

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 21st January 2010
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

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

Independent/Non-Grouped Members

Councillors Mrs. Brown and Pabla.

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Timms (Conservative Group) and Councillors Mrs. Lane and Lane (Labour Group).

CL/82. **MINUTES**

The Open Minutes of the Meeting of the Council held on 12th November (Minutes Nos. CL/63- CL/74) and of the Extraordinary Meeting of the Council held on 17th December 2009 (Minutes Nos. CL/77- CL/81) were taken as read, approved as true records and signed by the Chairman.

CL/83. **DECLARATIONS OF INTEREST**

Councillors Mrs. Brown and Lemmon declared prejudicial interests in respect of the Minutes of the Special Standards Committee held on 17th November 2009, due to personal involvement in the case.

A personal interest was declared on behalf of all Members for the item on the Electoral Review of South Derbyshire, given the potential for Members to seek election as a parish councillor.

CL/84. **PRESENTATION BY CONKERS**

The Chairman introduced John Lowther and Cordelia Mellor-Whiting, who gave a presentation on Conkers. It was explained that a longer-term management contract had recently been secured and proposals were outlined for the renovation of Conkers, new exhibits, including a barefoot walk and a biomass heating system. There was the intention to renew existing exhibits and introduce new attractions, such a balloon flights. A recent expansion was

the acquisition of the former Bass Museum in Burton-on-Trent, which shortly would re-open and plans were outlined for this venue. The potential for links between Conkers and South Derbyshire were discussed, with particular reference made to the Rosliston Forestry Centre and the Tourist Information Centre based at Sharpe's Pottery. Providing a shuttle bus link was also discussed. The representatives of Conkers were thanked for the presentation.

CL/85. **GRANT THORNTON – AUDIT LETTER**

The Chairman welcomed Kyla Bellingall from Grant Thornton, who presented the Council's Annual Audit Letter for 2008/09. Following the introduction, the document included sections on the audit of accounts and the key issues arising from it. Specific commentary was provided on whole of Government accounts, the National Fraud Initiative, Members' expenses, dealing with the public, and certification of grant claims. Next, the Use of Resources was reported, together with the Value for Money conclusion. Overall, the Use of Resources score was level 3 - performing well. This section of the report also looked ahead to 2009/10. It was confirmed that the Use of Resources assessment for this year was a "harder test". Information was provided on the measures needed to achieve the Level 3, which showed that the Council had very strong performance. South Derbyshire was one of only two Councils in the County to achieve the Level 3 score. The presentation concluded by referring to medium priority recommendations, responsibilities of the external auditors and the Council, the fee and audit reports and completion of the Audit Plan.

The Leader commented that this was one of the best audit letters the Council had received. Thanks were expressed to the auditors and there was recognition of the hard work of staff and Members.

RESOLVED:-

That the Annual Audit Letter for 2008/09 be received.

CL/86. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had circulated extracts from his diary, giving details of recent events attended. He highlighted a number of the events prior to Christmas and the Christmas Lights Switch-On ceremony particularly.

CL/87. **CHIEF EXECUTIVE'S ANNOUNCEMENTS**

The Chief Executive reported that a letter had been received from Councillor Mrs. Brown, immediately prior to this Council Meeting, in which the Member had advised that she would no longer be an Independent Member and had joined the Conservative Group.

CL/88. **LEADER'S ANNOUNCEMENTS**

The Leader was delighted that Councillor Mrs. Brown had joined the Conservative Group. Following her decision, the Leader announced that she would be moving a motion to accept a revised political proportionality

calculation under Agenda Item 10, as a matter of urgency, pursuant to Council Procedure Rule No. 13(s). This would be circulated to Members, together with a revised list of compositions of committees, sub-committees, working panels and area forums for consideration under Agenda Item No. 13.

