

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 26th February 2004
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Vice-Chair) and Councillors Bambrick, Bell, Carroll, Dunn, Isham, Jones, Lane, Lauro, Mulgrew, Murphy, Pabla, Richards, Shepherd, Southerd, Southern, Stone, Taylor, Whyman, M.B.E. and Wilkins.

Conservative Group

Councillor Bale (Chair) and Councillors Atkin, Bladen, Ford, Mrs. Hall, Harrison, Mrs. Hood, Hood, Martin, Nalty, Mrs. Renwick, Shaw and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Harrington (Labour Group) and Councillors Lemmon and Mrs. Walton.

CL/110. **MINUTES**

The Open Minutes of the Meeting of the Council held on 22nd January 2004 (Minutes Nos. CL/95 - CL/107) were taken as read, approved as a true record and signed by the Chair.

CL/111. **CHAIR'S ANNOUNCEMENTS**

The Chair advised that the "Last Night of the Proms" Charity Concert at Gresley Old Hall on 6th February had been a great success and had raised approximately £1,550 for his Charity Appeal. The Chair advised Members of various events he had recently attended, including the presentation of University Degrees, the planting of trees on Holocaust Day, an Air Training Corps parade, the celebration of 100 years of the Gresley Male Voice Choir, the launch of the National Forest, the Showman's Guild, an Excel Swim Club and an Army Cadet Cocktail Party.

The Chair advised Members that Councillor Lane had kindly agreed to participate in the London Marathon in aid of the Chair's Charity Appeal and sponsorship forms were available. The Chair announced that all tickets for the Civic Dinner on 20th March had now been sold and expressed his gratitude to everyone who had purchased tickets.

CL/112. **LEADER'S ANNOUNCEMENTS**

The Leader referred to the recent announcement that JCB was to locate at Dove Valley Business Park. This was excellent news and on behalf of the authority, the Leader extended a warm welcome to the company. He also expressed his gratitude to the Chief Executive for his contribution during the sensitive negotiations leading to the announcement and it was noted that the

District Council's support had been acknowledged in the company's promotional publication.

The Leader advised that the County Council was due to receive a cheque for £644,000 which had been agreed in 1993 as a contribution towards the next phase of the expansion of Hilton School. Works were due to commence in March 2004 with completion scheduled for December 2004. The Leader of the Conservative Group expressed her congratulations to all involved.

Further to Minute No. CL/97 of 22nd January 2004, the Leader advised that he had now discussed the contents of Council Procedure Rule No. 11 with the Monitoring Officer relating to Members' Questions. It was considered that it would be inappropriate to amend this Rule to provide more flexibility, as an adequate level was already in place under the Rule.

CL/113. **CHIEF EXECUTIVE'S ANNOUNCEMENTS**

The Chief Executive introduced the newly appointed Inspector at Swadlincote Police Station, Steve Fairbrother. Inspector Fairbrother outlined his background and aspirations to Members.

CL/114. **SOUTHERN DERBYSHIRE RURAL TRANSPORT PARTNERSHIP**

John Powderley, the Rural Transport Project Officer for South Derbyshire and Erewash attended the Meeting and addressed Members on this Partnership, which concerned the improvement of accessibility in South Derbyshire and Erewash. He outlined funding arrangements together with current strategic priorities and prioritised activities. Members thanked Mr. Powderley for the informative presentation.

CL/115. **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 and Development Services Committee (Special), 6th January 2004 (Minutes Nos. EDS/52 - EDS/54)
(Minute No. EDS/53(2), Section 106 Agreements Working Panel – The Chair of the Committee advised that the Working Panel had now met and significant progress had been made relating to appropriate contributions under Section 106 Agreements.)***

***Housing and Community Services Committee (Special), 8th January 2004 (Minutes Nos. HCS/78 - HCS/85)
(The Chair of the Committee expressed his disappointment at recent media headlines relating to the closure of Oaklands and emphasised that the Council's priority was to ensure that residents had a good quality of life. Following a query relating to future proposals for South Lodge, a Member advised that he understood that the proceeds would be directed towards new build at Castle Gresley and the proposed Dementia Centre.***

Minute No. HCS/83, Energy Efficiency Scheme – Councillor Richards referred to those entitled to the benefits of this scheme and it was acknowledged that there would be a need to publicise the scheme appropriately.

Minute No. HCS/84, Revaluation of Cemetery Buildings – Councillor Harrison advised that he had not yet received a response on this issue and the Chair of the Committee agreed to pursue the matter accordingly.

