

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 9th July 2009
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Murray (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Bale, Bladen, Mrs. Farrington, Ford, Grant, Harrison, Hewlett, Mrs. Hood, Jones, Mrs. Patten, Mrs. Plenderleith, Roberts, Stanton, Timms, Watson, Mrs. Wheeler and Wheeler.

Labour Group

Councillors Bambrick, Dunn, Mrs. Lane, Mrs. Mead, Rhind, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins.

Independent Members

Councillors Mrs. Brown and Pabla.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Mrs. Coyle and Lemmon (Conservative Group) and Councillors Mrs. Gillespie and Lane (Labour Group).

CL/21. **MINUTES**

The Open Minutes of the Annual Meeting of the Council held on 21st May 2009 (Minutes Nos. CL/1 – CL/17) and of the Civic Council Meeting held on 28th May 2009 (Minutes Nos. CC/1 – CC/4) were submitted. Clarification was provided on the Minute numbers for the Annual Council Meeting and to record the attendance of Councillor Roberts at the Civic Council Meeting. Subject to these alterations, the Minutes were taken as read, approved as true records and signed by the Chairman.

CL/22. **DECLARATIONS OF INTEREST**

Councillors Harrison, Mrs. Farrington and Murray declared personal interests in respect of the Exempt reports of the Environmental and Development Services and Finance and Management Committee Minutes, relating to the End of the Footpaths Agency Agreement, as Members of Derbyshire County Council.

CL/23. **LOCAL STRATEGIC PARTNERSHIP YEAR-END REPORT**

The Council received a presentation from Jo Smith, Vice-Chairman of the Local Strategic Partnership (LSP) on its 2008/09 year-end report. She spoke to a number of presentation slides, which explained the new structure of the LSP and the targets delivered relating to sustainable development and safer

communities. Similarly, information was provided on the targets achieved relating to healthier communities and vibrant communities. Further information was given on the Children and Young Peoples' Trust, investment funding providing by partners to the LSP and the strategic work undertaken, on both the Sustainable Community Strategy and Improvement Plan. Throughout the presentation, a number of examples were given of the projects undertaken by the LSP and its various sub-groups.

Questions were invited, the first relating to the availability of alcohol support services in the Swadlincote area. Information was provided on the Derbyshire Alcohol Advice Service, which operated within South Derbyshire. There was discussion about the availability of services for the rural areas of the District, also transport issues and the targeting of services based on deprivation indices. It was confirmed that many of the projects were District-wide. Thanks were given for the presentation. A Member referred to the Board's energy from its various sectors, the focus on adding value and making best use of the available funding for the District.

RESOLVED:-

That the presentation on the South Derbyshire Local Strategic Partnership 2008/09 year-end report be received.

CL/24. **SAFER SOUTH DERBYSHIRE PARTNERSHIP REPORT**

A presentation was made by the Chair of the Safer South Derbyshire Partnership, Councillor Mrs. Wheeler. She spoke to a series of presentation slides, initially explaining the purpose of the Partnership and giving details of its support staff. She confirmed the four priorities and objectives of the Partnership to tackle criminal damage and anti-social behaviour, violent crime, the public perception of crime and acquisitive crime. She then reported progress against national and local targets, together with achievements in terms of acquisitive crime, violent crime (including domestic abuse) anti-social behaviour and criminal damage and the fear of crime. Details were provided of Safer Neighbourhoods' achievements, before reporting the resources provided by partners for the previous year and the future plans and partnership development.

In response to questions, there was discussion about the scheme to provide burglary victims with a free or subsidised alarm, subject to them meeting certain criteria. A question was submitted on the area covered by the Swadlincote Pub Watch Scheme, for which details were provided. A question was then submitted about publication of the Partnership's report and the title of one of its projects. Other comments concerned facilities being targeted in problem areas and the titling of the multi-use games areas.

RESOLVED:-

That the presentation on the Safer South Derbyshire Partnership report for 2008/09 be received.

CL/25. **CHAIRMAN’S ANNOUNCEMENTS**

The Chairman reported that the 1211 ATC Squadron had just received the Morris National Trophy as one of the two best squadrons in the Country. It was agreed that the Council’s congratulations be recorded to the Squadron. A slide show of photographs was displayed of recent Civic engagements and the Chairman provided a few details on each of these events. He referred to the excellent Scarecrow Trail at Ticknall, the Speech Day at Repton School and also showed photographs involving a work experience student and a member of staff receiving a Diploma. The Chairman commented on the District Council’s recycling performance, provided details of his Civic Service and advised that there would be a short presentation at the next Meeting by one of his charities, the St. Giles Hospice. The Chairman also publicised dates for his Charity Concert and the Civic Carol Service.

