

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 2nd November 2017
at 6.00pm

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick, Dunn, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Tilley and Wilkins

A minute's silence was held in memory of the former Chairman of the Council, Mrs Hood. Individual tributes were made by Councillors Ford, Wheeler and Richards.

CL/74 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Muller (Conservative Group) and Councillors Chahal, Dr Pearson and Taylor (Labour Group)

CL/75 **MINUTES**

The Open Minutes of the Meeting of the Council held on 21st September 2017 (CL/48-CL/66) were approved as a true record.

CL/76 **DECLARATIONS OF INTEREST**

Councillor Atkin declared a pecuniary interest in relation to Item 9, Adoption of South Derbyshire Local Plan Part 2 and Item 11, Infinity Garden Village – Liaison Group Report, by virtue of his family owning farm land in the parished area of Barrow upon Trent, informing Council that he would leave the Chamber whilst these items were discussed.

CL/77 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined a summary of events attended since the last Council Meeting, including a performance on the Delph by Pingle Academy Choir, the Ilkeston Charter Fair, International Food Fair and the Open Day held at Swadlincote Golf Club, which the Chairman commended.

CL/78 ANNOUNCEMENTS FROM THE LEADER

The Leader, whilst referring to the recent Burton Mail Business Awards, congratulated those businesses in South Derbyshire that were awarded especially Wilshee's Waste and Recycling on winning the overall Award. The success of the International Food Fair was noted and the Leader thanked officers for their contribution.

CL/79 ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE

The Chief Executive commemorated the former Chairman of the Council, Ann Hood and added to the tributes expressed earlier in the Meeting. Members were informed that former Councillor Brian Valentine had sadly passed away and the Council's flag was flown at half-mast as a mark of respect.

CL/80 QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

Council were informed that no questions had been received.

CL/81 QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11

Council were informed that no questions had been received.

CL/82 SEALED DOCUMENTS

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
15.09.17	11816	Transfer – 45 Brookdale Road, Hartshorne
27.09.17	11823	Transfer – 11 Davis Road, Swadlincote
06.10.17	11829	Transfer – 129 Chestnut Avenue, Midway

RESOLVED:

The Sealed Documents listed, for which there is no specific authority, were duly authorised.

CL/83 THE ANNUAL AUDIT LETTER FOR SOUTH DERBYSHIRE DISTRICT COUNCIL

The representative of the Council's external auditors, Ernst and Young, presented the report to Council explaining that the Annual Audit Letter is a summary of work undertaken in respect of the accounts for 2016-17. It was noted that the focus on the financial statement and value for money opinion had been debated through Audit Sub-Committee.

Councillor Richards referred to the findings in the report and queried why the issues relating to contracts had not been found and addressed sooner. The external auditor's representative advised that such issues had been alerted through a whistleblowing investigation which had concluded, but had also been raised by internal audit.

Councillor Dunn sought reassurance that the issues raised had been rectified and would not be repeated. The Chief Executive advised that legal advice had been sought where necessary, additional measures had been put in place and action against those officers responsible had been taken. The Chief Executive reiterated that there was no financial loss as a result of this issue.

RESOLVED:

Members considered and approved the Annual Audit Letter for 2016/17.

Councillor Atkin left the Chamber at 6.25pm.

CL/84 **ADOPTION OF SOUTH DERBYSHIRE LOCAL PLAN PART 2**

The Director of Community and Planning Services and the Planning Policy Officer presented the report outlining the key events leading to this final stage of adoption of the Local Plan Part 2.

Councillor Watson addressed the Committee noting the length of time it has taken to reach this point, whilst appreciating the success of the Local Plan Part 1.

Councillor Richards, whilst welcoming its finalisation, raised concern that the development split forecast for Derby City and South Derbyshire may exceed the figures proposed in the Local Plan Part 2 for this district. The Planning Services Manager acknowledged that the Plan may require review at a future date in this respect.

