

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 20th January 2011
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

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

Independent / Non-Grouped Member

Councillor Pabla.

APOLOGIES

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

CL/77. **MINUTES**

The Open Minutes of the Extraordinary Meeting of the Council held on 11th November 2010 (Minute No. CL/60) and of the Meeting of the Council held on 11th November 2010 (Minutes Nos. CL/61 – CL/73) were taken as read, approved as true records and signed by the Chairman.

CL/78. **DECLARATIONS OF INTEREST**

On behalf of all Members, the Chairman declared a personal interest in respect of the report on the Independent Remuneration Panel. This was 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/79. **PRESENTATIONS TO VOLUNTARY ORGANISATIONS**

The Chairman made presentations on behalf of the South Derbyshire Partnership and the Council to representatives of voluntary groups. This was to recognise their contribution to life in South Derbyshire. Certificates were presented to Leonard Cheshire Newlands House, Swadlincote and District Mencap, Sight Support Derbyshire, Umbrella and Me and Dee. Certificates

would also be forwarded to the Derbyshire Autism Support Group, CamTAD (Southern Derbyshire), Arthritis Care and Ryder Cheshire Volunteers.

CL/80. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the recent death of former District Councillor Alan Sherratt and Members observed a minute's silence in his memory. He publicised forthcoming events including a Valentines Concert, the Civic Dinner and the annual Charity Golf Competition. He reported that Councillor Mrs. Farrington had been shortlisted under the Community Champion category for the LGIU and CCLA Achievement Awards. The Chairman also advised Members of civic visits since the last Council Meeting, including the 1211 Air Training Corp Annual Awards and the Christmas Pantomime of the Swadlincote 50+ Forum. The Chairman then reported on a National Forest network event, advising of increases in visitor numbers to the area. Forward events included his attendance at the Derby University Graduation on 21st January and he invited Members to join him at the Healthy South Derbyshire event at the Green Bank Leisure Centre on 22nd January 2011.

CL/81. **LEADER'S ANNOUNCEMENTS**

The Leader reminded of the requirement for authorities to publish expenditure over £500. Details had been included on the Council's website, also showing areas excluded from publication. It would be necessary to amend this section of the website to clarify that Members' Allowances were reported elsewhere. The Leader referred to an Environment Agency exhibition at Hatton on flood prevention measures. This had been attended by over 300 members of the public and he voiced his thanks to the Environment Agency for organising this event. Finally, the Leader thanked Officers involved in the improvement scheme for West Street in Swadlincote and he referred to the recent Urban Design Award received.

CL/82. **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:-

Licensing and Appeals Sub-Committee, 11th November 2010 (Minute No. LAS/12)

Environmental and Development Services Committee, 18th November 2010 (Minutes Nos. EDS/22 - EDS/33)

***Planning Committee, 23rd November 2010 (Minutes Nos. PL/78 - PL/85)
(It was noted that Councillor Rhind had attended this Meeting as a substitute Member.)***

***Housing and Community Services Committee, 25th November 2010
(Minutes Nos. HCS/29 – HCS/39)***

Finance and Management Committee, 2nd December 2010 (Minutes Nos. FM/47 - FM/55)

Overview and Scrutiny Committee, 8th December 2010 (Minutes Nos. OS/19 – OS/24)

(Minute No. OS/24 – Reference was made to the exit strategy for the Swadlincote Woodlands Scheme. It was questioned whether the Committee was reviewing the exit strategy or the site itself and the Chairman of the Committee clarified it was a review of the site, although the exit strategy had been raised at this Committee Meeting.)

Planning Committee, 14th December 2010 (Minutes Nos. PL/88 - PL/94)

Housing and Community Services Committee (Special), 15th December 2010 (Minutes Nos. HCS/41 – HCS/43)

Finance and Management Committee (Special), 15th December 2010 (Minute No. FM/60)

Licensing and Appeals Sub-Committee, 17th December 2010 (Minute No. LAS/15)

Standards Committee, 12th January 2011 (Minutes Nos. SC/12 – SC/21) (Minute No. SC/16 - In response to a question regarding the re-appointment of Independent Members of the Standards Committee, it was confirmed that a separate report would be brought to the next full Council Meeting for debate.)

Area Forums

Etwall, 28th October 2010 (Minutes Nos. EA/9 – EA/17)

Repton, 1st November 2010 (Minutes Nos. RA/10 – RA/19)

Newhall, 3rd November 2010 (Minutes Nos. NA/10 – NA/16)

Melbourne, 9th November 2010 (Minutes Nos. MA/10 – MA/19)

Linton, 10th November 2010 (Minutes Nos. LA/10 – LA/18)

Swadlincote, 17th November 2010 (Minutes Nos. SA/9 – SA/15)

CL/83. **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/84. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

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

CL/85. **COMPOSITION OF SUBSTITUTE PANELS**

There were no amendments to the compositions of Substitute Panels.

CL/86. **REPRESENTATION ON OUTSIDE BODIES**

It was noted that the Ashby Woulds Regeneration Forum was being replaced by the Heart of the Forest Forum.

RESOLVED:-

That Councillor Watson be appointed as the Council's representative on the Heart of the Forest Forum.

