

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 12th August 2004
at 6.00 p.m.

PRESENT:-

Labour Group

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

Conservative Group

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

Independent Member

Councillor Mrs. Walton.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Harrington, Murphy and Shepherd (Labour Group) and Councillors Mrs. Hood and Mrs. Renwick (Conservative Group).

CL/42. **MINUTES**

The Open Minutes of the Meeting of the Council held on 1st July 2004 (Minutes Nos. CL/28 – CL/39) were taken as read, approved as a true record and signed by the Chair.

With regard to Minute No. CL/32 relating to the receipt of a petition not being reported to the Development Control Committee on 22nd June 2004, Councillor Taylor still expressed concern at this practice, which was in accordance with the Council's policy. It was agreed that the appropriate Committee should reconsider the current policy relating to "late" representations.

CL/43. **CHAIR'S ANNOUNCEMENTS**

The Chair referred to the recent death of Jim Taylor, a former Councillor on Swadlincote Urban District Council, South Derbyshire District Council and Derbyshire County Council. Members stood in silence as a mark of respect.

The Chair reported on a visit by the Cultural Delegation from Toyota City during July, together with an associated visit by the Inspection Team from Toyota City Council. The Chair had visited Mrs. Sarah Bowler at Grangewood Nursing Home on the occasion of her 100th Birthday and had also met a resident of Lorraines Nursing Home, who was 105 years of age. The Chair advised that the Tour of Britain (formally the Milk Race) would be passing through Swarkestone, Ticknall, Melbourne, Hartshorne and Woodville on 3rd September.

The Chair reported on forthcoming Charity Events, including a Beer Keller Evening on 3rd September, a Cheese & Wine Evening on 10th September and a Last Night at the Proms Concert on 15th October. The Chair reminded Members to return their reply slips regarding the ODPM Visit by Caroline Stanger on 3rd September.

Councillor Bale presented a certificate to the Chair from Derbyshire County Air Ambulance to acknowledge the sum of £22,164.00 raised during his year of office.

CL/44. **LEADER'S ANNOUNCEMENTS**

The Leader welcomed back Councillor Bale to the deliberations of the Council following his recent heart surgery. Councillor Bale responded, thanking Members and Officers for their many good wishes.

CL/45. **QUESTION PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

It was reported that in accordance with Council Procedure Rule No. 11, Councillor Harrison had given notice of the following question, which he asked to the Chair of the Environmental and Development Services Committee:-

“Can I please ask the Chair of the Environmental and Development Services Committee to advise on the progress following my motion to Council on 8th April 2004 (Minute No. CL/131) regarding the reintroduction of the Council's free bulky waste service.”

Councillor Southerd replied, advising that Officers would submit a Service Development Proposal for the 2005/08 budget in the Autumn, which would be considered in line with the Council's existing scoring process by the Service and Financial Planning Working Panel and the Finance and Management Committee. Councillor Southerd reminded Members that the Finance and Management Committee had recently approved an extension of the kerbside collection scheme for recyclables, a significant proportion of which would be in the rural parishes. The exact locations would be determined at the Environmental and Development Services Committee in September when considering the extensions to the Composting Scheme for 2005/06.

Councillor Harrison considered that the lack of this service was leading to an increasing level of fly tipping throughout the District and Councillor Southerd reminded Members of the successful operation of the Clean Team, established to clear untidy areas.

CL/46. **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, 8th July 2004
(Minutes Nos. EDS/6 – EDS/17)***

Development Control Committee, 13th July 2004 (Minutes Nos. DC/16 – DC/22)

Housing and Community Services Committee, 15th July 2004 (Minutes Nos. HCS/16 – HCS/22)

Licensing and Appeals Committee, 19th July 2004 (Minutes Nos. LA/7 – LA/8)

Licensing and Appeals Committee, 21st July 2004 (Minutes Nos. LA/10 – LA/11)

Joint Consultative Committee, 22nd July 2004 (Minutes Nos. JC/1 – JC/7)

Finance and Management Committee, 22nd July 2004 (Minutes Nos. FM/13 – FM/21)

(Minute No. FM/19, Comprehensive Performance Assessment – Councillors Carroll, Harrington, Murphy, Taylor and Whyman, M.B.E. (Labour Group) and Councillors Atkin, Ford and Harrison (substitutes Councillors Mrs. Hall, Hood and Mrs. Wheeler) (Conservative Group) were appointed to the Comprehensive Performance Assessment Improvement Panel.)

