

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 26th June 2003
at 6.00 p.m.

PRESENT:-

Labour Group

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

Conservative Group

Councillor Bale (Chair) and Councillors Atkin, Bladen, Ford, Mrs. Hall, Harrison, Mrs. Hood, Hood, Lemmon, Martin, Nalty, Mrs. Renwick, Mrs. Walton and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bambrick, Dunn and Richards (Labour Group) and Councillor Shaw (Conservative Group).

CL/20. **MINUTES**

The Open Minutes of the Annual Meeting of the Council held on 15th May 2003 (Minutes Nos. CL/1 - CL/17) and of the Civic Council Meeting held on 22nd May 2003 (Minutes Nos. CC/1 – CC/7) were taken as read, approved as true records and signed by the Chair.

CL/21. **CHAIR'S ANNOUNCEMENTS**

The Chair welcomed Members to his first Meeting as Chair and expressed his gratitude to Members for their confidence in him.

The Chair reported that during the first week in June, he had participated in the CVS Volunteers Week and had spent an enjoyable evening with volunteers on 6th June at Linton Village Hall. He had also attended the Barnardo's Charity Concert and Fireworks at Chatsworth on 7th June and on 16th June, he had visited the County Air Ambulance Base at East Midlands Airport. The Chair's first charity evening was held on 22nd June in the form of a Millionaire's Evening which had raised the sum of £3,339.47 for his Charity Appeal. The Civic Service on 22nd June had been very well attended and the Chair expressed his gratitude to all attendees for their support. On 25th June, the Chair had entertained Burton Civic Society at the Sharpe's Pottery Visitor Centre and future events included an 'It's a Knockout' competition for the Rainbows, Brownies and Girl Guiders on 30th June, Foston and Scropton Fete and Disability Awareness Day on 4th July and Church Broughton School's Sports Day on 11th July.

CL/22. **LEADER'S ANNOUNCEMENTS**

The Leader referred to the recent death of Corporal Russell Aston of Newhall whilst serving in Iraq and Members stood in silence as a mark of respect. Corporal Aston was married with a daughter aged 17 months and Councillors Lauro and Mrs. Mead also paid tribute to his dedication.

The Leader advised that £67 million had been allocated to the Sub-Regional Derby and Derbyshire Strategic Partnership, of which 70% was to be allocated to large projects and 30% to community projects. This should provide the Council with a considerable opportunity to submit appropriate bids for this funding and this would need to be exploited as soon as possible.

CL/23. **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Mrs. Dowie Bowes of Hilton attended the Meeting and asked the following question relating to the Western Link Road, Hilton.

“As concerned residents of Hilton, we seek confirmation of whom any compensation action should be levied against, in the unfortunate event that we are flooded, as a result of the construction of the above road?”.

Councillor Whyman, Leader of the Council, advised that the Western Link Road in Hilton was being constructed by St. Modwens Developments in accordance with a planning agreement. The Western Link Road was granted detailed planning permission in 1999. The District Council had been in contact with the developer's engineering advisors, Buchanans Consulting who had confirmed that the design of the road had been carried out in close liaison with the Environment Agency and had been designed using parameters agreed with them. Currently, a Section 278 Agreement was being entered into between St. Modwens Developments and Derbyshire County Council (the Highway Authority), which would provide for the Highway Authority to adopt the link road provided it was constructed in accordance with the terms of the Agreement. The County Council would be responsible for maintenance of the highway.

Mrs. Dowie Bowes then asked a supplementary question concerning justification for the construction of the road. The Leader responded by advising that the District Council had considered all merits of the application before granting planning permission.

(Councillor Taylor arrived at 6.20 p.m.)

CL/24. **BUSINESS REMAINING FROM THE LAST MEETING**

- (a) Appointment of Committees, Sub-Committees and Working Panels 2003/04

Further to Minute No. CL/12 of 15th May 2003, Councillor Mrs. Walton was appointed to the Comprehensive Performance Assessment Working Panel and Councillor Harrison was appointed to the Recruitment and Retention Working Panel to fill the Conservative Group vacancies on these Panels.

(b) Substitute Panels 2003/04

Further to Minute No. CL/13 of 15th May 2003, the Conservative Group appointed the following Members to fill vacancies on the Substitute Panels for the Committees and Working Panels indicated:-

Finance and Management Committee – Councillors Ford and Mrs. Hood.

Environmental and Development Services Committee – Councillors Mrs. Hood and Lemmon.

Housing and Community Services Committee – Councillors Mrs. Hall and Lemmon.

Development Control Committee – Councillors Ford, Martin and Mrs. Renwick.

Bretby Crematorium Joint Committee – Councillors Bladen and Hood.

Etwall Leisure Centre Joint Management Committee – Councillors Ford and Hood.

Comprehensive Performance Assessment Working Panel – Councillor Shaw.

Recruitment and Retention Working Panel – Councillor Lemmon.

(c) Representation on Outside Bodies

Further to Minute No. CL/15 of 15th May 2003, the Leader of the Council advised that the remaining vacancies on outside bodies were currently under consideration.

CL/25. **DERBYSHIRE GREENWATCH AWARDS**

It was reported that at the Derbyshire Greenwatch Awards Ceremony on 22nd May 2003, Sharpe's Pottery Visitor Centre in Swadlincote received two top awards, being first placed in the 'Built Environment' sector and also received the 'Derbyshire Historic Buildings Trust Award' for conservation of the built environment. The Chair of the Council presented an award to Mr. J. Oake, Chairman of the Sharpe's Pottery Heritage and Arts Trust and Mr. Oake responded accordingly. The Leader of the Council acknowledged the contribution of Mr. Oake and also paid tribute to the work of Marilyn Hallard and Philip Heath, the Conservation and Heritage Officers of the Council. These comments were endorsed by other Members.