RESOLVED:

To adopt the Local Plan Part 2, 2011 – 2028 incorporating all the main modifications set out by the Inspector and the additional modifications proposed by the Council, including any consequential and other appropriate alterations for the purposes of clarification or typographical corrections.

Councillor Atkin returned to the Chamber at 6.35pm.

CL/85 **DYING TO WORK CHARTER**

The Chief Executive presented the report to Council outlining the process involved in signing up to this Charter. Councillor Richards had requested the review of supporting the Charter at a previous meeting and welcomed the report.

RESOLVED:

Members supported the TUC's Dying to Work Campaign and for the Council to formally sign up to the Charter.

Councillor Atkin left the Chamber at 6.45pm.

CL/86 INFINITY GARDEN VILLAGE – LIAISON GROUP & EXPENDITURE OF GRANT FUNDING

The Planning Services Manager presented the report to Council recalling that the Environment and Development Services Committee held on 28th September resolved that expenditure plans for the awarded grant to Derby City Council and South Derbyshire District Council, in respect of Infinity Garden Village be deferred pending inauguration of the Infinity Garden Village Liaison Group (IGVLG) and seek views of the IGVLG before a decision be made about the expenditure plans. The Planning Services Manager referred to the minutes of the IGVLG meeting held on 11th October 2017. The key points raised included the appointment of a project manager and traffic modelling to improve road networks.

Councillor Richards, whilst referring to paragraph 4.1 of the report relating to the Expression of Interest (EOI), highlighted his concern that the EOI had been submitted without Members' approval. The Councillor referred to the findings of a confidential document stating that the appropriate procedure had not been followed and explained that for this reason the proposal could not be supported.

The Chief Executive informed Council that a confidential report had been drafted by the Monitoring Officer where further investigation would follow and relevant Members would be contacted.

Councillor Shepherd, as Ward Member for Stenson Fields, echoed the views of Councillor Richards and wished for it to be noted that during the IGVLG meeting, he had expressed concern that funding may be used to employ a project manager. Whilst referring to the minutes of the IGVLG meeting, the Councillor re-iterated that the matter had not followed due process and as local Ward Member he had not been kept informed.

The Planning Services Manager explained that the EOI was submitted by Officers, which, once accepted, would have led to a full bid application process. It would have been put to Members at this point, but the announcement was made public sooner than was expected.

Councillor Wilkins, whilst acknowledging the investigation, questioned that if it concludes that the process was flawed, then would that lead to subsequent abandonment of the plans for the Garden Village.

The Chief Executive advised that the proposed plans would need to proceed as the funding has been granted by government, but reassured Members that an investigation would be conducted.

Councillor Richards sought clarification from the Planning Services Manager on the criteria required to qualify for a garden village. The Planning Services Manager outlined that the EOI was submitted even though it appeared that the site did not meet all of the requirements.

Councillor Shepherd raised concern that as local ward member he was neither informed nor involved in the EOI or subsequent correspondence.

In accordance with the Council Procedure Rules, a recorded vote was requested and carried by Council.

Members who voted in favour of the recommendations in the report:
Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Murray, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Tipping, Watson, Wheeler and Mrs Wyatt

Members who voted against the recommendations in the report:
Councillors Bambrick, Dunn, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Tilley and Wilkins

RESOLVED:

1.1 Members noted the comments of the Infinity Garden Village Liaison Group (IGVLG) and authorised the expenditure of the first tranche of grant funding as detailed in the report.

1.2 Subject to further reporting to the IGVLG at its future meetings, Members granted delegated authority to the Chairman of Environmental and Development Services Committee and Chief Executive to agree the final round of expenditure of the remaining sum (c.£49k).

Councillor Atkin returned to the Chamber at 7.10pm.

Councillors Coe, Mrs Coe, Mrs Wyatt left the Meeting at 7.10pm.

