

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 8th November 2007
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

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

Independent Member

Councillor Mrs. Brown.

APOLOGIES

An apology for absence from the Meeting was received from Councillor Timms (Conservative Group).

CL/72. **CHURCH GRESLEY WARD CASUAL VACANCY**

It was reported that Councillor Rhind had been elected on 18th October 2007, to fill the casual vacancy in the Church Gresley Ward. Councillor Rhind was welcomed by Members.

CL/73. **MINUTES**

The Open Minutes of the Meeting of the Council held on 27th September 2007 (Minutes Nos. CL/60 – CL/69), were taken as read, approved as a true record and signed by the Chairman.

CL/74. **DECLARATIONS OF INTEREST**

Councillors Bambrick, Ford and Harrison declared personal interests in respect of the Waste Site Allocations Development Plan Document-Preferred Options Consultation, as they were Members of Derbyshire County Council, which was undertaking this consultation. Councillor Atkin declared a potential prejudicial interest in respect of this item and would withdraw during the consideration thereof.

On behalf of all Members, the Chairman recorded personal interests in respect of the report of the Independent Remuneration Panel, in accordance with Clause 10 (2)(c)(iv) of the Members Code of Conduct, as this matter related to a function of the Authority in respect of an allowance, payment or indemnity for Members.

**CL/75. WASTE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT –
PREFERRED OPTIONS CONSULTATION**

Note: At 6.20 p.m., Councillor Atkin left the Meeting.

The Council received a comprehensive report on the Waste Site Allocations Development Plan Document. This had been prepared jointly by Derby City Council and Derbyshire County Council as the Waste Planning Authorities. The document covered the whole of Derbyshire, other than the Peak National Park. The purpose of the document was to:-

- Identify future waste arisings within the Plan Area to 2020.
- Identify a range of preferred sites for waste management within the Derby and Derbyshire area.
- Set out general policies to guide future waste proposals within the Plan area.

The report addressed the need for waste management facilities in the Plan area, dealing with municipal solid waste, commercial and industrial waste, construction and demolition waste and import/export imbalance. The need for new non-landfill capacity was reported with details provided of the various types of waste development that could be built, to recover value from waste. A summary of need for new landfill capacity was stated. The report then looked at the broad locations for new facilities and focussed on the preferred site allocations within South Derbyshire, located at:-

- The former Willington Power Station.
- Hilton Business Park, The Mease, Hilton.
- Tetron Point, Cadley Hill, Swadlincote.
- Former Drakelow Power Station, Walton Road, Drakelow.
- Park Road, Newhall.
- Dove Valley Park, off the A50, Near Foston.
- Shardlow Quarry.
- Severn Trent Landholding at Etwall/Egginton Parish.
- Elvaston Quarry.
- Nadin Coal Disposal Point.

For each of these sites, details were provided of the site area, the existing condition, use and potential alternate uses. Detailed Officer comments were also provided on the proposals for each of these sites, with a view to responding to this consultation document.

Several Members spoke at length, to voice their concerns at the proposals within this consultation document. Initially, Councillor Lemmon highlighted issues relating to the sites at Foston and Hilton, those at Tetron Point and Elvaston, but these were not as significant as the proposals for the Etwall and Egginton area. He spoke about the size of this site, the likely resultant problems and its proximity to the Toyota factory.

Councillor Richards was critical of the consultation arrangements and gave detailed feedback on each of the site proposals, supporting the Officer recommendations. Councillor Bladen and then Councillor Mrs. Brown gave further detailed comments regarding the impact of the proposals for the site in the Etwall/Egginton area. There was emphasis of the proposed area of this site and how visible it would be from all directions, given the intention to

raise the land level. There were concerns about the volume of vehicle movements and detailed implications were reported on the waste processing and incineration proposals. Officers were urged to respond to this document in the strongest terms possible.

Councillor Mrs. Plenderleith referred to the site in Hilton and shared the concerns on the way this consultation had been undertaken. She spoke about the proximity of this site to housing developments, the impact from vehicle movements and problems with vermin that might result. There were concerns about waste causing contamination and the proposals to reopen the railhead to facilitate a waste site. Otherwise, there was strong support for the Officer recommendations.

Councillor Ford outlined the process that would be undertaken, leading to a decision by an Inspector appointed by the Government. He made representations regarding the proposals for Willington and noted that alternate use of this site was still being considered. Councillor Wheeler accepted the need for such facilities, but these proposals were not in keeping with proximity principles for the transportation of waste. He commented on the value of the Tetron Point and Drakelow sites and felt they should not be used for this purpose. There were also concerns over access to some sites and the potential for traffic issues for local villages.