The Director of Community Services outlined the contents of a letter from the Minister for Regeneration and Regional Government, congratulating the Council’s Housing Service for being “ahead of the field” in ending the use of long-term bed and breakfast accommodation for families with children well ahead of the target date by several months. The Chair of the Committee requested that the Council’s gratitude be conveyed to the staff in the Housing Department for their efforts on this matter.)

Finance and Management Committee (Special), 15th January 2004 (Minutes Nos. FM/77 - FM/80)

Corporate Scrutiny Committee (Special), 26th January 2004 (Minutes Nos. COS/44 - COS/45)

Finance and Management Committee (Special), 26th January 2004 (Minute No. FM/85)

Environmental and Development Services Committee, 29th January 2004 (Minutes Nos. EDS/55 - EDS/67)

Corporate Scrutiny Committee (Special), 2nd February 2004 (Minutes Nos. COS/46 - COS/47)

Housing and Community Services Committee, 5th February 2004 (Minutes Nos. HCS/86 - HCS/93)

Corporate Scrutiny Committee, 9th February 2004 (Minutes Nos. COS/48 - COS/54)

Development Control Committee, 10th February 2004 (Minutes Nos. DC/98 - DC/108)

Community Scrutiny Committee, 16th February 2004 (Minutes Nos. CYS/41 – CYS/44)

Finance and Management Committee, 17th February 2004 (Minutes Nos. FM/86 – FM/95)

(Minute No. FM/91, Repayment of Public Works Loan Board Debt – The Chair of the Committee congratulated the Officers involved in the substantial work on this matter.)

Overview Committee, 23rd February 2004 (Minutes Nos. OV/20 – OV/25)

Area Meetings

Melbourne, 20th January 2004 (Minutes Nos. MA/16 – MA/22)
Swadlincote, 21st January 2004 (Minutes Nos. SA/20 – SA/27)
Repton, 27th January 2004 (Minutes Nos. RA/20 – RA/25)
Linton, 3rd February 2004 (Minutes Nos. LA/18 – LA/23)
Etwall, 4th February 2004 (Minutes Nos. EA/18 – EA/24)
Newhall, 9th February 2004 (Minutes Nos. NA/20 – NA/28)

CL/116. **NOTICE OF MOTION**

It was reported that, in accordance with Council Procedure Rule No. 12, Councillor Whyman, M.B.E. had submitted the following motion:-

“This District Council writes to the Ministry of Defence urging the closest scrutiny of the request to honour one of its deceased residents, Corporal Russell Aston, for his courage, bravery and devotion to duty in Iraq. The Council sincerely hopes that Corporal Aston’s memory will be honoured by the granting of a military decoration”.

Councillor Whyman proposed the motion, which was duly seconded. Following a detailed debate, Councillor Whyman proposed the following amendment to the motion, which was duly seconded:-

“This District Council writes to the Ministry of Defence urging the closest scrutiny of the request to honour one of its deceased residents, Corporal Russell Aston, for his courage, bravery and devotion to duty in Iraq. The Council sincerely hopes that Corporal Aston’s memory will be honoured by the granting of a military decoration. In addition, the Council agrees to promote the erection of a lasting memorial to Corporal Aston”.

The amendment was put to a vote and carried.

RESOLVED:-

That the motion, as set out below, be carried:-

“This District Council writes to the Ministry of Defence urging the closest scrutiny of the request to honour one of its deceased residents, Corporal Russell Aston, for his courage, bravery and devotion to duty in Iraq. The Council sincerely hopes that Corporal Aston’s memory will be honoured by the granting of a military decoration. In addition, the Council agrees to promote the erection of a lasting memorial to Corporal Aston”.

CL/117. **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/118. **GENERAL FUND ESTIMATES OF EXPENDITURE AND INCOME AND COUNCIL TAX LEVELS 2004/05**

The Leader addressed Members on this issue and proposed a motion relating to an increase of 5% on this Council's level of Council Tax, which was duly seconded. Councillor Mrs. Wheeler proposed an amendment relating to an increase of 1.4% on this Council's level of Council Tax, which was duly seconded. A vote was taken on the amendment, which was lost.

