

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 10th November 2011
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Stanton (Chairman), Councillor Bale (Vice-Chairman) and Councillors Atkin, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Mrs. Hood, Jones, Lemmon, Murray, Mrs. Patten, Mrs. Plenderleith, Smith, Watson and Wheeler.

Labour Group

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mrs. Heath, Mrs. Mead, Mulgrew, Pearson, Rhind, Richards, Shepherd, Southerd, Stuart, Tilley and Wilkins.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Roberts and Mrs. Watson, (Conservative Group) and Councillor Taylor (Labour Group).

CL/57. **MINUTES**

The Open Minutes of the Meeting of the Council held on 29th September 2011 (Minutes Nos. CL/39 - CL/54) were taken as read, approved as a true record and signed by the Chairman.

CL/58. **PRESENTATION OF RAM MAJOR'S SASH TO THE MERCIAN REGIMENT**

It was noted that it had been necessary to withdraw this item. Sadly, there had been a fatality the previous week and Members observed a minute's silence in memory of Private Matthew Haseldin. The presentation had been rescheduled for the Council Meeting on Thursday, 19th January 2012.

CL/59. **PRESENTATION BY THE AIR TRAINING CORPS – BOOK OF WAR MEMORIALS IN SOUTH DERBYSHIRE**

Squadron Commander Alyn Thomson addressed Members, explaining that to mark the 70th Anniversary of the 1211 ATC, a piece of work had been undertaken to record details of all War Memorials in South Derbyshire. The Chairman received the book of War Memorials, thanking the representatives of the Air Training Corps for their work and the other ways in which they assisted the Council.

CL/60. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to his civic diary, which was circulated separately and gave details of the events attended. He highlighted a number of events, particularly arrangements to mark Remembrance Day and the official opening of the new cinema on The Pipeworks development. He also referred to the Christmas Lights Switch-On ceremony in Swadlincote.

CL/61. LEADER'S ANNOUNCEMENTS

The Leader referred to the minute's silence for Private Haseldin and asked that Members' condolences be added to the letter of sympathy. The Leader had attended a presentation by the Burton and South Derbyshire College, and he referred also to the new college facility being planned on William Nadin's Way, the partnerships being built with local schools, together with the voluntary and community work and fundraising that the college was involved in.

CL/62. HEAD OF PAID SERVICE ANNOUNCEMENTS

The Chief Executive gave a further update on the Pipeworks development, speaking about the opening of the restaurant and the restoration of the building in which it would be located. He also referred to a site visit to the Golf Course on William Nadin's Way.

CL/63. 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:-

Finance and Management Committee (Special), 29th September 2011 (Minutes Nos. FM/43 – FM/44)

(Minute No. FM/43 – A Member referred to questions submitted under this item about the potential to extend deadlines and a response was provided confirming the approach taken.)

Environmental and Development Services Committee, 6th October 2011 (Minutes Nos. EDS/32 – EDS/38)

Planning Committee, 11th October 2011 (Minutes Nos. PL/62 – PL/76) (Minute No. PL/65 – Questions were submitted regarding the loss of disabled parking spaces and it was requested that the time limits imposed on certain car parks be reviewed.)

Finance and Management Committee (Special), 12th October 2011 (Minutes Nos. FM/45 – FM/49)

Housing and Community Services Committee, 13th October 2011 (Minutes Nos. HCS/25 – HCS/33)

(Minute No. HCS/31 – In response to a question, an update was provided on changes to the financial aspects, which warranted a review of this matter by the Committee and Council signified its approval to the matter being referred back for further consideration.)

Licensing and Appeals Sub-Committee, 17th October 2011 (Minute No. LAS/1)

Licensing and Appeals Sub-Committee, 19th October 2011 (Minutes Nos. LAS/3 – LAS/5)

Finance and Management Committee, 20th October 2011 (Minutes Nos. FM/50 – FM/57)

(Minute No. FM/55 – In response to a question, Council also signified its approval to refer back this matter, in accordance with Minute No. HCS/31 above.)

Overview and Scrutiny Committee, 26th October 2011 (Minutes Nos. OS/11 – OS/14)

(Minute No. OS/12 – Clarification was provided on a figure in this Minute, which would be corrected when the Minutes were received at the subsequent Committee Meeting. Members were encouraged to attend a planned HRA seminar on 15th November.)