Councillor Mrs. Patten spoke of the strength of local opposition to these proposals, demonstrated by the number of residents attending recent parish council meetings. She sought an extension to the consultation period, to enable the submission of more detailed responses. Councillor Dunn felt that the County Council should look elsewhere for its waste disposal facilities. Councillor Watson focussed on the proposals for the Shardlow Quarry. He reminded of the sand and gravel extraction in that area and the previous lobbying, which had secured the successful reinstatement of certain sites. Councillor Wilkins referred to the 'best practical environmental approach' and felt this argument should be added to the response to the County Council.

The Leader of the Council was delighted at the level of public support and hoped that the County Council would take on board the strong local feeling. This Council was a consultee and did not accept the County Council's proposals. South Derbyshire had an excellent approach to recycling and composting. The Council would continue to lobby on this matter. Councillor Lemmon felt the consultation period was flawed and whilst supportive of the Officer recommendations he felt there should be an addendum to ensure the District Council was kept informed of developments through this process.

RESOLVED:-

That the Council objects to all the proposals within the Waste Site Allocations Development Plan Document and that Officers' comments and recommendations be amalgamated with Members views expressed at the Meeting in responding strongly to this document.

Note: At 7.10 p.m. Councillor Atkin rejoined the Meeting.

CL/76. POST OFFICE NETWORK CHANGE PROGRAMME

It was reported that Post Office Limited had commenced a period of local public consultation on its Area Plan Proposal for the East Midlands, as part of its Network Change Programme. In May 2007, the Government announced a range of measures to modernise and reshape the Network. Post Office Limited had now put in place a Network Change Programme to implement the measures and this included the compulsory, compensated closure of up to 2,500 Post Office branches. It was planned to introduce approximately 500 service points, known as “Outreaches”. The Government had proposed investment of up to £1.7 billion as a funding package to support changes to the Network.

The Post Office had stated that the majority of branches would not change as a result of the programme and it would apply minimum access criteria to ensure continued access to Post Office services. For the purposes of this review, the UK had been divided into 47 areas and for each area, a Local Area Plan Proposal had been developed.

Members were advised on the Area Plan Proposal for the East Midlands. It was proposed to close 77 branches and to establish 11 Outreach service points. At present, the area’s 1.8 million residents were served by a total of 437 branches. Post Office Limited stated that it had considered factors including the geography, the availability of local transport and alternative access to Post Offices services, local demographics and the impact on local economies. It acknowledged that communities in the East Midlands were diverse in nature, with densely populated urban areas and sparsely populated rural areas. The consultation summary was appended to the report. It was proposed to close the Post Offices at Church Gresley, Egginton and Newton Solney. Also circulated was an extract from the detailed Branch Access Report, which gave more information on the branches proposed for closure and their nearest two alternative branches.

Councillor Mrs. Brown voiced her concerns at the proposal to close Egginton Post Office. She stated the many reasons why this vital community facility should be retained for the Village, given its elderly population and the lack of public transport services to the nominated first alternate Post Office. Even for the second choice Post Office in Etwall, there were public transport difficulties for residents, due to the routing of the bus service. She sought support for resistance to this planned closure.

Councillor Richards explained the value of local Post Offices through an example of the arrangements made during the recent industrial action, to ensure that benefit recipients were not penalised. He then referred to the previous closure of the Midway Post Office, the proposed closure of the Church Gresley Post Office and the difficulties for local residents in travelling to the Post Office in Swadlincote as an alternative. Councillor Wilkins pursued this point, highlighting inaccuracies within the detailed schedule relating to the nearest alternatives to the Church Gresley Post Office.

Councillor Ford spoke about the piecemeal loss of rural facilities, the value of rural Post Offices and how they had diversified to remain viable. Other Members commented about the reduction in Post Office services. An aging population could not always take advantage of more modern options to access such services and Members were critical of the access criteria used. A plea was made to ensure that all objection letters were submitted at the

earliest possible date. Councillor Lane reminded of the work undertaken by Scrutiny previously, on how the District Council could assist post offices and he asked that these issues be reconsidered seriously.

The Leader of the Council spoke of the tremendous community activity over recent weeks. She referred to petitions in the Church Gresley area and that organised by the Burton Mail. These would be collected and delivered to the relevant Government Minister in his Bilston constituency over the weekend. The Council would continue to fight for the retention of Post Offices in its area.

RESOLVED:-

That this Council objects in the strongest terms to the proposals to close Post Offices at Church Gresley, Egginton and Newton Solney, as all three serve special communities that would suffer deprivation and add to social exclusion in South Derbyshire should these closures go ahead.