Community Scrutiny Committee, 26th July 2004 (Minutes Nos. CYS/6 – CYS/10)

Corporate Scrutiny Committee, 2nd August 2004 (Minutes Nos. COS/6 – COS/9)

Development Control Committee, 3rd August 2004 (Minutes Nos. DC/23 – DC/29)

Overview Committee, 9th August 2004 (Minutes Nos. OV/8 – OV/14)

CL/47. **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/48. **A NEW HOUSING STRATEGY FOR 2004-2009**

It was reported that at its Meeting held on 15th July 2004, the Housing and Community Services Committee had recommended the approval of the proposed Housing Strategy for 2004-2009 to the Council. A copy of the document had already been circulated to Members and the Council's approval was required as this formed part of the policy framework.

RESOLVED:-

(1) That the new Housing Strategy for 2004-2009 be approved and adopted.

- (2) That the new Housing Strategy for 2004-2009 be formally submitted to the Government Office for the East Midlands to be assessed against the “Fit for Purpose” criteria.**
- (3) That the Director of Community Services be authorised to make minor amendments as a result of comments received from the Government Office for the East Midlands following the formal assessment of the Strategy.**

CL/49. **STATEMENT OF ACCOUNTS 2003/04**

It was reported that in 2003, new Regulations had been introduced requiring the Statement of Accounts to be approved by Members by 31st August 2004. In future years, this date would be brought forward by a month each year and therefore, the 2006 accounts would need to be approved by 30th June. This year was the earliest that the Council had closed its accounts for several years and presented another good step forward in preparing for the more challenging deadline of future years. In this regard, Members expressed their congratulations to the staff in the Finance Department for their efforts.

Bringing the timetable forward produced other benefits, with Members receiving information on the anticipated out-turn position by the end of June. In turn, this enabled the Finance and Management Committee to consider early in the financial year whether it wished to allocate any unspent resources from the previous year to improve services in 2003/04.

Closing the accounts earlier required Officers to estimate certain figures. In this regard, the Council received a final Housing Subsidy Settlement that was approximately £204,000 more than the estimated figure. Accordingly, the Housing Revenue Account within these accounts had now been adjusted to recognise this change. The new Accounts and Audit Regulations also introduced a requirement for the Chair of the relevant Committee to sign the accounts to indicate that they had been considered by Members in accordance with the Regulations. In the case of this Council, the accounts would need to be signed by the Chair of the Council.

Members were advised that the accounts also introduced a new requirement for the Council's Leader and most senior officer (Chief Executive) to confirm that the Council had proper systems of internal financial control in place. Essentially, the Statement of Internal Control explained the mechanisms that the Council had in place to plan ahead including making financial plans, monitor performance against plans, control spending in line with budget plans, prevent fraud and any other financial irregularity and manage the risks involved with these factors. It was recognised that Councils were developing their procedures in these areas and it had therefore been accepted that they would produce an Interim Statement of Internal Control setting out the mechanisms currently in place, together with any plans to improve these mechanisms during the next financial year 2004/05.

The Council's accounts had been closed and the Statement of Accounts prepared by 19th July 2004, which was in accordance with the timetable and reflected an improvement of nearly two weeks on the previous year. This represented a considerable level of commitment and achievement by staff within the Financial Services Team. A copy of the Council's Statement of Accounts for the year ending 31st March 2004 had been circulated separately and District Audit was scheduled to commence the audit of the accounts in

August, which was a month earlier than in previous years. The Chief Finance Officer was also required to provide a Letter of Representation to the External Auditors confirming that there were no significant events that had occurred after the end of the accounting period that would materially affect the accounts. The Council's External Auditors had requested that this letter be provided at the end of the audit and this would be the subject of a subsequent report to the Council.

The following two paragraphs had been extracted from the Executive Summary within the accounts and provided the most concise analysis of the Council's current financial position:-

"These Accounts continue to provide further reassurance that the Council can look forward to the future with a sound financial base. This is built upon prudent levels of reserves with systems in place to ensure that it manages finances responsibly.

This does not mean that the Council can be complacent. Just like any other Council, South Derbyshire will continue to face the pressure of meeting the needs of local residents and new Government legislative requirements."

Councillor Harrison requested clarification of two issues concerning the banding of Council Tax properties and the Pension deficit, which were addressed by the Chief Finance Officer.

