to condense much of its work and would also need to be completed by a small number of team members focusing on specific issues rather than a large team approach that would share work but would require considerable time for co-ordination and management.

The initial two meetings of the Team had focused on the issues on which the review should concentrate. The initial scoping of Community Safety identified over twenty issues and a pro-forma had been distributed to all Departments within the Authority requesting evidence/information on each of the identified areas. This had enabled the Review Team to ascertain which areas were already sufficiently monitored and reviewed, such as the Food Standards Agency for food safety, together with the scale of the problem, such as the number of dangerous buildings. As a result of this, the Team had selected youth-related anti-social behaviour as an issue that was a significant problem for the Council, its partners and the community and was not being dealt with in a co-ordinated and effective manner to reduce the problem.

The other issue which the Team had identified as requiring a review was the Council's implementation of Section 17 of the Crime and Disorder Act 1988, which placed a duty on local authorities to consider the crime and disorder implications of everything they undertook. The Review Team recognised that sufficient work was being undertaken by some Departments of the Authority to reduce crime and disorder but this philosophy and practice was the exception rather than a structured and mainstreamed process. Having identified youth-related anti-social behaviour and Section 17, benchmarking was now taking place using the Home Office Crime Reduction Partnership Family Group to ascertain what other Councils had undertaken in these areas. The baseline assessment would also be completed as the next stage and this would be supported by Crime Concern which assisted in the development of the South Derbyshire Crime and Disorder Strategy. The next meeting of the Review Team would agree the project plan and timetable, finalise benchmarking and finalise the baseline assessment.

RESOLVED:-

That the progress and content of the review be noted.

(Councillor Douglas left the Meeting at 6.50 p.m.)

CL/150. CULTURAL STRATEGY

It was reported that at its Meeting held on 13th March 2003, the Housing and Community Services Committee had identified several omissions in the South Derbyshire Action Plan and these had now been included for formal approval by the Council. The principal omission related to the lack of comment on the musical activity in the District and appropriate comment had now been added to the section on South Derbyshire's Cultural Assets. In terms of other additions, several actions had been strengthened or their scope widened to ensure that specific opportunities were not omitted because the Action Plan did not cover that issue.

It was anticipated that the Derbyshire Cultural Strategy was not yet a completed document and it was hoped that this could be expanded following various contributions from the Districts.

RESOLVED:-

That the Derbyshire Cultural Strategy and the South Derbyshire Action Plan be approved.

(Councillor Mrs. Robbins left the Meeting at 7.00 p.m.)

CL/151. PROVISION OF SKATEBOARD/BMX FACILITY – APPROVAL OF SHORTLIST

It was reported that this project was being managed under the auspices of a Sub-Group of the Crime and Disorder Partnership. The Sub-Group comprised representatives from the Police, the Youth Service and this Council, with Councillor Mrs. Rose as Chair. Progress on the project had been reported to the Meeting of the Community Scrutiny Committee on 24th March 2003.

The car park at the Woodhouse Sports Ground, Swadlincote had been identified as the most appropriate location for the facility. A sum of £60,000 had been allocated as part of this year's budget process towards the project and an additional sum of £10,000 from the Crime and Disorder Partnership completed the initial funding of £70,000 available to deliver the project.

A key element in the successful delivery of the scheme involved the identification of the wishes of young people from the facility. An extensive consultation process had been undertaken involving organised visits to other sites, culminating with a number of Focus Groups at a Youth Forum in March 2003. The outcome of the consultation had formed the basis of the tender documentation and the County Council's Youth Service and the Police had played the lead role in organising this element of the project.

The Council had responsibility for the physical delivery of the project and, in accordance with the Council's Contract Rules for the creation of ad-hoc lists, expressions of interest were currently being sought through an advertisement in a national publication. From this, a shortlist would be produced of companies to be invited to tender for the work. Those companies included on the shortlist would have provided satisfactory financial and performance references, including those relating to health and safety.

Good progress had been made on the project and it was now important for the Partnership, and particularly the young people who had been consulted, that the project was delivered as quickly as possible. The Partnership, together with young people who had been involved in the consultation process, would be involved in the evaluation of tenders. At this stage, it was difficult to predict a timetable for the delivery of the project but it was hoped that the facility would be available for use late in the summer. On this basis, Members received a revised timetable for the delivery of the scheme.