CL/87. **GRANT THORNTON: ANNUAL AUDIT LETTER 2009/10**

It was reported that the Annual Audit Letter summarised the key issues arising from the work that External Auditors had undertaken during 2009/10. The letter was designed to communicate key messages and conclusions from work on auditing the 2009/10 year-end accounts, the accuracy of grant claims and returns and assessing the arrangements for securing economy, efficiency and effectiveness in the use of resources.

The Audit Sub-Committee had considered the Audit Letter at its Meeting on 15th December 2010 and received a brief presentation from the external auditors. The Chairman of the Audit Sub-Committee introduced the report and confirmed there were no issues to bring to the attention of the Council. He considered the report a solid endorsement and Officers were applauded for the work undertaken.

RESOLVED:-

That the Audit Letter for 2009/10 is considered and noted.

CL/88. **LOCAL CODE OF CORPORATE GOVERNANCE – REVIEW OF SELF-ASSESSMENT**

A report was submitted to consider the recommendations of the Standards Committee and the Audit Sub-Committee on the Local Code of Corporate Governance – Review of Self-Assessment. A revised Local Code was adopted by the Council in 2008. At that time, a self-assessment audit was carried out by Officers to provide evidence of how the Council had fulfilled or intended to fulfil its commitment to Corporate Governance. In approving the Code, Council resolved that the Standards Committee and the Audit Sub-Committee should receive half-yearly reports on progress in relation to compliance with the six core principles on which the Code was based. This was to ensure that the Standards Committee had a pivotal role in promoting and maintaining high standards of conduct, whilst the Audit Sub-Committee would oversee and monitor arrangements for complying with Corporate Governance issues, including approving the Annual Governance Statement.

On 15th December 2010, the Audit Sub-Committee reviewed the action plan and self-assessment document. It accepted the self-assessment and was satisfied with the progress made to date in achieving the action points and plans for improvement. There were no specific issues to be brought to the attention of Council.

On 12th January 2011, the Standards Committee reviewed the documents. At the request of Members, an external assessment was undertaken on how far the Council's current processes and documentation met the principles set out in the Local Code of Corporate Governance. The review confirmed that the Local Code complied in full with best practice, as set out in the national framework and guidance. The Council had identified areas where it wished to improve. Following the external assessment, the Council now had to show how corporate governance was embedded into all Council activity. This was considered by the Senior Officer Group and could be achieved by developing examples of good practice.

In view of the fact that Corporate Governance was an all encompassing concept, Council had approved that the Chief Executive, in consultation with the Leader, would have overall responsibility for implementing the Code and monitoring the Council's performance against the commitments contained within it.

The Leader recognised the contributions of the Standards Committee and the Audit Sub-Committee for their work in this area. He referred to the end of the Standards regime and future arrangements, considering these should be of value to the public and be more open/transparent. A Member referred to councillors' personal development plans and sought an update. These would be re-launched following the District Council elections in May.

RESOLVED:-

That Council accepts the recommendations of the Standards Committee and those of the Audit Sub-Committee as set out within the report on the Local Code of Corporate Governance – Review of Self-Assessment.

CL/89. **INDEPENDENT REMUNERATION PANEL**

The Council was asked to consider arrangements for an Independent Remuneration Panel, to make recommendations to Council on Members' Allowances. There was a requirement to review Members' Allowances on a four-yearly basis and a Panel had previously met in 2001, 2003 and 2007. The Panels in 2003 and 2007 were chaired by Doctor Declan Hall, a former lecturer in the topic at Birmingham University. He had produced comprehensive reports on both occasions following a series of interviews with Members and Officers and had been assisted by two representatives of the South Derbyshire Local Strategic Partnership (now the South Derbyshire Partnership). This approach was recommended again with the two appointments being delegated to the Chief Executive.

It was felt appropriate to convene the Panel at this time, in order that a report on the Panel's recommendations could be considered by the Council prior to

the new civic year. Provisional arrangements had been made for the Panel to meet on two days during the week commencing 28th February 2011. On this basis, the various allowances recommended would be known to all prospective councillors prior to the District Council elections on 5th May 2011. It was proposed that the following Terms of Reference be given to the Panel:-

- To make recommendations on the allowances currently payable under the Council's Members' Allowances Scheme;
- To make recommendations on any other allowances which the Panel considers should be payable under the Scheme;
- To make recommendations on any other matters which the Panel considers necessary.

RESOLVED:-

- (1) That Dr Declan Hall be appointed Chairman of the Independent Remuneration Panel to make recommendations to the Council on Members' Allowances.***
- (2) That the Chief Executive be authorised to appoint two further members from the South Derbyshire Partnership to serve on the Panel.***
- (3) That the Members of the Panel be paid any agreed fees and expenses incurred by them in carrying out their duties.***
- (4) That the Terms of Reference for the Panel, as detailed above, be approved.***

CL/90. **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 11th November 2010 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, 11th November 2010

Planning Committee, 23rd November 2010

Housing and Community Services Committee, 25th November 2010

Finance and Management Committee, 2nd December 2010

Housing and Community Services Committee (Special), 15th December 2010

Finance and Management Committee (Special), 15th December 2010

Standards Committee, 12th January 2011

N. ATKIN

CHAIRMAN