

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 23rd January 2003
at 6.00 p.m.

PRESENT:-

Labour Group

Councillors Bambrick, Bell, Brooks, Carroll, Dunn, Evens, Harrington, Lauro, Pabla, Richards, Rose, Mrs. Rose, Routledge, Shepherd, Southerd, Southern, Stone, Taylor, Whyman M.B.E. and Wilkins.

Conservative Group

Councillor Bale (Vice-Chair in the Chair) and Councillors Bladen, Douglas, Harrison, Lemmon, Mrs. Robbins, Shaw, Mrs. Walton and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Mrs. Mead (Chair) (engaged on a Civic function) and Councillor Knight (Labour Group) and Councillor Hood (Conservative Group).

CL/109. **MINUTES**

The Open Minutes of the Meeting of the Council held on 7th November 2002 (Minutes Nos. CL/87 - CL/98) and of the Special Meeting of the Council held on 4th December 2002 (Minutes Nos. CL/103 - CL/107) were taken as read, approved as true records and signed by the Chair.

With regard to Minute No. CL/91 of 7th November 2002 in connection with the Motion relating to Willington Station, Councillor Lemmon referred to a recent press article which reported that the station may be closed due to lack of use by trains. Councillor Evens advised that he had sought clarification from Central Trains and the Chief Executive agreed to pursue the issue with Central Trains and the County Council.

CL/110. **CHAIR'S ANNOUNCEMENTS**

The Vice-Chair advised Members that on 27th January 2003, the Chair had attended Rosliston Forestry Centre where trees were dedicated to mark Holocaust Memorial Day 2003.

On 14th February 2003, an evening of Country Music would be held at Gresley Memorial Club and Institute in aid of the Chair's Charity Appeal, for which tickets were now available. On 21st March 2003, an evening with Derek Longden would be held at the Bretby Conference Centre in aid of the Charity Appeal and tickets were also available for this event. The Civic Dinner and Masked Ball (masks optional) would be held on 29th March 2003 at the Bretby Conference Centre and further details would be despatched shortly.

The Chair and the Leader would be participating in the ‘Safer Streets’ Campaign 2003 organised by the Guide Dogs for the Blind Association between 24th and 28th March. This would involve a blindfolded walk in the town centre with a media photo call to learn more about the everyday experiences which visually impaired people faced in navigating street furniture.

The Vice-Chair referred to the M.B.E. awarded to Councillor Whyman in the New Year’s Honours and paid tribute to his dedicated service to the public. Councillor Whyman replied and several other Members and the Chief Executive also spoke on this matter, congratulating Councillor Whyman on the honour bestowed upon him.

CL/111. **LEADER’S ANNOUNCEMENTS**

The Leader advised that earlier in the day, he had attended a Meeting of the Derby and Derbyshire Sub-Regional Strategic Partnership, which was now progressing and would be operating through EMDA, which was to provide 55% of funding to SSP’s. The Leader outlined the funding figures for the next three years, advising that £16 million was to be provided over this period accounting for the commitments inherited by EMDA. He would provide details of the commitments to the Chief Executive and the Leader advised that SSP’s were receiving major bids already.

CL/112. **CHIEF EXECUTIVE’S ANNOUNCEMENTS**

The Chief Executive advised that he had recently attended the official opening of the Sharpe’s project at West Street, Swadlincote, which should prove to be an excellent resource for the District.

CL/113. **ANNUAL AUDIT LETTER 2001/02**

Members considered the Annual Audit Letter produced by District Audit and Mr. A. Blackburn and Mr. L. Towers from District Audit attended the Meeting to address any issues raised by Members.

The Council’s external auditors, District Audit, had a duty to report formally on the performance of the organisation and their opinion was contained in the Annual Audit Letter, which covered the financial year up to the end of March 2002. However, it also commented on events and actions relevant to the Council’s financial and management performance after this date. The Audit Letter provided an unqualified opinion on the Council’s accounts and its Best Value Performance Plan. It also provided reassurance that Members were able to rely on both the Council’s financial reporting in terms of its final accounts and performance management arrangements as set out in the Best Value Performance Plan. The external auditors were also responsible for highlighting any concerns over the legality of certain Council transactions and no such concerns had been raised within the Audit Letter.

