

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 27th February 2012
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Stanton (Chairman), Councillor Bale (Vice-Chairman) and Councillors Atkin, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Mrs. Hood, Jones, Lemmon, Murray, Mrs. Patten, Mrs. Plenderleith, Roberts, Smith, Mrs. Watson, Watson and Wheeler.

Labour Group

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mrs. Heath, Mrs. Mead, Mulgrew, Pearson, Rhind, Richards, Shepherd, Southerd, Stuart, Taylor, Tilley and Wilkins.

CL/88. **MINUTES**

The Open Minutes of the Meeting of the Council held on 19th January 2012 (Minutes Nos. CL/73 - CL/85) were taken as read, approved as a true record and signed by the Chairman.

(Minute No. CL/83 – Members welcomed the signage provided in the vicinity of the Rink Drive car park in Swadlincote, questioned whether any further remedial actions were planned including monitoring, together with suggestions for other measures to improve the access to and egress from this car park. It was confirmed that the Council would continue to monitor this issue).

CL/89. **DECLARATIONS OF INTEREST**

On behalf of all Members, the Chairman declared a personal interest in the item on Council Tax Setting for 2012/13 and in accordance with Clause 10(2)(c)(iv) of the Members' Code of Conduct, Members could regard themselves as not having a prejudicial interest as the matter related to a function of the Authority. Councillors Ford, Harrison, Jones, Murray and Mrs. Patten also declared a personal interest in respect of the notice of question submitted, as they were Members of Derbyshire County Council.

CL/90. **CHAIRMAN'S ANNOUNCEMENTS**

Members were advised of the death of Dr. Brendan Freeman, a Melbourne Parish Councillor for many years and also a former District Councillor for the Melbourne Ward from 1989 to 1995. Details were provided of the funeral arrangements and Members observed a minutes silence in his memory. The Chairman read a letter from the Mercian Regiment thanking the Council for the Ram Major's Sash presented at the previous Council Meeting. He paid tribute to a Melbourne resident Bryony Balen, who at 21 became the youngest person

to ski from the coast to the South Pole. Members signified their support to send a communication from the Council to recognise this terrific achievement. The Chairman also publicised the Civic Dinner and arrangements for the Charity Golf Competition. He then reported on a recent visit to the JCB factory at Rocester and his attendance at a concert involving the Derbyshire and City wind band, together with South Derbyshire primary school pupils.

CL/91. **LEADER'S ANNOUNCEMENTS**

The Leader of the Council referred to the 2nd annual Shrove Tuesday event on The Delph in Swadlincote, where 40 teams had competed in pancake races, including a team of elected Members. He thanked Officers involved in arranging the event.

CL/92. **HEAD OF PAID SERVICE ANNOUNCEMENTS**

The Chief Executive confirmed that the Canadian and Australian badminton teams would be located at the Etwall Leisure Centre in their final preparations for the Olympics. This would enable coaching sessions to be held and would inspire local groups and clubs. Reference was also made to the Commonwealth Games in two years, where it was hoped to build on this further. With regard to the Queen's Diamond Jubilee, it was reported that a number of community events had already been identified and a list had been prepared for Members' information. It was planned to have a beacon at the Rosliston Forestry Centre and was hoped to make this a permanent feature for future events. An area of woodland at Netherseal had been designated as the Diamond Jubilee Wood. The Chief Executive also displayed new Council ties which would be available at a cost of £10.00 for Members. This included £5.00 being donated to the Chairman's Charity Appeal. Ladies headscarves would also be available.

CL/93. **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO PROCEDURE NO. 11**

In accordance with Council Procedure Rule No. 11, Councillor Richards had given notice of the following question:-

"Derbyshire County Council's Youth Service consultation 2012, on the provision of youth service is now well underway. Derbyshire is proposing to change the way youth services are delivered.

Their plans would mean "quote"

- They would no longer directly deliver front-line activities for teenagers and they would close our youth clubs and mobile services
- Continue to provide professionally qualified youth workers to support vulnerable young people and families facing difficulties
- Set up a Youth Activities Grant scheme to support new projects, voluntary, community and independent groups which provide youth services and activities
- Review DCC youth centres to transfer or dispose of the buildings

We in South Derbyshire have benefitted via the Safer South Derbyshire Partnership, our crime and disorder Officers as well as the Police working in unity with Derbyshire County Council's mobile youth service. This partnership working has been a driver in helping to reduce the anti-social behaviour identified in areas such as Hatton, Newhall, Melbourne and Willington. If this service is withdrawn I believe that the District will suffer and anti-social behaviour will escalate, our young people will lose the opportunity to further develop their social skills and flourish.