Planning Committee, 1st November 2011 (Minutes Nos. PL/77 – PL/89)

(Minute No. PL/89 – It was questioned whether Derbyshire County Council had a policy regarding land allocations for mobile telephone base masts. This had been researched and a response would be provided to the Member once it had been received.)

CL/64. **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/65. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

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

CL/66. **COMPOSITION OF SUBSTITUTE PANELS**

There were no amendments to the composition of Substitute Panels.

CL/67. REPRESENTATION ON OUTSIDE BODIES**RESOLVED:-**

That Councillor Mrs. Patten is appointed as the Council's representative on the Derbyshire Hate Crime Panel.

CL/68. FUTURE OF LOCAL STANDARDS FRAMEWORK

A report was submitted to consider the Government's proposals on the future of the Local Standards Framework, following the deferral of this matter at the Council Meeting on 28th February 2011. Initially, the report set out changes to the standards regime in England, following the coalition government's announcement to abolish the Standards Board regime. The implications of the Localism Bill were reported, which included provision for the abolition of Standards for England. The Bill included a duty for local authorities to ensure that Members and Co-opted Members maintained a high standard of conduct. A contrast was provided to the current arrangements under the Local Government Act 2000. Further sections of the report addressed alleged breaches of codes of conduct, Members' interests, Standards Committees and pre-determination. Conclusions were provided, together with the Standards Committee recommendation for the adoption of a voluntary Code of Conduct in due course, when further details on the provisions of the Localism Bill were announced.

Subject to the provisions of the Localism Bill, a motion was submitted, duly seconded and debated. Particular areas discussed were the responsibility for dealing with parish council matters and clarification was sought regarding the adoption of a voluntary, rather than statutory code. It was confirmed that all Members would have to sign up to the code adopted by the Council. A further aspect was the need for thorough investigation before cases were brought into the public domain and there was concern about the potential for frivolous or vexatious cases.

RESOLVED:-

That the Council agrees:-

- (1) A Standards Committee should be retained solely to recommend and police the Code of Conduct for SDDC only.***
- (2) Other bodies, including specifically Parish Councils, should make their own arrangements, perhaps together through DALC, but SDDC would offer our Standards Committee's services on a full cost recovery basis.***
- (3) The only sanction available to the Committee should be public censure of the Councillor concerned (as deprivation of a Councillor's access to SDDC Officers and premises would be at least as great a punishment on constituents as Councillors).***

- (4) ***So far as is practicable, Councillors should be informed when firm charges of breaches of the Code are made and all proceedings should be open to Councillors and the public.***
- (5) ***To minimise cost, Officers should investigate the possibility of sharing a committee with neighbouring authorities, as is the case with the Fire Authorities.***

CL/69. **REVIEW OF PARLIAMENTARY CONSTITUENCIES 2013**

It was reported that the Boundary Commission for England was undertaking a review of parliamentary constituencies. The report explained the criteria being used to reduce from 533 to 502 constituencies nationally. The Boundary Commission had completed the first stage of the review process and published initial proposals, which were set out within the report. The Commission was consulting on the initial proposals for twelve weeks and following the representations received, there would be a further consultation period towards the end of 2012 on any revised proposals. Final recommendations would be made to the Government by 1st October 2013.

In detail, there were currently 11 constituencies in the Derbyshire sub-region and the report explained the changes affecting South Derbyshire. The former Etwall, Hatton, Hilton and North-West wards would be included in the Derbyshire Dales constituency and the current City of Derby wards of Bolton and Chellaston added to the remainder of South Derbyshire wards, to form the Derby South and Swadlincote constituency.

It was recognised that each political group was likely to formulate its views and responses to this consultation process.

RESOLVED:-

That Council notes the proposals of the Boundary Commission and leaves the political groups to make representations on this matter.

CL/70. **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 29th September 2011 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, 6th October 2011

Housing and Community Services Committee, 13th October 2011

Licensing and Appeals Sub Committee, 17th October 2011

Finance and Management Committee, 20th October 2011

M. STANTON

CHAIRMAN