Generally, the Letter highlighted further positive progress made by the Council in addressing a range of financial and managerial issues over the last year, including a continuing effort to stabilise and improve the Council’s financial standing, the implementation of new modernised Committee and Scrutiny arrangements and the wide consultation with stakeholders on the Council’s spending plans. In other areas, the report noted that the Council

had started to tackle new and emerging priorities including E-Government, housing stock option appraisal work, the Community Strategy and risk management. The next Audit Letter would consider closely whether the Council had maintained the momentum for these tasks to achieve a real benefit for local residents. This would also be important for the Comprehensive Performance Assessment (CPA) due to take place next year, which would involve an overall assessment of the Council's performance and its capacity to improve.

The Leader expressed his delight at the content of the report considering the limited resources of the Council and expressed his gratitude to the staff of the Authority for their efforts. Members raised issues in connection with the options relating to the housing stock and the pension fund.

Members expressed their thanks to Mr. Blackburn and Mr. Towers from District Audit for the work undertaken on the Audit Letter.

RESOLVED:-

That the Annual Audit Letter be noted and the response to the Key Messages within the Letter be approved.

(Councillors Bambrick and Richards left the Meeting at 7.00 p.m.)

CL/114. **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 & Development Services Committee, 14th November 2002 (Minutes Nos. EDS/39 - EDS/45)

Development Control Committee, 19th November 2002 (Minutes Nos. DC/90 - DC/99)

Environmental & Development Services Committee (Special), 20th November 2002 (Minutes Nos. EDS/47 - EDS/48)

Joint Consultative Committee, 21st November 2002 (Minutes Nos. JC/1 - JC/4)

***Housing & Community Services Committee, 21st November 2002 (Minutes Nos. HCS/72 - HCS/80)
(Minute No. HCS/74, Consultation on the Public Health Strategy for the East Midlands – Councillor Harrison advised that this issue had been discussed at the recent Melbourne Area Meeting and referred to the requirement for an Overview and Scrutiny function to be established. He considered that investigations should be made into the establishment of a scrutiny function within the Health Service and Councillor Carroll considered that no commitment should be made prior to all options being investigated. The Deputy Chief Executive***

suggested that this matter could be discussed at a future Meeting of the Overview Committee.

Minute No. HCS/78, Proposed Changes to the Disabled Adaptations Service – Members discussed the implications in connection with an occupational therapist and the Head of Community Services advised that the Council was currently discussing this issue with the Social Services Department of the County Council.)

Community Scrutiny Committee (Special), 25th November 2002 (Minute No. CYS/42)

(Minute No. CYS/42, Translation of Council documents into other languages – in response to a query on progress in this area, the Chair of the Committee advised that a report was currently awaited on software availability. The Deputy Chief Executive advised that the Council's Equal Opportunities policy was currently under review and a consultation process would be undertaken to enable demand and priorities to be assessed.)

Finance and Management Committee, 28th November 2002 (Minutes Nos. FM/60 - FM/68)

Community Scrutiny Committee, 2nd December 2002 (Minutes Nos. CYS/43 - CYS/51)

Licensing and Appeals Committee (1), 6th December 2002 (Minutes Nos. LA/18 – LA/19)

Licensing and Appeals Committee (2), 6th December 2002 (Minutes Nos. LA/21 – LA/22)

Corporate Scrutiny Committee, 9th December 2002 (Minutes Nos. COS/33 – COS/41)

Overview Committee, 16th December 2002 (Minutes Nos. OV/28 – OV/32)

Development Control Committee, 17th December 2002 (Minutes Nos. DC/100 – DC/109)

Development Control Committee, 14th January 2003 (Minutes Nos. DC/110 – DC/114)

Area Meeting

Newhall, 6th November 2002 (Minutes Nos. NA/9 – NA/13)

CL/115. NOTICE OF MOTION

In accordance with Council Procedure Rule No. 12, it was reported that Councillor Stone had given notice of the following motion:-

“The firework season has developed to such an extent that the traditional bonfire night celebrations have become almost irrelevant to the purchase and use of fireworks.

Spectacular displays and ad hoc use of fireworks take place many weeks before and after November 5th. The result of freely available and

irresponsible use of fireworks has caused a massive increase in firework-related injuries and resulted in the distress and traumatising of animals; including family pets, guide dogs for the blind and hearing dogs for the deaf.