RESOLVED:-

- (1) *That the revised general fund revenue estimates (net expenditure) for the financial year commencing 1 April 2003 be approved in the sum of £9,070,205 (as approved by Finance & Management Committee on 17th February 2004).*
- (2) *That the general fund revenue estimates (net expenditure) for the financial year commencing 1 April 2004 be approved in the sum of £8,995,803 (as approved by Finance & Management Committee on 17th February 2004).*
- (3) *That it be noted that at its meeting held on 22nd January 2004 the Council calculated the following amounts for the financial year commencing 1 April 2004 in accordance with Regulations made under Section 33 (5) of the Local Government Finance Act 1992.*
 - (a) *28,675.5 being the amount calculated by the Council, in accordance with Regulation 3 of The Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its council tax base for the year.*
 - (b) *Part of the Council's area - parish of*

<i>Ash</i>	<i>24.1</i>
<i>Aston-on-Trent</i>	<i>672.3</i>
<i>Barrow-on-Trent</i>	<i>232.6</i>
<i>Barton Blount</i>	<i>30.4</i>
<i>Bearwardcote</i>	<i>12.0</i>
<i>Bretby</i>	<i>366.2</i>
<i>Burnaston</i>	<i>658.5</i>
<i>Calke</i>	<i>7.8</i>
<i>Castle Gresley</i>	<i>493.6</i>
<i>Catton</i>	<i>20.0</i>
<i>Cauldwell</i>	<i>44.3</i>
<i>Church Broughton</i>	<i>217.9</i>
<i>Coton-in-the-Elms</i>	<i>279.9</i>
<i>Dalbury Lees</i>	<i>108.0</i>
<i>Drakelow</i>	<i>63.3</i>
<i>Egginton</i>	<i>259.8</i>
<i>Elvaston</i>	<i>714.6</i>
<i>Etwall</i>	<i>931.6</i>
<i>Findern</i>	<i>635.5</i>
<i>Foremark</i>	<i>33.1</i>
<i>Foston & Scropton</i>	<i>226.4</i>

Hartshorne	1,143.6
Hatton	872.7
Hilton	1,663.0
Hoon	22.0
Ingleby	46.3
Linton	673.4
Lullington	63.0
Marston-on-Dove	13.9
Melbourne	1,770.7
Netherseal	329.0
Newton Solney	279.0
Osleston and Thurvaston	119.0
Overseal	760.4
Radbourne	51.6
Repton	979.8
Rosliston	261.0
Shardlow and Great	391.2
Wilne	
Smisby	115.8
Stanton-by-Bridge	108.1
Stenson Fields	1,193.4
Sutton-on-the-Hill	60.8
Swadlincote	8,487.1
Swarkestone	86.1
Ticknall	293.8
Trusley	40.3
Twyford and Stenson	60.6
Walton-on-Trent	316.0
Weston-on-Trent	456.7
Willington	900.8
Woodville	1,084.2

Being the amounts calculated by the Council in accordance with Regulation 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

- (4) That the following amounts now be calculated by the Council for the financial year commencing 1 April 2004 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:**
- (a) £30,946,835 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 32(2)(a) to (e) of the Act.**
 - (b) £21,949,708 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 32(3)(a) to (c) of the Act.**
 - (c) £8,997,127 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its Budget Requirement for the year.**

- (d) **£5,093,615 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant reduced by the amount of the sums which the Council estimates will be transferred in the year from its general fund to its collection fund in accordance with Section 97(4) of the Local Government Finance Act 1988 and increased by the amount of any sum which the Council estimates will be transferred from its collection fund to its general fund pursuant to the Local Authorities (Alteration of Requisite Calculations and Funds) (England) Regulations 1994.**
- (e) **£136.13 being the amount at 4(c) above less the amount at 4(d) above all divided by the amount at 3(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.**
- (f) **£276,722 being the aggregate amount of all special items referred to in Section 34(1) of the Act.**
- (g) **£126.48 being the amount at 4(e) above less the result given by dividing the amount at 4(f) above by the amount at 3(a) 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 special item relates.**
- (h) **Part of the Council's area - parish of: £:p**

Aston on Trent	153.25
Barrow-on-Trent	155.93
Bretby	127.85
Burnaston	134.07
Castle Gresley	138.92
Church Broughton	141.40
Coton-in-the-Elms	144.88
Dalbury Lees	137.59
Egginton	149.57
Elvaston	129.70
Etwall	164.80
Findern	139.07
Foston and Scropton	164.02
Hartshorne	136.64
Hatton	141.23
Hilton	135.50
Linton	144.30
Melbourne	133.91
Netherseal	144.72
Newton Solney	137.95
Overseal	144.89
Repton	138.73
Rosliston	142.19
Shardlow and Great Wilne	147.85

Smisby	142.02
Stenson Fields	136.73
Ticknall	135.16
Walton-on-Trent	141.08
Weston-on-Trent	139.62
Willington	146.33
Woodville	138.24

Being the amounts given by adding to the amount at 4(g) above the amounts of the special item of items relating to dwellings in those parts of the Council's area mentioned above, divided in each case by the amount at 3(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