Note:- At this point, Councillors Mrs. Brown, Stanton and Taylor left the Meeting.

CL/77. **WORLD SCOUT JAMBOREE**

The Council received a presentation from representatives of the Derbyshire Scouts on the 21st World Scout Jamboree. The District Council had provided financial support to assist the Scouts in participating in this event. The Scouts present explained the activities undertaken throughout the two weeks of the Jamboree, the different countries represented and the gifts exchanged with Scouts from all over the world. They closed by thanking the Council for its financial support, which had enabled them to attend this event.

The Chairman thanked the Scouts for their presentation. He was proud of their achievements and considered them ambassadors for South Derbyshire. Councillor Watson commented that he had attended the event to commemorate the 50th anniversary of the scout movement and he considered the organisation was as strong as ever. Councillor Wilkins also spoke to this item as the Chair of the South Derbyshire Scout Executive.

CL/78. **REVIEW OF MEMBERS' ALLOWANCES – REPORT OF THE INDEPENDENT REMUNERATION PANEL**

The Council received reports from the Independent Remuneration Panel on the review of Members' Allowances for South Derbyshire District Council and that for parish councils within South Derbyshire. Dr. Declan Hall, Chairman of the Panel presented the reports. He gave an outline of the approach undertaken and it was considered the previous scheme had been robust, although some minor anomalies had been addressed. The proposals sought to reduce financial barriers to people becoming an elected member, but at the same time, the recommendations were not seeking to provide a financial incentive or attraction. Dr. Hall gave details of the comparative group approach used to assess the level of basic allowance. It was proposed to provide a separate telephone or communication allowance. An outline was then given of the approach taken on special responsibility allowances. Dr. Hall also referred to the benchmarking approach and the other options

available, including a factor approach. A further issue raised was Members' entitlement to join the Local Government Pension Scheme.

Note: At 8.05 p.m. Councillor Mrs. Coyle left the Meeting.

Members submitted questions to Dr. Hall on the reports. The Leader of the Opposition Group referred to the sections of the report on levels of remuneration for the basic allowance. There was a detailed discussion on this topic, with comparisons made to other models, the assessment of the daily rate for a Member's activity and the proportion of voluntary work, which Members undertook. With regard to Special Responsibility Allowances, there was a discussion about providing such a payment for the Chairman of the Standards Committee, given the anticipated changes to this function.

It was proposed that the report be deferred for further consideration by the Finance and Management Committee. Further discussion took place regarding pension rights and Dr. Hall reiterated the process that the Panel had undertaken in reaching its conclusions.

Note: At 8.15 p.m., Councillor Pabla left the Meeting.

The Leader of the Council thanked Dr. Hall for the work of the Panel on this issue. She agreed that the matter warranted further, detailed consideration through the Finance and Management Committee Meeting. It was clarified that the parish council report was taken as read.

RESOLVED:-

(1) That the Council receives the report of the Independent Remuneration Panel, on its review of allowances for parish councils within South Derbyshire, including travelling and subsistence allowances.

(2) That further consideration be given to the report of the Independent Remuneration Panel on its review of Members' Allowances for South Derbyshire District Council, at the next Meeting of the Finance and Management Committee.

Note: At 8.25 p.m., Councillor Southerd joined the Meeting.

CL/79. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported on his recent engagements, including the launch of the Newhall Community Website and the Hartshorne Village Welcome. He had attended the Cauldwell Harvest Festival and undertaken a walk around the village of Melbourne. He also spoke about events with the Swadlincote and District 50+ Forum and a "Techno Tyros" event at The Dales in Repton.

The Chairman advised Members of arrangements for the Remembrance Day Parade and the switch on ceremony for this year's Christmas lights. Members were reminded of the Chairman's pages on the Council's website, which were displayed during the announcements, together with a map showing the areas of the District he had visited so far.

Note: At 8.30 p.m., in accordance with Procedure Rule 14.10(g) the Council agreed that the Meeting should continue.

CL/80. **NOTICE OF MOTION**

It was reported that, in accordance with Council Procedure Rule No 12, Councillor Bale had give Notice of the following Motion:

“That this Council urges the Derbyshire Primary Care Trust to adopt the same policy as the neighbouring Derby City Primary Care Trust, to provide the life extending cancer drug Sunitinib to all residents of South Derbyshire”.

Councillor Bale proposed the Motion, which was duly seconded. The Motion was debated and put to a vote.

RESOLVED:

That the Motion be carried.

CL/81. **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 :-

Licensing and Appeals Sub-Committee, 28th September 2007 (Minutes Nos. LAS/26 – LAS/27).