This Council calls upon the Department of Trade and Industry to introduce more severe restrictions on the sale and use of fireworks to and by the general public; and asks the Member of Parliament for South Derbyshire, Mark Todd to make strong representations to the Consumer Minister to this effect”.

Councillor Stone proposed the motion, which was duly seconded. It was debated and, on a vote, it was,

RESOLVED:-

That the motion be carried.

CL/116. **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/117. **COUNCIL TAX BASE 2003/04**

Members were advised of the requirement placed upon the Council to calculate its Council Tax Base in accordance with the requirements of Sections 33 and 34 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

It was reported that Section 67 of the Act provided that certain functions under the Act should only be discharged by the Authority and could not be delegated to a Committee. One of these functions was the setting of the Council Tax Base and the Regulations required this calculation to be made between 1st December and 31st January in the financial year preceding that for which the calculation was made.

The detailed formula required by the Act for each billing authority to calculate the basic amount of Council Tax was outlined to Members. The calculation for each parish was circulated, together with a summary indicating that the Council Tax base for South Derbyshire was estimated at £28,136.9. On the basis of the collection rates for previous years, a level of 99% was estimated.

RESOLVED:-

- (1) That the Council Tax Base for South Derbyshire District Council, calculated in accordance with the provisions of Section 33 of the Local Government Finance Act 1992 for the financial year commencing 1st April 2003, be approved at £28,136.9.***

- (2) That the Council Tax Bases for the areas of the various parishes within South Derbyshire District, calculated in accordance with the provisions of Section 34 of the Local Government Finance Act 1992 for the financial year commencing 1st April 2003, be approved as the amounts listed at Annexe 'A' to these Minutes.**

CL/118. **ESTIMATED COLLECTION FUND SURPLUS 2002/03**

Members received details of the estimated position of the Collection Fund for 2003/04 and separate calculations were required for Council Tax and Community Charge. The overall surpluses were distributed to this Council, Derbyshire County Council and the Police Authority in proportion to their precepts on the fund. Any residual money collected in respect of Community Charge remained wholly with the District Council, although this had been very minimal in recent years.

The amount attributable to this Council was £43,000 and in accordance with statutory regulations, this amount would be returned to local taxpayers as part of the Council Tax for 2003/04. This would equate to approximately £1.50 on a current Band D bill.

Members received details of an estimated surplus on the Collection Fund for 2002/03 of £365,000, which was all attributable to Council Tax. In accordance with the prescribed formula, this was shared as follows:-

	£
Derbyshire County Council	290,000
Derbyshire Police Authority	32,000
South Derbyshire District Council	43,000

RESOLVED:-

That the estimated Collection Fund surplus of £43,000 for 2002/03 be used in the calculation of Council Tax for 2003/04.

(Councillor Dunn left the Meeting at 7.40 p.m.)

CL/119. **GENERAL REVIEW OF PARLIAMENTARY CONSTITUENCIES**

It was reported that a Public Inquiry was to be held by the Assistant Commissioner, Mr. Steven Sauvain, QC to open on 28th January 2003 at the Council House, Derby into the Parliamentary Boundary Commission's proposals for parliamentary constituency boundaries in the counties of Derbyshire and Derby. Members were reminded of this Council's submission in response to the proposals agreed at the Special Meeting on 27th June 2002. The Inquiry would be held in public and any interested person, whether a supporter of, or objector to the Commission's proposals may attend and be heard. The Commission had urged all interested parties to attend and make their views known.

It should not be assumed that the Inquiry would only discuss those matters raised in representations submitted during the representation period allowed nor that the Commission's provisional recommendations would remain unchanged. On many occasions, following consideration of the evidence submitted at the Inquiry and the Assistant Commissioner's report, the

Commission had revised its recommendations. Members received copies of the statement to be introduced formally by the Assistant Commissioner on behalf of the Boundary Commission at the opening of the Local Inquiry together with a summary of the representations made in respect of the Commission's provisional recommendations for the parliamentary constituencies in the counties of Derbyshire and Derby.

RESOLVED:-

That the Leader of the Council be authorised to attend the Public Inquiry to open on 28th January 2003 on the Authority's behalf and, if required, to support the Council's previous submission agreed at the Special Council Meeting on 27th June 2002.

(Councillor Whyman left the Meeting at 7.45 p.m.)

CL/120. **MONITORING OF THE CORPORATE PLAN – PERIOD ENDING 31ST DECEMBER 2002**

Members considered the Council's fourth Corporate Plan Monitoring Report for the period ending 31st December 2002.

