OPEN

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Monday 29th February 2016
at 6.00pm

PRESENT:-

Conservative Group

Councillor Atkin (Chairman), Councillor Murray (Vice Chairman), Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

Labour Group
Councillors Bambrick, Chahal, Dunn, Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins.

CL/106 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor MacPherson (Conservative Group).

CL/107 **PRESENTATION**

The Chairman welcomed Mr Terry McDermott, Chief Fire Officer, and Mr Gary Platt, Station Manager, of the Derbyshire Fire & Rescue Service, to the meeting. The Fire Officers gave a presentation to Members about the Fire Service's domestic Sprinkler Initiative.

Queries regarding the potential for false activations, effectiveness against kitchen fires, progress with amended building regulations and installation costs were responded to by the Fire Officers.

The Chairman and Members thanked Mr McDermott and Mr Platt for their presentation.

CL/108 **OPEN MINUTES OF THE COUNCIL**

The Open Minutes of the Council Meeting held on 21st January 2016 (Minute Nos. CL/85-CL/102) were approved as a true record.

CL/109 **DECLARATIONS OF INTEREST**

On behalf of all Members, the Chairman declared a pecuniary interest in relation to Item 8) Council Tax Setting 2016/17, in accordance with Clause 14(4)(vi) of the Members' Code of Conduct.

CL/110 **ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER AND HEAD OF PAID SERVICE**

The Chairman of the Council outlined the various engagements he had attended since the last Council on 21st January 2016, namely Derbyshire Children's Holiday Centre's 125 year celebration launch event; the Homeless service at Derby Cathedral; the presentation of two gold awards to the Development Team by the Local Authority Building Control relating to the Boardwalk at Mercia Marina; a tree dedication for Holocaust Week at Rosliston Forestry Centre; the receipt of three trees from the Burton Mail 'Pennies from Heaven' campaign; the Air Training Corps Swadlincote 1211 Annual Ball; the Licensing of Reverend Philip Bosher as Priest in charge of the benefice of Winshill and Assistant Curate in the benefice of Hartshorne and Bretby; a Derby & Derbyshire Schools Orchestra and Derbyshire City & County Youth Orchestra concert at the Riverside Centre, Pride Park, conducted by Peter Stark; the award of 'Best Fancy Dress Team' at the Swadlincote Pancake Races to J B Kind Doors; the South Derbyshire Day at Pride Park and the Derbyshire Amateur Swimming Association County Championships at Matlock.

The Head of Paid Service referred to the question raised by Councillor Taylor at the last Council Meeting relating to laying a wreath in Woodville on Remembrance Day. He confirmed that the matter had been discussed with Councillor Taylor and satisfactorily resolved for the future.

CL/111 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed that no questions had been received.

CL/112 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed that no questions had been received.

CL/113 **COUNCIL TAX SETTING 2016/17**

The Leader moved the resolutions contained in the report, commenting on the Council's budget, its financial position and the proposed level of Council Tax for 2016/17. The Leader stated that whilst the Council's financial position has continued to stabilise, with a good level of reserves and maintained / improved services and with plans in place to address the anticipated reduction in core funding, the December 2015 Financial Settlement had presented the Council with a financial challenge.

The Leader stated the need to continue identifying efficiencies, different ways of working, the need to continue the provision of value for money services, with no impact on front line services. Central Government would, he stated, be urged to protect the New Homes Bonus allocation and to allow for greater levels of Business Rates retention.

The Leader highlighted that the spending plans within the 2016/17 budget showed no cuts to services and that with prudent planning, financial provision is in place to protect services into the medium term, whilst also allowing for an increase in contributions to parish councils and partners in the voluntary sector next year. As a growth area, the Leader stated, the Council has benefited from additional income, but is mindful of the associated cost pressures and the impact on the local infrastructure, hence its pursuit of regional funds to ensure an appropriate share of resources is spent in South Derbyshire.

The Leader, whilst stressing a commitment to keep Council Tax as low as possible, made reference to the difficult financial position and proposed an increase of 1.95% for South Derbyshire District Council services in 2016/17.

Councillor Richards responded and stated any increase was unlikely to meet with public approval and felt that South Derbyshire, as a low spending council, did not deserve to be in the position it now found itself in. He stated that a combination of continued growth and reduction in grants had made the Council a victim of its own success. Particular attention was drawn to the costs associated with the 2015 Efficiency Dividend and planning appeals, both amounting to substantial sums that the Council could, Councillor Richards felt, ill afford in the current financial climate. Whilst Councillor Richards expressed a view that the situation had been created by the Government, he advised the Labour Group would reluctantly support the recommendations.