A presentation display was provided for Members' information and it was noted that eight projects from South Derbyshire were among the twenty-five awards presented for schemes which reduced waste, conserved the landscape, cared for historic buildings, preserved wildlife and interpreted the cultural heritage.

CL/26. **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, 20th May 2003 (Minutes Nos. DC/1 - DC/9)

***Environmental and Development Services Committee, 27th May 2003 (Minutes Nos. EDS/1 - EDS/9)
(Minute No. EDS/6, Development Control Best Value Implementation Plan – Members discussed the implications associated with public speaking at the Development Control Committee and in particular, the reasoning behind the decision to delay any trial at the present time.)***

Housing and Community Services Committee, 5th June 2003 (Minutes Nos. HCS/1 - HCS/10)

Community Scrutiny Committee, 10th June 2003 (Minutes Nos. CYS/1 - CYS/5)

Finance and Management Committee, 12th June 2003 (Minutes Nos. FM/1 - FM/11)

Corporate Scrutiny Committee, 16th June 2003 (Minutes Nos. COS/1 – COS/8)

Licensing and Appeals Committee, 17th June 2003 (Minutes Nos. LA/1 – LA/2)

Development Control Committee, 17th June 2003 (Minutes Nos. DC/10 - DC/20)

(Minute No. DC/17(4) – it was noted that at the next Meeting of the Development Control Committee, an amendment would be made to this Minute adding a condition for imposition on the issue of any planning permission requiring the provision of a recycling bank facility.)

Overview Committee, 23rd June 2003 (Minutes Nos. OV/1 - OV/5)

CL/27. **NOTICE OF MOTION**

It was reported that, in accordance with Council Procedure Rule No. 13(s), Councillor Mrs. Wheeler had submitted the following Motion as being urgent:-

“Regrettably, there is growing evidence in parts of the District, both urban and rural, of youths engaging in Anti-Social-Behaviour until the early hours of the morning, particularly on Friday and Saturday nights. This creates fear, nuisance and disturbance to other members of the community.

Therefore, this Council urges that consideration be given to the appointment of a dedicated officer, on a shared costs basis between this Council, Derbyshire County Council and the Police to manage Anti-Social Behaviour Orders.

Moreover the Council further urges the South Derbyshire Crime and Disorder Partnership, the Police and other appropriate Agencies to take all practical measures, as a matter of urgency, to stamp out this disturbing trend before it escalates further.”

Members discussed the urgency of the Motion prior to any consideration.

RESOLVED:-

That no consideration be given to the Motion as it is not considered to be urgent.

CL/28. **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/29. **GENERAL REVIEW OF PARLIAMENTARY CONSTITUENCIES**

Members considered the Boundary Commission's revised recommendations for Parliamentary Constituencies in Derbyshire and Derby, having considered the report of the Local Inquiry held in Derby on 28th - 30th January 2003. It was noted that in respect of South Derbyshire, no change to the provisional proposal was recommended, i.e. coterminous with the District Council boundary. A full copy of the report of the Local Inquiry was available for inspection.

RESOLVED:-

That the revised recommendations for Parliamentary Constituencies in Derbyshire and Derby be noted.

CL/30. **BEST VALUE PERFORMANCE PLAN 2003**

It was reported that the Council had a statutory duty to publish a Best Value Performance Plan (BVPP) by 30th June 2003. The first part of the Plan had been previously circulated and Members now considered further sections accompanying the report. The BVPP set out the Council's record of delivering local services together with plans and priorities for the future. This year, the scope and contents of the Plan had been changed to reflect the requirements of ODPM Circular O3/03 on 'Best Value and Performance Improvement' published in March. As a result, the Plan reported progress since April 2000 together with plans and priorities for improvement during the current financial year and over the next two years.

In January 2004, the Council would be subject to a Comprehensive Performance Assessment (CPA). Preparations were being co-ordinated by the CPA Working Panel and consideration by the Panel of the Corporate Self Assessment and the thematic reviews had informed the contents of the Plan. The Plan also relied on the Corporate Plan and Service Plans previously approved by Members.

Section 3 of the Plan provided an executive summary of the Plan, focusing on achievements and future challenges and opportunities. A summary version of the Plan was published in March and distributed to all households in the District, businesses and voluntary sector groups together with key stakeholders in the public, private and voluntary sectors. Approximately 36,000 copies were distributed but the full Plan would have a smaller circulation. However, it would be available for inspection at the Civic Offices, in local libraries and on the Council's website. A formal report on the Plan

by the District Auditor was made through the Annual Audit Letter. The costs of printing and publishing the Plan could be met from existing budgets.

Members commented on several sections of the Plan and expressed their gratitude to the Policy and Best Value Manager and her team for the work undertaken on the Plan.

RESOLVED:-

- (1) That the Best Value Performance Plan 2003 be approved.***
- (2) That the Chief Executive, in consultation with the Leader of the Council be authorised to finalise the Plan prior to its publication.***

CL/31. **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 15th May 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:-

Environmental and Development Services Committee, 27th May 2003

Housing and Community Services Committee, 5th June 2003

Finance and Management Committee, 12th June 2003

Licensing and Appeals Committee, 17th June 2003

M.J.P. BALE

CHAIR