- (i) *Those amounts specified in Schedule 1 to this resolution being the amounts given by multiplying the amounts at 4(g) and 4(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.*
- (5) *That it be noted that for the financial year commencing 1 April 2004 Derbyshire County Council have stated the amounts detailed in Schedule 2 to this resolution in a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown.*
- (6) *That it be noted that for the financial year commencing 1 April 2004 Derbyshire Police Authority have stated the amounts detailed in Schedule 2 to this resolution in a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown.*
- (7) *That it be noted that for the financial year commencing 1 April 2004 Derbyshire Fire and Rescue Authority have stated the amounts detailed in Schedule 2 to this resolution in a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown.*
- (8) *That, having calculated the aggregate in each case of the amount at 4(i), 5 and 6 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts detailed in Schedule 3 to this resolution as the amounts of council tax for the financial year commencing 1 April 2004 for each of the categories of dwellings shown.*

(In accordance with Council Procedure Rule No. 9, at 8.30 p.m. it was agreed to continue the Meeting.)

CL/119. **REPRESENTATION ON SOUTHERN DERBYSHIRE NHS MEMBERS COUNCIL**

It was reported that a letter had been received from the Southern Derbyshire Acute Hospitals NHS Trust, advising that arising from the NHS Foundation Trust consultation proposals, two places had been reserved on the Members Council for appointed representatives from local authorities in the catchment area.

RESOLVED:-

That consideration of this matter be deferred until the next Meeting of the Council.

CL/120. **CORPORATE ENVIRONMENT POLICY – CONSULTATION BY DERBYSHIRE COUNTY COUNCIL**

It was reported that at the last Meeting of the Environmental and Development Services Committee, Members were invited to consider and comment on this draft policy and the Committee had agreed to circulate the text for Members' comments. A draft response would then be prepared in consultation with the Chair following comments received.

Individual responses had been received from Councillors Bell and Lauro. Councillor Bell had suggested changes to the text to improve clarity and precision. These were detailed to Members and Councillor Bell had also queried the lack of any reference relating to reduction in transport impacts. Councillor Lauro had noted and welcomed the County Council's commitment to environmental education, particularly for young people and had commended the work being undertaken in South Derbyshire by the Environmental Education Team. He believed that the County Council could use this as a model of good practice. With regard to partnership working, Councillor Lauro welcomed the opportunity to enter into a partnership arrangement, particularly one which could offer the possibility of the Council being able to mainstream its service rather than rely on the tenuous funding that sustained it at present. This matter had been the subject of an Exempt report to the Finance and Management Committee on 17th February 2004.

RESOLVED:-

That a response to the County Council based on the views expressed by the Members be approved.

CL/121. **BEST VALUE PERFORMANCE PLAN SUMMARY**

It was reported that the Council was required to publish a Best Value Performance Plan (BVPP) Summary by 31st March and the full plan by 30th June each year. In previous years, the BVPP Summary had taken the form of an eight page, tabloid style newsletter, which had been circulated to all households in the District together with local businesses, voluntary sector organisations and other stakeholders. This year, it was proposed to amend these arrangements to allow the Council to use the BVPP Summary

newsletter as a means of publishing the results of the Comprehensive Performance Assessment (scheduled for May) and informing stakeholders of the Council's plans for improving services.

The proposed arrangements involved the production of a one page A4 sized leaflet containing summary information on achievements during the previous year, plans for next year and performance and targets against a selection of Best Value Performance Indicators. It was intended to despatch this leaflet with Council Tax information to comply with the publication deadline of 31st March. It was also intended to produce a BVPP Summary newsletter (in the usual tabloid format), containing details of the Council's CPA assessment and linked more closely to the full BVPP. This would be published at the end of June and would be widely circulated, as previously. These changes had been made possible by Circular 03/03, which now gave the Council more discretion over the contents of the BVPP Summary, subject to the Code of Recommended Practice on Local Authority Publicity.

A draft of the summary information leaflet had been circulated to Members and information on achievements, plans and performance had previously been reported through the Corporate Plan and Service Plans. Members took the opportunity to ask several questions and in particular, Officers were requested to check the accuracy of the actual performance figure for 2002/03 relating to the percentage of Council homes which were not decent at the start of the year.

RESOLVED:-

That the proposed arrangements for producing the Best Value Performance Plan Summary together with the contents of the summary leaflet be noted.

CL/122. **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 22nd January 2004 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:-

Finance and Management Committee (Special), 15th January 2004

Environmental and Development Services Committee, 29th January 2004

Housing and Community Services Committee, 5th February 2004

Development Control Committee, 10th February 2004

Finance and Management Committee, 17th February 2004

M.J.P. BALE

CHAIR