CL/87 **PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES:
CONSULTATION PROPOSALS**

The Planning Policy Officer presented the report to Council.

Councillor Southerd sought clarification on the implications of the report and these were outlined by the Officer and Planning Services Manager.

Abstentions: Councillor Richards and Mrs Stuart

RESOLVED:

Members endorsed the response to the current consultation by the Department of Communities and Local Government (DCLG) on 'Planning for the Right Homes in the Right Places' set out in this report.

Councillor Mrs Plenderleith left the Meeting at 7.20pm.

CL/88 **CONSULTATION – DISQUALIFICATION CRITERIA FOR COUNCILLORS
AND MAYORS**

The Monitoring Officer presented the report to Council outlining that the consultation proposed the disqualification criteria to be updated to include; convictions that result in an individual being on sex offenders' register, civil

injunctions, and Criminal Behaviour Orders. Members were advised that, if implemented, proposals would not apply retrospectively.

Councillor Wheeler, whilst referring to the disqualification criteria, proposed that the report be noted and invited individual members to respond to the consultation individually should they wish to do so.

RESOLVED:

1.1 Members considered and noted the consultation document titled 'Disqualification criteria for Councillors and Mayors', attached as Appendix 1 to the report.

CL/89 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees and Area Forum meetings were approved as a true record:-

Committee	Date	Minute Numbers
Licensing and Appeals Sub-Committee	12.09.17	LAS/9-LAS/13
Finance and Management: Special	21.09.17	FM/58-FM/64
Planning	26.09.17	PL/57-PL/66
Etwall Joint Management Committee	27.09.17	EL/1-EL/9
Environmental and Development Services	28.09.17	EDS/31-EDS/43
Licensing and Appeals Sub-Committee	04.10.17	LAS/15-LAS/17
Housing and Community Services	05.10.17	HCS/30-HCS/40
Licensing and Appeals Sub-Committee	12.10.17	LAS/20-LAS/23
Finance and Management	12.10.17	FM/67-FM/79
Planning	17.10.17	PL/67-PL/77
Overview and Scrutiny	18.10.17	OS/20-OS/29

Councillor Mrs Coe returned to the Chamber at 7.30pm.

CL/90 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

The Leader announced that Councillor Murray be replaced by Councillor Tipping on the Swadlincote Townscape Heritage Lottery Fund Panel.

CL/91 **COMPOSITION OF SUBSTITUTE PANELS**

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

CL/92 **REPRESENTATION ON OUTSIDE BODIES**

Council were informed that no changes had been made to representations on outside bodies since its last meeting.

CL/93 **MEMBER CHAMPIONS**

Council were informed that no changes had been made to appointment of Member Champions since its last meeting.

CL/94 **DIRECTOR OF COMMUNITY & PLANNING SERVICES**

The Chief Executive, whilst referring to notice given to the Leader, informed Council that this would be the last Council meeting attended by the Director of Community and Planning Services before leaving the Authority, and thanked the Director for his work. The Chairman was joined by Members in commending the Director for his motivation, dedication and achievements within health, sport and the community and presented the Director with a Council tie.

CL/95 **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 Annual Council Meeting held on 21st September 2017 (CL/67-CL/69) 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.

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:-

Committee	Date	Minute Numbers
Licensing and Appeals Sub-Committee	12.09.17	LAS/14
Finance and Management: Special	21.09.17	FM/65-FM/66

Environmental and Development Services	28.09.17	EDS/44-EDS/49
Licensing and Appeals Sub-Committee	04.10.17	LAS/18-LAS/19
Housing and Community Services	05.10.17	HCS/41-HCS/43
Licensing and Appeals Sub-Committee	12.10.17	LAS/24-LAS/25
Finance and Management	12.10.17	FM/80-FM/85
Planning	17.10.17	PL/78-PL/79

The meeting terminated at 7.50pm.

COUNCILLOR M STANTON

CHAIRMAN OF THE DISTRICT COUNCIL