CL/89. **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

In accordance with Council Procedure Rule No. 11, Councillor Richards had given notice of the following question:-

“Given the article entitled “New joint team to run leisure centres?” published in the Burton Mail on Wednesday 13th January 2010. I should be most grateful if the Leader would clarify if it is correct that the purported statement issued by Cllr Richard Grosvenor, the Leader of East Staffordshire Borough Council, that it was, in fact, South Derbyshire District Council who approached ESBC to share the facilities at the proposed new Depot planned for the Tetron Point business Park off Nadin’s Way, Swadlincote.

We the democratically elected Members of this Chamber, the employees and electorate are receiving conflicting information from the Officers of both authorities and the media.

Therefore can the Leader please resolve this issue by explaining who initiated discussions regarding the opportunity of sharing services such as the Depot and its facilities.”

The Leader of the Council responded, confirming that all such matters affecting South Derbyshire were reported to Members through the Committee system. Where these matters involved Exempt information or had commercial sensitivity, the Council did not discuss them through the media. The Chief Executive supplemented that this Council did not approach East Staffordshire Borough Council and this was confirmed also by the Director of Community Services. The Chief Executive added that a statement had been agreed by both councils on this matter. There was no wish to alienate anyone, if there was a potential benefit for the District from joint working.

In accordance with Council Procedure Rule No. 11, Councillor Wilkins had given notice of the following question:-

“There has been considerable speculation about our proposed relationship with East Staffs. B. C. Can the Leader tell us precisely what services are up for grabs - who will be doing what and where? Can she tell us who approached who? Can she tell us in what way our Waste Management is inferior to theirs? If it is not, then would she join this side in condemning the offensive remarks of the Deputy Leader of East Staffs?”

The Leader spoke about the opportunity for joint working and the Controlling Group’s manifesto that the Authority would look to work differently if savings or efficiencies could be provided for the people of South Derbyshire. She gave examples of services where proposals had already been discussed by Members and the Council was looking at every opportunity. The comparative

position on recycling was then discussed. Councillor Wilkins reiterated his question. The Leader confirmed that the Council would consider proposals that could improve services or achieve efficiencies.

CL/90. **NOTICE OF MOTION**

Pursuant to Council Procedure Rule No. 13(s), Councillor Mrs. Wheeler moved that the revised political proportionality schedule circulated be considered as a matter of urgency, on the grounds that following Councillor Mrs. Brown's decision to join the Conservative Group, the amendments to the overall political composition of the Council and the associated effect on the composition of committees, sub-committees, working panels and area forums were necessary to be effective for any meetings prior to the next Council Meeting on 1st March 2010. The motion was duly seconded and it was agreed that Council approves the grounds for urgency of the motion, as set out above.

Councillor Mrs. Wheeler then formally moved the schedule for acceptance, it being noted that the calculation had simply transferred Councillor Mrs. Brown's existing seats to the Conservative Group.

RESOLVED:-

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

CL/91. **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:-

Standards Committee (Special), 17th November 2009 (Minute No. SC/32) (Note: Councillors Mrs. Brown and Lemmon left the Meeting during the consideration of this item).

Environmental and Development Services Committee, 19th November 2009 (Minutes Nos. EDS/27 - EDS/33)

Development Control Committee, 24th November 2009 (Minutes Nos. DC/89 - DC/95)

Housing and Community Services Committee, 26th November 2009 (Minutes Nos. HCS/35 - HCS/41) (Minute No. HCS/38 – A Member provided clarification with regard to the Christmas Lights Switch-On event, about contributions made by the fairground operator. The Chairman of the Committee thanked the Member for that clarification.

Minute No. HCS/39 – A Member spoke about the poor condition of a bowling green pavilion, advising that it was unlikely that this could be relocated. He then spoke of the need to encourage the take-up of bowling by young people to make use of local bowling greens. The Chairman of the Committee responded, referring to the provision of leisure facilities and addressing vandalism problems.)

Finance and Management Committee, 3rd December 2009 (Minutes Nos. FM/54 – FM/64)

Overview and Scrutiny Committee, 9th December 2009 (Minutes Nos. OS/9 – OS/14)

(Minute No. OS/14 – A Member questioned whether the Committee's work programme included the consideration of future funding for the Swadlincote Woodlands Park. The Chairman confirmed that this project was included on the Committee's work programme.)