RESOLVED:-

- (1) That the Chief Executive, in consultation with the Chair and Vice-Chair of the Housing and Community Services Committee, be authorised to approve the shortlist of contractors to be invited to tender to supply and install a new skateboard/BMX facility on the Woodhouse Sports Ground car park, Swadlincote.***
- (2) That the acceptance of the lowest tender for the work be authorised, providing it satisfies the criteria identified in the contract specification.***

CL/152. DISTRICT/PARISH ELECTIONS 2003

It was reported that the District/Parish elections would be held on Thursday, 1st May 2003 and in previous years, it had been the practice at such elections to keep the Civic Offices open, providing a reduced level of cover whilst maintaining service to the public.

Members considered granting staff involved with the elections on 1st May leave with pay on this day, in accordance with the Council's practice in previous years.

RESOLVED:-

- (1) That the Civic Offices remain open on the day of the District/Parish elections.***
- (2) That staff involved in the District/Parish elections be granted leave with pay on 1st May 2003.***

CL/153. 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.

The Leader of the Council paid tribute to the efforts of Members involved in the Scrutiny process and it was noted that the Council's Scrutiny function had received many favourable comments from various quarters.

RESOLVED:-

That the Annual Reports of the Overview Committee, the Corporate Scrutiny Committee and the Community Scrutiny Committee be received and the contents be approved and confirmed.

CL/154. PREPARATIONS FOR COMPREHENSIVE PERFORMANCE ASSESSMENT

Members were reminded that a Member Working Panel had been established to work with the Chief Executive and Management Team to manage the Council's preparations for the Comprehensive Performance Assessment (CPA). The first Meeting of the Panel was held on 2nd April 2003 and Members received reports on the following topics:-

- Circular 03/03 'Best Value and Performance Improvement'
- the Thematic Reviews
- the Corporate Self Assessment and Peer Challenge
- raising awareness and consultation with stakeholders
- the project plan

Circular 03/03 on 'Best Value and Performance Improvement' had been recently published. This consolidated and replaced previous guidance on Best Value and provided a context for CPA. It emphasised how Councils could make arrangements under Best Value to secure a well trained and motivated workforce, to review performance effectively, and to use the Annual Performance Plan to communicate achievements and priorities for improvement. The Panel was advised that the Circular would have an immediate impact on the Best Value Performance Plan, which the Council was required to publish by 30th June. This would also require changes to be made to other parts of the Council's performance management framework, especially timescales for Service Plans and the Corporate Plan.

With regard to Thematic Reviews, the Panel was advised that the key elements of CPA for District Councils were expected to comprise of the following:-

- a self assessment of how the Council considered its corporate priorities and how these helped to drive service improvements for local people
- a peer challenge of the Council's self assessment
- thematic reviews (or 'risk assessments') of Balanced Housing Markets, Decent Homes and Clean, Green, Safe and Active Public Space to assess local service performance and corporate capacity
- assessments by the Council's External Auditors and the Benefit Fraud Inspectorate

The scope of the thematic reviews and external assessments was summarised and the Panel was advised that through the Corporate Best Value Working Group, Review Teams were being established for each of the areas concerned. These teams would be responsible for collecting baseline information, completing self assessments and developing improvement plans. The Panel recognised that there would be a need for dialogue with partners over priorities and that the Council would have to demonstrate that effective arrangements for partnership working were in place. The Panel also discussed Member involvement in thematic reviews/assessments. It was agreed that reports should be provided to the Panel at key stages, consideration should be given to the appointment of 'Member champions' for each review and Overview and Scrutiny Committees should monitor progress and undertake 'reality checks'.