CL/26. **LEADER’S ANNOUNCEMENTS**

The Leader thanked Councillors involved in the litter pick at Pennine Way, during which 23 bags of refuse were removed.

CL/27. **CHIEF EXECUTIVE’S ANNOUNCEMENTS**

The Chief Executive reported that a letter had been received from Councillor Pabla on 26th June 2009, in which the Member had advised that he would now be an Independent Member.

It was reported with sadness that former County Councillor Geoff Carlile had recently passed away, and Members observed a minute’s silence in his memory. It was agreed that a letter of condolence be sent to his family.

CL/28. **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

In accordance with Council Procedure Rule No. 11, Councillor Wilkins had given notice of the following question:-

“Is the Chair of Housing and Community Services satisfied that sufficient attention is paid to the internal condition of council housing?”

In view of the appalling state of at least one property I have visited in my Ward recently, would Housing and Community Services Committee look at systematic internal inspections of Council Housing in order to pre-empt the worst excesses.

If need be the current system of Estate tours could be abandoned if Finance needs to be generated. The background to this question has been provided to the Chair and Director of Housing outside of this meeting.”

A response was provided by Councillor Grant, Vice-Chairman of the Housing and Community Services Committee, as follows:-

“Councillor Wilkins will be aware that the tenancy exchange, to which he refers, was agreed and entered into knowingly by both parties.

An exchange is considered to be an assignment of assets between two separate parties and the Council can only stop an exchange if there is some significant factor that makes the property unsuitable - e.g. overcrowding

The main point Councillor Wilkins makes about monitoring property condition, begs the question, would it be a good use of officers' time to spend half an hour or so inspecting every property each year? And who is to say that the condition would not change a week after inspection.

With administration and rearranged visits this monitoring could run to some 3,000 man hours a year or the equivalent of approximately two additional staff and with Housing Officer and maintenance staff visits, approximately 60% of tenants are already being visited in the course of a year.

We could re-prioritise the current work programme, but, according to audited figures, we are already a very low cost housing service and therefore it would be inevitable that other services would suffer in favour of these inspections. We would certainly be reluctant to alter the current site visit regime as this is one of the few opportunities that Members, from both sides of the chamber, get to view, at first hand, the condition of our estates and to talk directly to tenants.

Of course there are concerns when cases like this arise. However, they are relatively rare and it would be questionable as to whether it would constitute good use of time to have two staff working on issues that might reveal a dozen or less cases each year.

I would suggest that a more practical and more efficient way forward would be for Members to let the Head of Housing know of any properties that are causing them concern, and he will then respond appropriately.”

Councillor Wilkins provided further information and these points were noted.

CL/29. **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:-

Licensing and Appeals Sub-Committee, 22nd May 2009 (Minute No. LAS/1)

Environmental and Development Services Committee, 9th June 2009 (Minutes Nos. EDS/1 - EDS/6)

(Minute No. EDS/4 – A request was repeated for information on how many houses were required on a development, before it was classed as a “major” application. The Chairman agreed to look into this matter.)

Standards Sub-Committee (Consideration), 10th June 2009 (Minute No. SC/1)

Housing and Community Services Committee, 11th June 2009 (Minutes Nos. HCS/1 - HCS/9)

Development Control Committee, 16th June 2009 (Minutes Nos. DC/1 - DC/13)

(Minute No. DC/2 – Further information was provided on the subject of the Coppice Side parking restrictions and it was suggested that this Council take its own photographic evidence of the existing problems. It was agreed that this be done.)

Finance and Management Committee, 18th June 2009 (Minutes Nos. FM/1 - FM/12)

(Minute No. FM/6 – A point was made under the Consultation Strategy Annual Report about the Derbyshire County Council newspaper, to which a response was provided.)

Finance and Management Committee (Special), 25th June 2009 (Minutes Nos. FM/19 - FM/23)

(Minute No. FM/22 – Questions were submitted regarding the financial position on the Housing Revenue Account, the stock options process and previous questions relating to the costs of consultation for the stock options process. The Chairman of the Committee responded, clarifying the current position.)

CL/30. **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/31. **POLITICAL COMPOSITION**

At the request of the Leader of the Council, a report had been circulated to review the political proportionality for the composition of Committees and Sub-Committees, calculated accordingly, to reflect the political proportionality of the Council. There was debate about the proportionality document and some concerns were voiced with regard to the consultation on this matter. There was also concern amongst Members over the accuracy of the figures contained within the document and a deferral was requested so that this could be researched. The Chief Executive confirmed the accuracy of the figures submitted, whilst recognising Members' concerns.