Against the background of high youth unemployment, young people not in education, employment or training (NEETs), the increasing costs of higher education - to cut the youth services provision without a guaranteed replacement is fundamentally flawed .

I ask the Leader if he is requesting Derbyshire County Council to consult and take on board the views of both elected community leaders and Officers of this authority given we are a major stakeholder within Derbyshire and especially South Derbyshire."

The Leader of the Council responded as follows:-

"South Derbyshire has worked in partnership with the County's Youth Service as well as the Police and other agencies for many years and the outcome has included reductions in anti-social behaviour in many of our communities. Derbyshire County Council is and will remain an active and committed Member of the Safer South Derbyshire Partnership. The County Council is now consulting, and I emphasise the word consulting, on the way youth services are delivered. Even if economic circumstances were not as they are, the County has a responsibility to make sure that the service is not only effective, but cost effective. I know that Councillors as well as many members of the wider community will have responded to that consultation and made their voices heard. The recent consultation event at Pingle School was very well attended and the subject has also been raised at a number of Area Forums. I am sure our County colleagues will give due weight to the views they receive and the outcome will be a service that continues to meet the need."

The Leader of the Council also confirmed that both the Safer South Derbyshire Partnership and South Derbyshire Sport had submitted responses. The consultation had been discussed at the last South Derbyshire Partnership Meeting and Officers had been asked to prepare a response for approval by the Partnership Board.

Councillor Richards then submitted a supplementary question, which concerned the fact that the parish councils in South Derbyshire had been consulted, but the District Council had not, noting also that the South Derbyshire Partnership did not include all Members of the District Council.

In reply, the Leader offered to send copies of the responses by the Safer South Derbyshire Partnership, South Derbyshire Sport and once finalised the South Derbyshire Partnership, to Members.

CL/94. **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), 3rd January 2012 (Minutes Nos. EDS/51 – EDS/52)

Housing and Community Services Committee (Special), 5th January 2012 (Minutes Nos. HCS/50 – HCS/52)

Licensing and Appeals Sub-Committee, 12th January 2012 (Minute No. LAS/13)

Environmental and Development Services Committee (Special), 12th January 2012 (Minutes Nos. EDS/53 – EDS/54)

Finance and Management Committee (Special), 12th January 2012 (Minutes Nos. FM/76 – FM/80)

(Minute No. FM/79 – It was questioned whether a response had been received from the Government, following the representations submitted by the Leader of the Council regarding the cumulative impact of the Council Tax freeze incentive, but he confirmed that no reply had yet been received.

Planning Committee, 17th January 2012 (Minutes Nos. PL/101 – PL/109)

Overview and Scrutiny Committee, 18th January 2012 (Minutes Nos. OS/22 – OS/27)

Finance and Management Committee (Special), 23rd January 2012 (Minutes Nos. FM/83 – FM/84)

Environmental and Development Services Committee, 26th January 2012, (Minutes Nos. EDS/56 – EDS/62)

(Minute No. EDS/60 – An update was sought on the consultation process for naming streets and it was confirmed that in future, proposals for street naming would be circulated to all Members of the Council).

(Minute No. EDS/59 – In response to a question, it was confirmed that the briefing on telecommunications masts for all Members of the Council would be held on 3rd April 2012 at 6.00 p.m.)

Housing and Community Services Committee, 2nd February 2012, (Minutes Nos. HCS/54 – HCS/58)

Planning Committee, 7th February 2012 (Minutes Nos. PL/110 – PL/120)

(It was questioned why Councillor Harrison had failed to declare a prejudicial interest in relation to a matter considered at this Meeting, when he had made such a declaration at an earlier Meeting of the Finance and Management Committee on the same matter. The Member apologised for this oversight).

Overview and Scrutiny Committee, 8th February 2012 (Minutes Nos. OS/28 – OS/31)

Finance and Management Committee, 14th February 2012 (Minutes Nos. FM/85 – FM/95)

Area Forums

Swadlincote Area Forum, 24th January 2012 (Minutes Nos. SA/18 – SA/26)

(Minute No. SA/23 - A Member sought to correct this Minute and was advised that this would need to be raised at the next Forum Meeting. A question was submitted on a longstanding issue with regarding to road crossings at Wilmot Road, Swadlincote and Burton Road, Woodville. The attendance of a Highways Officer was sought at the next Area Forum Meeting. The Member also placed on record his disappointment at the County Council for their failure to respond. It was confirmed that Highways Officers would be invited to attend the next cycle Area Forum Meetings).