The Panel was advised that the Corporate Assessment would form an important part of the Council's CPA and this involved two aspects – a self assessment completed by the Council and a peer challenge of this self assessment. It was noted that the latest guidance from the Audit Commission identified four key lines of enquiry outlined to Members. The Panel reviewed arrangements for completing the self assessment and agreed that it would be necessary to produce a first draft by the end of May to be used as a basis for consultation with stakeholders and a second draft by the end of June. This would enable the Peer Challenge to take place in July and would provide the Council with 4/5 months to initiate improvement proposals. It was acknowledged that production of the first draft would require a considerable amount of work which must involve Members, Managers and employees throughout the organisation. The need for open and frank discussions regarding organisational strengths and areas for improvement was also recognised. To facilitate involvement by Members, the Panel had agreed proposals for an Away Day/Workshop as soon as possible following the District elections. This would form part of a wider engagement process involving internal and external stakeholders. The Panel noted that during the next few weeks, it would also be necessary to make arrangements for the Peer Challenge, which was usually undertaken by a Chief Executive and senior Member of another Council. Although the main providers of this service were the Society of Local Authority Chief Executives and the Improvement and Development Agency, it may be possible for the Council to make independent arrangements with a Chief Executive who had been accredited to carry out this type of work and who may be more familiar with the management and organisation of a smaller District Council. The budgetary implications of the different options would also need to be assessed.

The Panel considered arrangements for involving internal and external stakeholders in CPA processes and outcomes. For the Corporate Assessment, a three phase programme was agreed relating to awareness training, seeking views and feedback. The Panel had recognised the need for stakeholder involvement in the thematic reviews and for links to be made with other consultation programmes planned over the next twelve months. At the present time, the focus of attention concerned raising awareness of CPA both inside and outside the organisation. Members received details of plans and progress to date.

The final report considered by the Panel concerned plans for managing the project. Members agreed the major programme milestones for the period until January 2004 and the detailed programme for April and May. The programme had several different strands that needed to be progressed almost simultaneously and the programme also identified other significant projects/events that would compete for staffing resources. It was noted that as the on site inspection was not scheduled until January 2004, the Audit Commission would expect some improvements to have been made in corporate processes and service delivery.

The Chair of the Panel had questioned whether greater use of information technology would assist the Panel to operate more effectively, particularly in terms of the distribution of reports and other material. In this regard, the Panel agreed that this would be an ideal pilot project for involving Members in the e-government agenda and had requested Officers to report further on the feasibility of such a project.

There would be some financial and staffing implications associated with the Council's preparations for the CPA. Whilst these could not be quantified in

detail at this stage, initial indications were that they could be largely accommodated through the refocusing and reprioritising of existing resources. However, Members would receive a full report on this matter in due course.

RESOLVED:-

- (1) ***That the report on the first Meeting of the Comprehensive Performance Assessment Working Panel together with the preparations being made for the Council's assessment in January 2004 be received and noted.***
- (2) ***That the following recommendations of the Working Panel be approved:-***
 - (a) ***Further consideration be given to the implications of Circular 03/03 on the Council's performance management framework.***
 - (b) ***The arrangements for progressing the thematic reviews/external assessments be approved.***
 - (c) ***The target dates for the completion of the Corporate Self Assessment and the Peer Challenge be agreed and arrangements be made for a Member Away Day/Workshop following the elections to explore issues surrounding the Corporate Self Assessment.***
 - (d) ***Options for the provision of the Peer Challenge be investigated further.***
 - (e) ***The programme for involving internal and external stakeholders in CPA processes and outcomes be approved.***
 - (f) ***The major programme milestones and the detailed programme for April and May be approved.***
 - (g) ***A further report be submitted on the feasibility of establishing a pilot project to enable the Panel to take advantage of the opportunities provided by information technology to operate more effectively.***

CL/155. 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 Meeting of the Council held on 27th February 2003 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, 4th March 2003

Licensing and Appeals Committee, 5th March 2003

Environmental and Development Services Committee, 6th March 2003

Housing and Community Services Committee, 13th March 2003

Licensing and Appeals Committee, 18th March 2003

Joint Consultative Committee, 27th March 2003

Licensing and Appeals Committee, 3rd April 2003

Finance and Management Committee, 3rd April 2003

NEW PLAY AREA – STATION STREET RECREATION GROUND, CHURCH GRESLEY (Paragraphs 8 and 9)

The Council accepted a tender to install new play equipment and safety surfacing at Station Street Recreation Ground, Church Gresley.

CLOSURE OF SHELTERED HOUSING SCHEMES – PERSONNEL IMPLICATIONS (Paragraph 1)

The Council approved two redundancies in connection with the closure of two Sheltered Housing schemes.

MRS. J. MEAD

CHAIR