RESOLVED:-

- (1) That this item and the subsequent items on Committee Compositions and the Schedule of Substitute Panels be deferred and a Special Council Meeting arranged to resolve these matters, prior to the recommencement of Meetings in late August.***

- (2) That in the interim, the membership of Committees remain unchanged.**

CL/32. **REPRESENTATION ON OUTSIDE BODIES**

There were no changes to the Council's representatives on outside bodies.

CL/33. **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW 2008/09 AND RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE**

It was reported that the Council had received the Annual Review from the Local Government Ombudsman (LGO) for 2008/09. The report also highlighted changes to the Ombudsman's way of working and statistics, which meant the data from 2008/09 was not directly comparable to that from 2007/08. The report included sections on the enquiries and complaints received, complaint outcomes and liaison with the LGO. On 1st April 2009, the LGO implemented a new procedure called "Council First", which required complainants to go through all stages of the Council's Complaints' Procedure, before the LGO would consider the complaint. Legislation had also made provision for the LGO to publish statements of reasons relating to individual decisions, following the investigation of a complaint. These statements would comprise a short summary of the complaint, the investigation, the findings, and the recommended remedy.

A Member sought further details about a particular complaint, and was advised that there were no details within the Ombudsman's Annual Report. The Member was asked to contact Officers after the Meeting and, on a "need to know" basis, further information could be supplied.

RESOLVED:-

That Council accepts the Local Government Ombudsman's Annual Review for 2008/09 and notes the further developments to the Ombudsman's service, which took effect from 1st April 2009.

CL/34. **ANNUAL REPORT 2008/09**

A report was submitted to seek approval to the draft Annual Report for 2008/09. This drew upon the approved Corporate Plan, end of year performance reports and financial out-turn figures for the period. It built upon the first Annual Report, capturing the great work that had been done by the Council and in partnership with other organisations over the past year.

It was important for the Council to inform the community, businesses and partners on the work that had been completed and the plans for the future. Once approved, the Annual Report would be launched on the Council's website and a printed version made available.

RESOLVED:-

- (1) That Council approves the draft Annual Report for 2008/09.**

- (2) ***That the Chief Executive in consultation with the two Group Leaders be authorised to make any necessary minor amendments to the document.***

CL/35. **AN OVERVIEW OF THE HEADLINE RESULTS OF THE PLACE SURVEY**

A report was submitted to present an overview of the results of the national 2008/09 Place Survey. It covered the background to the release of the Survey, including changes to the new National Performance Framework and outlined the methodology used. The key results were discussed with particular reference to questions about the local area, public services, local decision making, helping out and getting involved, respect and consideration and community safety.

The Council's Consultation Strategy had been considered by the Finance and Management Committee and this outlined how it was intended to improve consultation with residents. This was to showcase the great work that the Council was doing in the community and how it would shape services to deliver outcomes for those that lived in, worked in and visited the District.

It was reported that Ipsos MORI would make a presentation on the outcomes of the Place Survey and the date for this would be confirmed in due course. Reference was made to some of the results from this Survey and it was hoped to build aspects into the Annual Report.

RESOLVED:-

- (1) ***That Council notes the headline results of the Place Survey for South Derbyshire.***
- (2) ***That Ipsos MORI be invited to provide a full presentation on the outcomes from the Place Survey on a date to be confirmed.***

CL/36. **LOCAL AREA AGREEMENT UPDATE**

A report was submitted to outline to Members the background to the Local Area Agreement (LAA), the process for review and refresh and the impact of the economic downturn on the LAA. It highlighted the partners involved, their responsibilities and the scrutiny arrangements for the LAA. It also outlined the County's refreshed 35 improvement targets and the governance arrangements for the Derbyshire Partnership Forum.

The detail of the report expanded on each of these sections, firstly providing background on what a Local Area Agreement was and about the Derbyshire Local Area Agreement for the period 2008-11. Members gave consideration to the report's Appendix and submitted questions relating to certain national indicators, to which responses were provided.

RESOLVED:-

That the implications for the Council following the refresh of the Derbyshire Local Area Agreement from April 2009 be noted.

CL/37. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting 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 21st May 2009 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:-

Licensing and Appeals Sub-Committee, 22nd May 2009

Environmental and Development Services Committee, 9th June 2009

Standards Sub-Committee (Consideration), 10th June 2009

Housing and Community Services Committee, 11th June 2009

Development Control Committee, 16th June 2009

Finance and Management Committee, 18th June 2009

P. MURRAY

CHAIRMAN