During this period, there were a total of 42 ongoing targets, of which 19 were due for completion and 22 had been set for completion at a future date. Performance indicated that 11 targets had been achieved and 14 revised targets had been set. The overall performance rate was 86.9% but if performance was measured against time-specific targets, the overall performance fell to 57.9%.

A summary of the comparative progress made against each criterion for the periods ending 30th September and 31st December 2002 indicated that 76.2% of targets had been achieved at 30th September 2002, compared to 57.9% of targets achieved by 31st December 2002. Overall performance of both ongoing and actual targets set for completion by the respective dates were similar. A further table provided a summary of the progress made against each critical success factor criterion during the period from 1st November 2001 to 31st December 2002. A total of 96 targets were set at the beginning of the corporate planning process (November 2001) for completion by 31st March 2003. 37.5% of targets had been achieved by 31st March 2002, 43.5% by 30th June 2002, 76.2% by 30th September 2002 and 87.9% by 31st December 2002.

The Council's first Corporate Plan clearly recognised the value placed on employees and their key role to its effective implementation. Therefore, it had been considered important to ensure that focused employee development activities were provided to support employees in delivering the new tasks/skills required by the Corporate Plan. Members received details of training and development provided to employees during the currency of the Plan, which had been appropriately targeted and aimed at each of the critical success factors in order to impact on the organisation.

A fifth round of Monitoring Reports would be prepared in due course, which would be the final Monitoring Report of the current Corporate Plan. Revised monitoring arrangements together with new challenges and opportunities faced by the Council would be incorporated into the revised Corporate Plan.

RESOLVED:-

That the Council's fourth Corporate Plan Monitoring Report for the period ending 31st December 2002 be noted.

(Councillors Douglas and Shaw left the Meeting at 7.55 p.m.)

CL/121. **DRAFT CORPORATE PLAN 2003**

Members considered the Draft Corporate Plan for 2003, which was an important part of the Council's Performance Management framework alongside the Best Value Performance Plan, Service Plans and the Employee Review and Development Scheme. The Council's first Plan was agreed in November 2001 and this had now been reviewed and rolled forward to cover a further twelve months. A seminar to outline the contents of the Plan had been held on 7th November 2002, since which several changes had been made relating to the presentation of information and the incorporation of Departmental Plans.

The purpose of the Plan, details of the sections contained therein and the main changes from last year's Plan were outlined and when the Plan had been finalised, it was proposed to produce a short summary for circulation to all employees and for discussion at a future cycle of Area Meetings. Copies of the full Plan would be distributed to key stakeholders in the public, private and voluntary sectors, including Parish Councils.

Members expressed their gratitude to the Policy and Best Value Manager and the staff in her Division for their work in the production of the Plan.

RESOLVED:-

- (1) That the draft Corporate Plan for 2003 be approved and adopted as a basis for managing the organisation and providing services over the forthcoming year.***
- (2) That the Chief Executive, in consultation with the Chair of the Council, be authorised to approve any final changes to the Plan prior to its publication and distribution.***

CL/122. **MINOR AUTHORITY GOVERNOR VACANCY – EUREKA PRIMARY SCHOOL, MIDWAY**

It was reported that a vacancy existed for a Minor Authority Governor on the Governing Body of Eureka Primary School, Midway and the Council had been requested to consider the appointment of a representative to the Governors.

RESOLVED:-

That the appointment of a representative of the Council to the Governing Body be approved and details of the nominee be advised in due course.

CL/123. **LICENSING AND APPEALS COMMITTEE**

Members considered the composition of the Licensing and Appeals Committee, which currently involved three Members being chosen from a panel of ten Members. It was noted that this system had often presented difficulties in making suitable arrangements for Meetings of the Committee.

RESOLVED:-

That three Members be chosen from a Panel of Members now extended to include all Members of the Council.

CL/124. **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 7th November 2002 and of the Special Meeting of the Council held on 4th December 2002 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 & Development Services Committee, 14th November 2002

Joint Consultative Committee, 21st November 2002

Housing & Community Services Committee, 21st November 2002

Finance and Management Committee, 28th November 2002

Licensing and Appeals Committee (1), 6th December 2002

Licensing and Appeals Committee (2), 6th December 2002

M.J.P. BALE

CHAIR