RESOLVED:-

- (1) That the Council's Statement of Accounts for the year ending 31st March 2004 be approved in accordance with the provisions of the Accounts and Audit Regulations 2003.***
- (2) That the Chair of the Council be authorised to sign the accounts in accordance with the provisions of the Accounts and Audit Regulations 2003.***
- (3) That the Leader of the Council and the Chief Executive be authorised to sign the Interim Statement of Internal Control.***

CL/50. **COMMUNITY STRATEGY**

The Deputy Chief Executive advised that the Council was working with partners within the Local Strategic Partnership to progress the Draft Community Strategy for the launch at the LSP Forum Meeting on 19th August 2004 at the Mickleover Court Hotel. The event had been widely publicised and transport would be available, if required.

Although the date of the Forum Meeting was within the holiday season, it was noted that there would then be a consultation period of three months commencing in September to meet the target date of Christmas.

RESOLVED:-

That the report be noted.

CL/51. REPRESENTATION ON SOUTH DERBYSHIRE DISTRICT YOUTH ADVISORY PANEL

It was reported that a letter had been received from the County Council's Assistant Chief Education Officer (Lifelong Learning) advising that over the past two years, the Youth Service had been responding to the challenges of transforming youth work by developing the range of projects designed to make the service more mobile, flexible and responsive to the needs of young people. Alongside this development, the Best Value Review of the Youth Service had recommended a change in the governance of Youth Service provision from Management Committees to Advisory Panels.

At the County Council's Cabinet Meeting on 10th February 2004, the establishment of a District Youth Advisory Panel had been agreed, with Terms of Reference reflecting service developments over a wider geographical area than that of a local youth club. Members considered the Terms of Reference, which outlined the role of the Panel, its membership and organisation. This Council had been invited to nominate an elected Member to serve as a Panel Member and to provide a crucial link between the Advisory Panel and the Council.

RESOLVED:-

That Councillor Lane (substitute – Councillor Isham) be nominated to serve on the South Derbyshire District Youth Advisory Panel.

CL/52. COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS

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

Councillor Wilkins advised that following consideration by the Environmental and Development Services and the Housing and Community Services Committees, it was now the turn of the Finance and Management Committee to consider a work programme and Scheme of Delegation. Accordingly, consideration was given to the appointment of Members to a Working Panel in this regard.

RESOLVED:-

That Councillors Wilkins and Pabla (Labour Group) together with a Member of the Conservative Group be appointed to this Working Panel.

CL/53. SUBSTITUTE PANELS

There were no amendments to the existing Substitute Panels.

CL/54. REPRESENTATION ON OUTSIDE BODIES

The Leader of the Council confirmed that outstanding issues in connection with the Council's representation on outside bodies would be considered at the next Council Meeting, including the vacant position on the Acre Lane, Shardlow Sand and Gravel Site Liaison Committee, as reported to the last Meeting on 1st July 2004 (Minute No. CL/28 refers).

CL/55. RECRUITMENT OF DIRECTOR OF CORPORATE SERVICES

Following the approval of the Chair that this item should be considered as a matter of urgency to enable the recruitment process to commence at the earliest opportunity, it was reported that Mr. T. Neaves, the current Chief Finance Officer, had recently given notice to terminate his employment with the Council. Under the new structure, the post would become the Director of Corporate Services, being a member of the Corporate Management Team within the Council. At the Council Meeting held on 1st July 2004, a procedure was adopted for the appointment of Senior Officers which provided for the delegation of authority for appointment into a post to a Panel of Members. The Panel would then agree the recruitment process for the post, including advertising material and a timetable for completing the selection process. Throughout the process, the Panel would be advised and supported by Officers and it was noted that the final decision on the appointment would be taken by the Panel, subject to no objections being raised by a Member of the Finance and Management Committee.

Members acknowledged the service and contribution of Mr. Neaves in co-ordinating the recovery of the Council's finances and congratulated him on his appointment with the Derbyshire Police Authority.

RESOLVED:-

That the appointment and recruitment into the post of Director of Corporate Services be delegated to a Panel of five Members, being Councillors Carroll, Whyman, M.B.E. and Wilkins (Labour Group) and Councillors Bladen and Harrison (Conservative Group) in accordance with the procedure approved by the Council on 1st July 2004.

CL/56. 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 1st July 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, 8th July 2004

Housing and Community Services Committee, 15th July 2004

Licensing and Appeals Committee, 19th July 2004

Licensing and Appeals Committee, 21st July 2004

Joint Consultative Committee, 22nd July 2004

Finance and Management Committee, 22nd July 2004

Development Control Committee, 3rd August 2004

MRS. J. MEAD

CHAIR