Licensing and Appeals Sub-Committee, 28th September 2007 (Minutes Nos. LAS/28 – LAS/29).

Environmental and Development Services Committee, 4th October 2007 (Minutes Nos. EDS/20 – EDS/26).

(Councillor Wilkins referred to the composting scheme and the cost of biodegradable wheeled bin sacks. He asked if the Controlling Group would look at this issue as part of the budget round for the next financial year and the Chairman of the Committee agreed to consider this issue).

Development Control Committee, 9th October 2007 (Minutes Nos. DC/47 – DC/52).

Housing and Community Services Committee, 11th October 2007 (Minutes Nos. HCS/40 – HCS/42).

(Minute No. HCS/41 – Councillor Richards referred to the consultation on the Housing Green Paper and sought an update. The Chairman of the Committee responded that there was nothing further to report at this stage.)

Finance and Management Committee, 18th October 2007 (Minutes Nos. FM/64 – FM/71).

(Minute No. FM/66 – Councillor Tilley referred to the consultation on the review of area meetings, advising of the feedback received at the recent Swadlincote Area Meeting. Similarly, Councillor Mrs. Mead reported residents' views raised at the Newhall Area Meeting.)

Licensing and Appeals Sub-Committee, 19th October 2007 (Minutes Nos. LAS/30 – LAS/31).

Licensing and Appeals Sub-Committee, 19th October 2007 (Minutes Nos. LAS/33 – LAS/34).

Overview and Scrutiny Committee, 24th October 2007 (Minutes Nos. OS/28 – OS/32).

Development Control Committee, 30th October 2007 (Minutes Nos. DC/53 – DC/58).

CL/82. **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/83. **POLITICAL PROPORTIONALITY**

The Council reviewed the political proportionality for the composition of Committees and Sub-Committees, calculated accordingly, to reflect the political proportionality of the Council.

RESOLVED:-

That the allocation of seats to the political groups and the independent Member, attached at Annexe ‘A’ to these Minutes be approved.

CL/84. **COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

RESOLVED:-

That the following appointments be made to the Committee's indicated below:-

Housing and Community Services Committee – Councillor Rhind.

Development Control Committee – Councillor Richards.

Licensing and Appeals Sub-Committee – Councillor Rhind.

Bretby Crematorium Joint Committee – Councillor Dunn (Councillor Mrs. Mead as substitute).

Core Strategic Working Panel – Councillor Richards.

Community Partnership Assessment Panel – Councillor R. Lane.

CL/85. **COMPOSITION OF SUBSTITUTE PANELS****RESOLVED:-**

- (1) That Councillor Mrs. Farrington replaces Councillor Timms as a Member of the Substitute Panel for the Finance and Management Committee.***
- (2) That Councillors Taylor and Mrs. Lane be appointed as Substitute Members for the Heritage Grants Sub-Committee.***

CL/86. **REPRESENTATION ON OUTSIDE BODIES****RESOLVED:-**

That Councillor Lemmon be appointed as the Council's representative on the East Midlands Museum Service and that Councillor Grant be appointed as the Substitute Member.

CL/87. **THREE-YEAR REVIEW OF LICENSING POLICY**

It was reported that the Licensing Act 2003 required the Council to review its Licensing Policy every three years. A period of consultation had recently been completed on proposed revisions to the Policy. A few comments had been received and where appropriate, these would be incorporated into the Policy Statement. It was noted that any changes to the Policy had to be in line with regulations issued by the Department for Culture, Media and Sport and guidance from the Local Authorities Co-ordinators of Regulatory Services. Delegated authority was sought, as previously, for Officers to make minor changes to the Policy that did not impact on its substance. Similarly, with regard to non-contentious licensing applications, delegated authority was sought for designated Officers to be able to determine those applications.

RESOLVED:-

- (1) That Members approve the South Derbyshire District Council revised Statement of Licensing Policy.***
- (2) That the Director of Community Services be authorised to make minor amendments to the Policy, without reference back to the Council or a Committee.***
- (3) That the Council discharges its functions in relation to licensing activities through its Licensing and Appeals Sub-Committee, with the exception of the review of the Licensing Statement, which is required by the Licensing Act 2003 every three years or prior to that date, if required by the Council.***
- (4) That in accordance with Minute No. CL/82 of the Council Meeting held on 4th November 2004, the delegated authority continues for the authorisation of all licensable applications that are not subject to a substantiated appeal.***

CL/88. **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 September 2007 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, 4th October 2007.

Finance and Management Committee, 18th October 2007.

Licensing and Appeals Sub-Committee (2 sets), 19th October 2007.

Development Control Committee, 30th October 2007.

M. J. P. BALE

CHAIRMAN