RESOLVED:-
That Council approved the following resolutions:

1. ***It be noted that on 14th January 2016, the Finance and Management Committee calculated the Council Tax Base 2016/17:***

   (a) For the whole area as 30,990 (Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended by the Localism Act 2011).

   (b) For dwellings in those parts of its area to which a Parish Precept relates as 20,942.

2. ***Calculate that the Council Tax Requirement for the Council's own purpose for 2016/17 (excluding Parish Precepts) is £4,747,048.***

3. ***That the following amounts be calculated for the year 2016/17 in accordance with Sections 31 and 36 of the Localism Act 2011:***

   (a) £49,586,225

   Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all precepts issued to it by Parish Councils.

   (b) £44,159,897

Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.

(c) £5,426,328

Being the amount by which the aggregate of 3(a) above exceeds the aggregate of 3(b) above, calculated by the Council in accordance with Section 31A (4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).

(d) £175.10

Being the amount at 3(c) above (Item R) all divided by Item T (1a above) calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts).

(e) £679,280

Being the aggregate amount of all Parish Precepts referred to in Section 34 (1) of the Act.

(f) £153.18

Being the amount at 3 (d) above less the result given by dividing the amount at 3 (e) above by Item T (1a above) calculated by the Council in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept relates.

4. ***To note that Parish Councils have issued precepts to the Council in accordance with Section 41 of Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in Schedule A***

5. To note that the County Council, the Police and Crime Commissioner and the Fire and Rescue Service for Derbyshire, have issued Precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in Schedule B.

6. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in Schedule C, as the amounts of Council Tax for 2016/17 for each part of its area and for each of the categories of dwellings, this being the aggregate of Schedules A and B.

7. That in accordance with Section 52 (ZB) of the Local Government Finance Act 1992, the Council determines that the amount of council tax shown at 3 (f) of £153.18 is not excessive compared to 2015/16 and therefore there is no requirement for a local referendum.

As required by the Council's Procedure Rules a recorded vote was taken:

The Members who voted for were: Councillors Atkin, Bambrick, Billings, Mrs Brown, Chahal, Mrs Coe, Coe, Mrs Coyle, Dunn, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, Muller, Murray, Mrs Patten, Dr Pearson, Mrs Plenderleith, Rhind, Richards, Roberts, Shepherd, Smith, Southerd, Stanton, Mrs Stuart, Swann, Taylor, Tilley, Watson, Wheeler, Wilkins and Mrs Wyatt.

No Members voted against the above resolutions.

CL/114 HERITAGE LOTTERY FUND PROJECT – SWADLINCOTE TOWNSCAPE

The Planning Services Manager presented the report to Council.

The Leader confirmed that Councillors Murray and Mrs Wyatt would be the Grants Panel members from the Conservative Group, with Councillor Richards stating that Councillor Taylor would be the Labour Group representative. Similarly, it was also confirmed that Councillors Murray and Watson (Conservative Group) and Councillor Taylor (Labour Group) would be the Members appointed to the Project Board.

RESOLVED:-

1.1 That Councillors Murray, Mrs Wyatt and Taylor be appointed for the Grants Panel and Councillors Murray, Watson and Taylor for the Project Board for the Heritage Lottery Fund supported project for the Swadlincote Conservation Area

1.2 That Members noted the procedure and draft terms of reference for the Grants Panel and Project board

CL/115 COMBINED AUTHORITY AND DEVOLUTION DEAL

The Chief Executive referred to the reports submitted to Council on 9th February 2015 and 5th November 2015 regarding this subject and requested that Members consider the report before them.

The Leader stressed the importance of the debate concerning the future governance of the local communities and of the Council itself, outlining the key issues as he saw them:

The Leader stated that whilst devolution of government powers would be desirable to most in principle, it should mean powers being exercised at the lowest level where they can be delivered efficiently with democratic accountability. Some could not be at a District level, such as infrastructure and much of economic development, better suited to be at the City / County level, whereas planning could not only be at District, but Parish level.

The powers of an elected Mayor and Combined Authority were not known in detail, the Leader stated, partly because much was yet to be agreed, but also as the Secretary of State has the power to add or subtract powers before and after local authorities have signed up. In principle the Mayor would only exercise powers devolved from Government, powers not currently decided on

locally. There is the additional power to increase Business Rates by 2% if a majority of the private sector members of the Local Enterprise Partnership agree, a small, unrepresentative sample, the Leader felt.