Development Control Committee, 15th December 2009 (Minutes Nos. DC/97 - DC/106)

Area Forums

Newhall, 4th November 2009 (Minutes Nos. NA/12 – NA/21)

Etwall, 10th November 2009 (Minutes Nos. EA/9 – EA/14)

Repton, 16th November 2009 (Minutes Nos. RA/13 – RA/20)

Linton, 25th November 2009 (Minutes Nos. LA/11 – LA/19)

CL/92. **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/93. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

RESOLVED:-

That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the remainder of the 2009/10 Municipal Year, as set out at Annexe 'B' to these Minutes, be received and noted.

CL/94. **COMPOSITION OF SUBSTITUTE PANELS**

There were no amendments to the compositions of Substitute Panels.

CL/95. **REPRESENTATION ON OUTSIDE BODIES****RESOLVED:-**

That Councillor Bladen and the Director of Community Services be appointed as the Member and Officer champions with strategic responsibility for the workforce/regeneration under the “Leading by Example” Local Employment Partnerships Initiative.

CL/96. **ELECTORAL REVIEW OF SOUTH DERBYSHIRE**

Members were reminded of the previous consideration of this matter by Council at Meetings on 26th February and 1st October 2009. Following a presentation to the Council, similar presentations were provided to parish councils and formal consultation had commenced on the electoral review of South Derbyshire. The Council was required to submit electorate forecasts for the various polling districts as at December 2013, on which the review would be based. The consultation period closed on 18th January 2010, but the Boundary Committee had agreed to accept a draft version of the proposals, which could then be considered formally at this Meeting. Members were reminded of the formation of a working panel to consider the Council's proposals, the composition of that panel and details of the meetings held. Four examples had been considered by the Working Panel, each of which accorded with the Boundary Committee suggestions. The proposed submission to the Boundary Committee had already been circulated for Members' consideration. In addition, further documents had been circulated by the Opposition Group, as an amendment to the proposed submission. With regard to the report's recommendations, it was proposed that this additional submission be noted and included as a minority report.

RESOLVED:-

- (1) That the Council's submission to the Boundary Committee for England be approved.***
- (2) That the Council notes the minority report and also submits this to the Boundary Committee for England.***

CL/97. **LICENSING POLICY (GAMBLING STATEMENT OF PRINCIPLES) AND AUTHORISATION OF OFFICERS**

The Council's approval was sought to adopt a revised and updated Licensing Policy (Gambling) and Statement of Principles. The Gambling Act 2005 required that the Licensing Policy (Gambling) and Statement of Principles were reviewed every three years. The report explained the requirements introduced under this legislation and the need for consultation before revising the policy. Details were provided of the consultation undertaken between August and November 2009 and no comments had been received. The revised draft policy was appended to the report and there were no major changes from the previous policy.

RESOLVED:-

- (1) That Council approves the South Derbyshire District Council, Statement of Licensing Policy (Gambling) and Statement of Principles, attached at Annexe 'SMB2' to the Signed Minute Book.***
- (2) That Council continues to delegate the decisions on all licence applications that are not subject to a substantiated appeal against the application for a premise licence (in accordance with the approved Policy) and for that purpose the following officers are authorised: Director of Community Services, Head of Environmental Services, Commercial and Licensing Manager.***

CL/98. OVERVIEW AND SCRUTINY REVIEW – BROADBAND

The Chairman of the Overview and Scrutiny Committee explained that this item had been withdrawn. He gave an update on recent developments, which would enable the Overview and Scrutiny Committee to give further consideration to this review area.

CL/99. 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 12th November 2009 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, 19th November 2009

Development Control Committee, 24th November 2009

Housing and Community Services Committee, 26th November 2009

Finance and Management Committee, 3rd December 2009

Development Control Committee, 15th December 2009

P. MURRAY

CHAIRMAN