Newhall Area Forum, 25th January 2012 (Minutes Nos. NA/20 – NA/28)

Melbourne Area Forum, 31st January 2012, (Minutes Nos. MA/16 – MA/23)

(Minute No. MA/22 – It was questioned why Rosliston Forestry Centre had been chosen as the venue for a beacon to commemorate the Diamond Jubilee and Gresley Old Hall was suggested as a good location for a beacon. It was confirmed that beacons had to be sited on Council-owned land, which was why the venue at Rosliston had been chosen. However, suggestions for additional beacons could be pursued. It was also questioned why no Linton Area Forum Minutes had been submitted to this Council Meeting, which was due to a lack of quorum of Elected Members at the recent meeting, meaning it proceeded on an informal basis).

Repton Area Forum, 9th February 2012 (Minutes Nos. RA/18 – RA/25)

Etwall Area Forum, 13th February 2012 (Minutes Nos. EA/18 – EA/27)

CL/95. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

There were no amendments to the compositions of Committees, Sub-Committees and Working Panels. In response to a statement from the Leader

of the Opposition Group, it was confirmed that licensing training would take place, which would be mandatory for all Members of the Licensing and Appeals Sub-Committee and also available to all other Members who wished to attend. The date of the training would be confirmed shortly.

CL/96. **COMPOSITION OF SUBSTITUTE PANELS**

There were no amendments to the composition of Substitute Panels.

CL/97. **REPRESENTATION ON OUTSIDE BODIES**

RESOLVED:-

That Councillor Murray replaces Councillor Watson as the Council's representative on the new Albion Revised Liaison Committee.

CL/98. **COUNCIL TAX SETTING 2012/13**

The Leader of the Council addressed Members on the budget and proposed a motion of there being no increase in this Council's level of Council Tax, which was duly seconded. The Leader of the Opposition responded and contributions were made by other Members.

RESOLVED:-

That Council approves the following resolutions:

- (1) It be noted that on 12th January 2012, the Finance and Management Committee calculated the Council Tax Base 2012/13:***
 - (a) For the whole area as 32,194 (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 shown in Appendix 2.***
- (2) Calculate that the Council Tax Requirement for the Council's own purpose for 2012/13 (excluding Parish Precepts) is £4,837,149.***
- (3) That the following amounts be calculated for the year 2012/13 in accordance with Sections 31 and 36 of the Localism Act 2011:***
 - (a) £50,140,026***

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) £44,728,948

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

(c) 5,411,078

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) £168.08

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) £573,929

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

(f) £150.25

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 of this Appendix.***
- (5) *To note that the County Council, the Police Authority and the Fire and Rescue Authority, 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 of this Appendix.***
- (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 of this Appendix, as the amounts of Council Tax for 2012/13 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 52ZB of the Local Government Finance Act 1992, the Council determines that the amount of council tax shown at 3 (f) above of £150.25 being unchanged from 2011/12 is not excessive and therefore there is no requirement for a local referendum.**

CL/99. **LOCALISM ACT 2011 – PAY POLICY STATEMENT**

It was reported that the Localism Act 2011 required local authorities to publish an annual Pay Policy Statement. Approval was sought to the Council Statement for the year 2012/13, which would then be published in accordance with the Act.

The principle behind this requirement was to ensure transparency with regard to the pay of senior employees and the report set out the process used in producing the Statement, together with the aspects that had to be included within the Statement. The proposed Statement also took into account relevant guidance. The Department for Communities and Local Government (DCLG) was due to publish additional guidance in relation to the development and content of Pay Policy Statements. There were other provisions within the Statement that might require additional work to be completed during the year and it was proposed to review this with the benefit of the additional guidance from DCLG when published.

RESOLVED:-

That the Council approves the Pay Policy Statement for 2012/13, a copy of which is incorporated in the Signed Minute Book at Annexe SMB1.

CL/100. **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 19th January 2012, 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:-

Housing and Community Services Committee (Special), 5th January 2012

Licensing and Appeals Sub-Committee, 12th January 2012

Environmental and Development Services Committee (Special), 12th January 2012

Finance and Management Committee (Special), 12th January 2012

Housing and Community Services Committee, 2nd February 2012

Planning Committee, 7th February 2012

Finance and Management Committee, 14th February 2012

M. STANTON

CHAIRMAN