The Leader suggested that whilst an elected Mayor might be appropriate for a fairly homogeneous area dominated by a large city, such as Greater Manchester, it did not sit as well with such a large and diverse area as Derbyshire, still less well with Derbyshire and Nottinghamshire.

The Leader went on to state that the Combined Authority would only exercise powers devolved from the Mayor or those held concurrently with local authorities and where there are vital local interests, such as spacial strategy, local authorities would have a veto. The Leader invited Members to consider how this might work in practice with 19 Council's, with some matters requiring an unanimous vote. He stated that a great deal of the authority's work would be in committees, sub-committees and working parties, with only the two City's and two County's having the resources in terms of officer time to support this, the City's and County's likely to chair most of the bodies, affording the Districts and Borough's minimal opportunity to input or influence.

The Leader commented that additional money would be made available by Government, in the region of £30million a year / £900million over 30 years to be spent at the discretion of the Mayor, spread across the 19 Council's, but he queried the following:

- The proportion of the £30million that would be used relating to the costs of the Mayor and Combined Authority. These costs would be large, he suggested, accommodating for a Mayor, Deputy Mayors, their support staff, communications team, a head of paid service and a large officer support for the Combined Authority, plus the cost of public consultation and elections. It had, the Leader stated, been suggested that sums be taken from the Business Rate Pool, even though these funds have already been committed in the Council's medium-term financial plans.

- As with all Government funding, the ability to tell whether the authority had received more than it would ordinarily.

- The credibility of a commitment over a thirty year period containing several changes of Government and Chancellors, when, for example, details relating to Business Rates and New Homes Bonus are not known for three of four year time.

If the authority was to sign up, the Leader continued, powers would be taken from Districts, Cities and Counties and passed to an elected Mayor and Combined Authority, costs would increase and due to the above, the continued existence of the Districts and County's may come under threat. The Leader felt that whilst new unitary authorities may or may not be a good idea, they should come about through common interests and experience of joint working, not be forced by the agenda of others. In theory, he stated, there is the option to sign up in principle now and determine whether to ratify in October, but the Leader expressed a view that this was more apparent than real. Initially, the authority had signed up to a Derby and Derbyshire Combined

Authority, to be then informed that it would need to include Nottingham and Nottinghamshire, then that an elected Mayor would also be required, with the Districts and Boroughs at no stage having a real input or the opportunity to slow or reverse the process. The Leader stated that by October the detail will have moved on, monies would have been expended and he doubted how realistic it would be for an authority to withdraw at a later date if they signed up now in principle.

With regard to the consequences of not signing up to the current deal, the Leader stated that if a significant number of authorities either did not sign up or opted to join the Sheffield City region, then the deal bid would collapse and alternative options would have to be reviewed. If only a small number of authorities did not sign up, the Secretary of State has the power to force those authorities to do so. He queried whether that power would be exercise, given that both the Secretary of State and Chancellor have previously stated that only council's that support a deal should be members of it. In the meantime, both the counties and the D2N2 Local Enterprise Partnership would retain their responsibilities for South Derbyshire and the other Districts.

In conclusion, having considered all available information on the North Midlands Devolution Deal, the Leader proposed the following two resolutions:

1) That South Derbyshire District Council does not support and will not participate in the proposed Devolution Deal.

2) That no Council funds may be expended on the Deal nor on transition arrangements towards it.

In seconding the proposals, Councillor Harrison expressed a view that whilst there would undoubtedly be advantages in such a scheme, the North Midlands Devolution Deal proposals were short in detail in many areas.

Councillor Richards stated that currently more questions than answers existed and that he had concerns regarding the fragmentation of Derbyshire if the incorrect decision was taken. Whilst he was aware of some of the potential benefits of the Deal, he was yet to determine his decision, but could not support the proposed resolutions at this time.

Councillor Dunn drew attention to the current working relationship between the Council and the County Council, querying the impact and potential consequences if the Deal progressed or failed to do so. He warned that if the Council failed to approve the Deal proposal at this time, it would be a missed opportunity and the Council could find itself abandoned. If the Council did approve the Deal now, but later felt it could not continue, he stated that the Council could still withdraw from the process before October. Councillor Dunn therefore urged Members to support the Combined Authority proposals.

Councillor Mrs Patten referred to the mixed advice being issued by the County Council, referring initially to a Derbyshire scheme, then a Derbyshire / Nottinghamshire scheme, doubting a fair share for Derbyshire in these circumstances.

