

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 25th September 2003
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Vice-Chair) and Councillors Bambrick, Bell, Carroll, Dunn, Isham, Jones, Lane, Mulgrew, Murphy, Pabla, Richards, Shepherd, 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, Mrs. Walton and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Harrington, Lauro and Southerd (Labour Group) and Councillor Lemmon (Conservative Group).

CL/53. **MINUTES**

The Open Minutes of the Meeting of the Council held on 14th August 2003 (Minutes Nos. CL/34 - CL/48) were taken as read, approved as a true record and signed by the Chair.

CL/54. **CHAIR'S ANNOUNCEMENTS**

The Chair outlined his numerous visits during the previous six weeks, which included District Tours organised by Gelding Borough Council on 12th August and Amber Valley Borough Council on 2nd September. The Chair had also attended the Well Dressing event in Church Gresley on 23rd/24th August and hosted a Civic Visit to the National Horse Driving Trials at Catton Park on 30th August. The Chair had also attended the finals of the Nuneaton and District Swimming League at Wolverhampton, at which the Swadlincote Swimming Club was represented. Earlier in the day, he had attended a networking event with the Lord Mayor of Sheffield and other Civic Heads.

Future events included a visit to HMP Foston Hall, the official opening of the second-hand furniture shop at West Street, Swadlincote on 24th October 2003, his Civic Dinner on 20th March 2004 at the Mickleover Court Hotel and a Caribbean Charity Evening on 7th May 2004.

CL/55. **CHIEF EXECUTIVE'S ANNOUNCEMENTS**

The Chief Executive advised Members that details of training activities for Members would be provided to the Leaders of the Groups.

CL/56. **BUSINESS REMAINING FROM THE LAST MEETING**

Further to Minute No. CL/40(4) of the last Meeting on 14th August 2003, it was reported that a formal invitation for Councillor Hood to continue to attend meetings of the LIFT Project had now been received.

CL/57. **VIDEO – THE CODE IN PRACTICE – THE STANDARDS BOARD FOR ENGLAND**

The Chief Executive referred to the receipt of this video from the Standards Board for England, which had been viewed by the Standards Committee during its Meeting held on 13th August 2003. The Committee had considered that the video should be shown to all Members of the District Council at a future Council Meeting and this would be arranged accordingly.

CL/58. **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:-

Standards Committee, 13th August 2003 (Minutes Nos. SC/1 – SC/11)

Licensing and Appeals Committee, 14th August 2003 (Minutes Nos. LA/7 – LA/8)

Development Control Committee, 19th August 2003 (Minutes Nos. DC/35 - DC/41)

Joint Consultative Committee, 21st August 2003 (Minutes Nos. JC/20 – JC/26)

***Environmental and Development Services Committee, 21st August 2003 (Minutes Nos. EDS/19 - EDS/25)
(Minute No. EDS/21(b), Refuse Collection Arrangements – Councillor Harrison queried whether the Task and Finish Working Group established would consider an analysis of market testing prior to making any recommendations and the Vice-Chair of the Committee agreed to ascertain this information.)***

(Councillor Shaw joined the Meeting at 6.20 p.m.)

Housing and Community Services Committee, 28th August 2003 (Minutes Nos. HCS/32 - HCS/41)

(It was requested that all Members be provided with details of the number of Council houses within each Ward.)

Finance and Management Committee, 4th September 2003 (Minutes Nos. FM/31 - FM/40)

(Minute No. FM/35, Human Resource Management Best Value Review Final Report – A Member enquired whether the Council had been provided with a flag as part of the Investors in People award. In response to the query, it was confirmed that a pack had been received

which did not contain a flag and the Chief Executive would pursue the matter accordingly.)

Community Scrutiny Committee, 8th September 2003 (Minutes Nos. CYS/15 – CYS/25)

Corporate Scrutiny Committee, 15th September 2003 (Minutes Nos. COS/17– COS/24)

Development Control Committee, 16th September 2003 (Minutes Nos. DC/42 - DC/50)

Overview Committee, 22nd September 2003 (Minutes Nos. OV/11 - OV/15)

Area Meetings

Etwall, 30th July 2003 (Minutes Nos. EA/1 – EA/11)

***Repton, 31st July 2003 (Minutes Nos. RA/1 – RA/12)
(Minute No. RA/6, Possible Provision of a Rail Link into Toyota – It was agreed to request the local Member of Parliament to pursue this possibility to reduce lorry movements on the local road network.)***

Linton, 5th August 2003 (Minutes Nos. LA/1 – LA/10)

Melbourne, 6th August 2003 (Minutes Nos. MA/1 – MA/9)

Newhall, 12th August 2003 (Minutes Nos. NA/1 – NA/11)

Swadlincote, 13th August 2003 (Minutes Nos. SA/1 – SA/12)

CL/59. **NOTICE OF MOTION**

In accordance with Council Procedure Rule No. 12, it was reported that Councillor Mrs. Wheeler had given notice of the following motion:-

“This Council notes that the proposed European Constitution being prepared by the European Convention will give the European Union ‘Shared Competence’ over home affairs, transport, economic and social cohesion, social policy, energy, consumer protection and the environment.

