

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 2nd October 2008
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

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

Independent Member

Councillor Mrs. Brown.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Ford and Mrs. Patten (Conservative Group).

CL/47. **MINUTES**

The Open Minutes of the Meeting of the Council held on 3rd July 2008 (Minutes Nos. CL/22 - CL/41) were taken as read, approved as a true record and signed by the Chairman.

Under Minute No. CL/27 an update was sought on the consultation arrangements for dog control orders, particularly for the urban core area. It was agreed to arrange a meeting for urban core Members on this matter.

Arising from Minute No. CL/33, the BT Payphone removal consultation, it was noted that the payphones proposed for removal could be retained if the District Council made a contribution of £500 per kiosk. Liaison with BT was requested, in order that the Council could consider this initiative.

With regard to Minute No. CL/27, it was confirmed that the Opposition Group's training champion was Councillor Southerd. Pursuant to Minute No. CL/35, a presentation was sought, as a matter of urgency, on the Local Area Agreement. It was understood that the County Council was rolling out presentations to district councils and local strategic partnerships and this would be pursued.

CL/48. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman spoke of the planned events to celebrate 10 years of partnership working with Toyota City. These events, which would take place

between September and November 2008, included school exchanges, performances, twinning ceremonies in both Japan and Derbyshire, a Japanese Cultural Festival and delegation visits. The Chairman summarised her other engagements throughout July and August. These comprised the presentation of the Queen's Award for Enterprise to Greenbank Terotech in Woodville, the ATC Annual Open Day and Hatton Village Carnival. She spoke of her visit to London for the Royal Garden Party, the Indian independence luncheon and the launch of the Glade in the Forest at the Rosliston Forestry Centre. The Chairman also gave details of her forthcoming engagements.

CL/49. **LEADER'S ANNOUNCEMENTS**

The Leader of the Council advised that she wished to submit an urgent motion for a slight change to the Council's Constitution. This was necessary to refresh the Area Meetings, to reflect recent discussions with colleagues at the County Council and Derbyshire Constabulary and the matter was urgent because of the impending autumn cycle of meetings. The Leader then referred to flooding problems in South Derbyshire and the Corporate Plan priority to alleviate such problems. A £10,000 contribution had been made towards providing flood prevention boards and a sample was displayed. There was also a short video presentation on the effectiveness of these flood defence measures. It was confirmed that the boards would also block air bricks as well as doorways and there was discussion about the costs to residents and publicity arrangements.

CL/50. **NOTICE OF MOTION**

It was reported that, in accordance with Council Procedure Rule No. 13(s), Councillor Mrs. Wheeler wished to submit an urgent motion. Council was informed of the grounds for urgency and gave its consent to consider the following motion:-

"That this Council authorises a minor alteration to its Constitution, to replace all references to Area Meeting with the term Area Forum."

Councillor Mrs. Wheeler proposed the motion, which was duly seconded. A Member voiced concerns over this matter, particularly that it should have been submitted for the Council's approval before sending out a revised agenda. Officers provided further explanation on the background to this matter. It was requested that a further review take place in 12 months, particularly with regard to the Safer Neighbourhood Partnerships.

RESOLVED:-

That the motion be carried.

CL/51. **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:-

Development Control Committee, 1st July 2008 (Minutes Nos. DC/10 - DC/14)

Development Control Committee, 29th July 2008 (Minutes Nos. DC/15 - DC/21)

(Minute No. DC/20 – It was agreed that an update be provided by the Head of Planning Services on progress with a major development off Coppice Side, Swadlincote).

Licensing and Appeals Sub-Committee, 4th August 2008 (Minute No. LAS/1)

Development Control Committee, 26th August 2008 (Minutes Nos. DC/22 - DC/26)

(Minute No. DC/24 – There was criticism about the timing of a Public Inquiry. The Chairman expressed sympathy, but noted that the Secretary of State set the date, time and venue of such inquiries. Representations could be made about the future timing of such inquiries).

Licensing and Appeals Sub-Committee, 28th August 2008 (Minute No. LAS/3)

Environmental and Development Services Committee, 28th August 2008 (Minutes Nos. EDS/12 - EDS/18)

Housing and Community Services Committee, 2nd September 2008 (Minutes Nos. HCS/14 - HCS/22)

Finance and Management Committee, 4th September 2008 (Minutes Nos. FM/25 - FM/35)

(Minute No. FM/32 – There was a question and discussion about Best Value Performance Indicators relating to the collection of Council Tax and Non-Domestic Rates. A context was provided on the amount of monies collected and the impact of installing a major new IT system on the collection rates, which normally were very high. The Chairman of the Committee explained measures to continue recovery of sums due to the Council, revised staffing arrangements dedicated to this area and it was hoped by the end of the year to return to a top quartile position. A Member clarified the deterioration in performance and a further response was provided.

With regard to Minute No. FM/35, gratitude was expressed at the conclusion of negotiations for disposal of the Sutton-on-Hill Village Hall.

Under Minute No. FM/30, a Member submitted questions about the Council's Medium-Term Financial Plan, the General Fund reserve balance and the position on the Housing Revenue Account. It was agreed to supply a written response to the questions raised.)

Development Control Committee (Special), 16th September 2008 (Minutes Nos. DC/27 – DC/28)

Licensing and Appeals Sub-Committee, 17th September 2008 (Minute No. LAS/6)

Overview and Scrutiny Committee, 17th September 2008 (Minutes Nos. OS/7 – OS/13)

Development Control Committee, 23rd September 2008 (Minutes Nos. DC/29 – DC/33)

(Under Minute No. DC/31, it was questioned whether the Council was moving away from agreed policies, with reference to a particular determined application and an assurance was sought from the Chairman of the Committee. A response was duly provided.)