Councillor Southerd expressed his view that the Derbyshire scheme had held most merit, that the Derbyshire / Nottinghamshire scheme, whilst pertinent, was supported by a Secretary of State influenced by Central Government. Councillor Southerd had no wish to see the break-up of Derbyshire and felt that if the proposals were unsatisfactory, they could not be supported. However, his difficulty with the proposed resolution was that withdrawing from the process now would deprive the Council of the further detail it sought and that the process would continue in any event. Councillor Southerd therefore recommended that the Council remain with the process at this time, withdrawing later if required.

Councillor Ford found the Deal proposals full of unknowns, heavily bureaucratic and costly, unrelated to the people of Derbyshire.

Councillor Watson indicated that to accept the current proposals was to accept the principles, making it potentially very difficult to later withdraw. He stated a need to preserve Derbyshire, to further reduce bureaucratic costs, not increase them and therefore supported the proposed resolutions.

Councillor Mrs Coyle expressed the need to wait for a better deal and therefore expressed her support for the resolutions proposed by the Leader.

The Leader clarified the point that the current Devolution Deal is not necessarily a done deal, that other schemes have progressed without it, that the fragmentation of Derbyshire is a common concern, although he was aware that other councils are already electing to join other schemes. The potential for new jobs and homes are already part of the Local Enterprise Partnership and Local Plans across the region.

The Leader concluded that to accept the current Devolution Deal proposals would commit the Council to transitional preparations, incurring substantial costs and may make it legally difficult to disengage in October.

In line with the Council's Procedure Rules, Members requested a recorded vote on this matter.

The Members who voted for were: Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, Muller, Murray, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

The Members who voted against were: Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins.

***RESOLVED*:-**

1.1 That South Derbyshire District Council does not support and will not participate in the proposed Devolution Deal.

1.2 That no Council funds may be expended on the Deal nor on transition arrangements towards it.

CL/116 **INDEPENDENT REMUNERATION PANEL**

The Chief Executive presented the Report to Council.

Councillor Rhind stated his view that this exercise was another example of monies being expended unnecessarily.

The Leader supported the recommendations, stating the need for the exercise to be conducted based on full information being received by the Independent Remuneration Panel whilst conducting a review.

RESOLVED:-

1.1 That Richard Penn be appointed Chairman of the Independent Remuneration Panel to make recommendations to the Council on Members' Allowances.

1.2 That the Chief Executive be authorised to appoint two further members from the local community to serve on the Panel.

1.3 That the Members of the Panel be paid any agreed fees and expenses incurred by them in carrying out their duties.

1.4 That the Terms of Reference for the Panel, as detailed in the report, be approved.

CL/117 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees were approved as a true record:-

Etwall Joint Management Committee	***11.01.16***	***EL/37-EL/41***
Housing and Community Services:		
Special – Budget	***12.01.16***	***HCS/58-HCS/65***
Finance and Management:		
Special – Budget	***14.01.16***	***FM/88-FM/96***
Planning	***19.01.16***	***PL/144-PL/152***
Overview and Scrutiny	***20.01.16***	***OS/36-OS/44***
Housing and Community Services	***04.02.16***	***HCS/68-HCS/81***
Licensing and Appeals Sub-Committee	***09.02.16***	***LAS/40-LAS/42***
Planning	***09.02.16***	***PL/153-PL/166***
Finance and Management	***18.02.16***	***FM/99-FM/109***

CL/118 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Council were informed that no changes had been made to the composition of committees, sub-committees and working panels since its last meeting.

CL/119 **COMPOSITION OF SUBSTITUTE PANELS**

Council were informed that no changes had been made to the composition of the substitute panels since its last meeting.

CL/120 **REPRESENTATION ON OUTSIDE BODIES**

Council were informed that no changes had been made to the composition of the substitute panels since its last meeting.

CL/121 **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.

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council Meeting held on 21st January 2016, (Minute Nos. CL/103-CL/105) were approved as a true record.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11

Council was informed that no questions had been received.

COMBINED AUTHORITY AND DEVOLUTION DEAL – EXEMPT ANNEXES

Council considered and noted the content of the Exempt Annexes.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

That the Exempt Minutes of the following Committees be approved as a true record:-

Housing and Community Services:		
Special – Budget	***12.01.16***	***HCS/66-HCS/67***
Finance and Management		
Special – Budget	***14.01.16***	***FM/97-FM/98***
Housing and Community Services	***04.02.16***	***HCS/82-HCS/85***
Licensing and Appeals Sub-Committee	***09.02.16***	***LAS/43***

Planning	***09.02.16***	***PL/167-PL/168***
Finance and Management	***18.02.16***	***FM/110-FM/114***

The meeting terminated at 8.05pm.

COUNCILLOR N ATKIN

CHAIRMAN OF THE DISTRICT COUNCIL