CL/52. **SEALING OF DOCUMENTS**

The Council gave consideration to the schedule of sealed documents and clarification was provided on the address relating to one of the entries.

RESOLVED:-

That the sealed documents listed at Annexe “SMB1” to the Signed Minute Book, which have no specific authority, be duly authorised.

CL/53. **COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

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

CL/54. **COMPOSITION OF SUBSTITUTE PANELS**

There were no amendments to the composition of Substitute Panels.

CL/55. **REPRESENTATION ON OUTSIDE BODIES**

RESOLVED:-

(1) That Councillor Mrs. Patten replaces Councillor Mrs. Farrington as the Council’s representative on Relate.

(2) That Councillor Bladen be appointed as the Council’s representative on the new outside body Parking and Traffic Regulations (Outside London) (PATROL) Adjudication Joint Committee.

CL/56. **CONSULTATION PAPER – WEEKEND VOTING**

It was reported that the Government had issued a consultation paper, inviting views on whether voting could be made more convenient, by changing the timing of election day and whether there were other steps that could be taken alongside, to make it easier for people to cast their vote. The

Governance of Britain Green Paper included proposals aimed at enhancing the rights and responsibilities of citizens. The proposals were not a finished blueprint, but the consultation document represented another step on this journey. One of the goals was to invigorate democracy. The Government intended to explore the barriers that currently existed to voting and how these could be overcome. There was a perception that Thursday was not the most accessible day for voting and that changing to weekend voting could improve access and opportunities for voting. It was made clear that this consultation would take into account the needs of religious groups. One of the strategic aims was that people should be able to exercise their right to vote with ease, without unnecessary barriers, but without compromising security. The Government sought views on forms of advance voting at polling stations and remote voting over the Internet or telephone.

The detail of the report examined the key questions posed by the consultation paper. It then reviewed in turn the move to weekend voting, the associated financial implications of doing this and the comparative arrangements in other countries. The potential advantages and disadvantages of weekend voting were also reported.

Next, the consultation looked at the other ways in which voting could be made more accessible to individuals who did not wish to attend a polling station or cast a vote on a particular day. These other potential methods were remote voting over the internet or telephone and advance voting in person at a polling station. Again, the perceived advantages and disadvantages were reported. Finally, the report set out the specific questions from the consultation paper and commentary was provided from the Local Government Information Unit in response to the consultation paper.

In responding to the consultation, there was a consensus that anything which put the integrity of the electoral process at risk should be resisted. The safe option was to retain voting on Thursdays, in person or by the verified postal vote system. There were concerns about the use of the internet or mobile phone text messages as a means of voting, as these methods were not verified. Weekend voting might increase turnout, but brought with it other issues relating to religion, the availability of suitable venues, costs and less convenient public transport.

RESOLVED:-

That the comments outlined above be forwarded to the Ministry of Justice in response to the consultation paper on weekend voting.

CL/57. **ARTICLE 8 OF THE CONSTITUTION – STANDARDS COMMITTEE**

It was reported that the composition of the Standards Committee comprised three District Council Members, three parish Members and five independent members. The Council was reminded of the quorum arrangements set out in the Constitution, which had been in place since the Constitution was adopted in 2001. Good practice guidance issued by the Standards Board for England had placed an emphasis on increasing the number of independent members, as well as the need for an independent chairman and vice-chairman of the Standards Committee. In view of the changing arrangements since 2001, it was appropriate that the quorum be reviewed to reflect the majority number

of independent members. Accordingly, the following amendment to Article 8.01(d) was recommended:-

“The quorum of a meeting will be 3 (including at least 1 District Council Member and 2 independent members) and where parish council business is being discussed the quorum shall be 4 (which in addition to the above must include at least 1 parish Member).”

RESOLVED:-

That the quorum arrangements for the Standards Committee set out in Article 8.01(d) of the Council’s Constitution be amended to reflect the majority number of independent members, as detailed above.

CL/58. **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER 2007/08 AND RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE**

It was reported that the Council had received the Annual Letter from the Local Government Ombudsman for the period 2007/08. This provided statistical data over the preceding three years and a copy was submitted. The Ombudsman had received 9 complaints about the Council during 2007/08 and made 12 decisions on complaints about this Council during that period. A breakdown was provided of the findings. The report also provided details of the liaison with the Local Government Ombudsman. The Council averaged 19.5 days to respond to initial inquiries, which was a slight increase on the previous year, but well within the 28 day target.

Finally, the report looked at developments to the Local Government Ombudsman Service, stemming from the Local Government and Public Involvement in Health Act 2007.

RESOLVED:-

That the Council accepts the Local Government Ombudsman’s Annual Letter for 2007/08 and notes the developments to the Ombudsman’s Service introduced in April 2008.

CL/59. **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 3rd July 2008 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, 4th August 2008

Licensing and Appeals Sub-Committee, 28th August 2008

Environmental and Development Services Committee, 28th August 2008

Housing and Community Services Committee, 2nd September 2008

Finance and Management Committee, 4th September 2008

Licensing and Appeals Sub-Committee, 17th September 2008

Development Control Committee, 23rd September 2008

MRS. A. HOOD

CHAIRMAN