This will mean more binding legislation and guidance on local government which will be decided at the European rather than National level.

Given that the government has held referenda to approve other constitutional changes affecting local and national government, including establishing regional assemblies and directly-elected mayors, this Council believes that the people of South Derbyshire should be able to have their say in a referendum on the huge constitutional changes contained in the proposed European Constitution.

This Council, therefore, resolves to make a formal written submission to the Prime Minister urging that an early commitment be given to hold a National Referendum on the European Constitution.”

Councillor Mrs. Wheeler proposed the motion, which was duly seconded. It was debated and, on a vote, it was,

RESOLVED:-

That the motion be lost.

CL/60. **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/61. **CHAIR OF STANDARDS COMMITTEE**

It was reported that at its last Meeting held on 13th August 2003 (Minute No. SC/2 refers), the Standards Committee considered the position of Chair of the Committee, as it had become evident from the majority of other authorities, including most within Derbyshire, that the position was held by an Independent Member. This was also supported by good practice issued by the Standards Board for England.

Accordingly the Committee had recommended to the Council that the position should be held by an Independent Member. As Article 8.01(a)(i) of the Council's Constitution currently provided that the Chair of the Council should Chair the Standards Committee, the Council's approval for an amendment to the Constitution would be necessary if the recommendation was agreed.

RESOLVED:-

That the recommendation of the Standards Committee that the position of Chair of the Committee should be held by an Independent Member be approved and the following rewording to Article 8.01(a) be made:-

“(a) Membership

The Standards Committee will be composed of 8 Members:

- (i) three Councillors including the Chair of the Council, being two Members from the majority party and one Member from the minority party;***
- (ii) three people who are not Councillors or Officers of the Council or any other body having a Standards Committee (Independent Members), one of which shall Chair the Committee;***
- (iii) two Members of Parish Councils wholly or mainly in the Council's District (Parish Members).”***

CL/62. **THE LEIPZIG DECLARATION – THE FUTURE OF EUROPEAN COHESION POLICY**

It was reported that the Leader of the Council had received a letter from the President of the Committee of the Regions, the European Union Community body representing local and regional authorities and the organising body of the Leipzig Conference. The letter enclosed the text of the Final Declaration of the Leipzig Conference held on 5th-6th May 2003, adopted by 500 participants including Regional Presidents, Mayors and other democratic representatives of local and regional authorities from across the enlarged European Union. Members considered a copy of this Declaration and the Council had been requested to support and adopt the message contained therein.

RESOLVED:-

That the text of the Final Declaration be noted.

CL/63. **WEST MIDLANDS TO EAST MIDLANDS MULTI-MODAL STUDY – CONSULTATION**

Members received a detailed report on the West to East Midlands Multi-Modal Study (W2EM). This explained the process through which a recommended Strategy for transport was arrived at and set out the details of the proposals and their anticipated impact, together with conclusions. The proposals of most relevance to South Derbyshire were as follows:-

- A new strategic highway link between the A511 Ashby Bypass and the A38, south of Burton, with a new crossing of the River Trent
- A38 widening both south and north of Burton-on-Trent as far as the A50
- Upgrading the A42 to motorway status with widening and widening the M42 between the M6 toll road and junction 11
- A444 capacity improvements
- Proposals to reconsider the establishment of passenger rail services on the Castle Donington freight line in the next ten years
- Increased parking provision at all railway stations
- A new hourly strategic bus link between Leicester and Burton-on-Trent in lieu of the proposed National Forest line rail passenger service
- A new railway station at Coleshill to act as a transport interchange, providing an hourly bus service between various settlements, including Swadlincote, and Birmingham International Airport
- Proposals to improve rural bus services
- A HGV route network strategy
- Other measures intended to reduce the need to travel, encourage transfer to more sustainable transport modes and improve safety

The following measures were absent in the recommended Strategy:-

- National Forest Line passenger rail service
- A bus service linking Swadlincote to East Midlands Airport

RESOLVED:-

That the following comments be approved as this Council's response to the W2EM Study Final Report:-

In respect of highway proposals:

- (1) Support be expressed for the proposed further feasibility studies in respect of an A38 to A511 highway link, recognising that such a proposal has the potential to improve access between Swadlincote, the A38 and A42 trunk roads, thereby enhancing the town's regeneration prospects. Any such studies should take full account of potential impacts on the wider highway network and the impact on rural communities.***
- (2) The view be expressed that in considering proposals to widen the A38, proper account be taken of any potential impact on the immediate surroundings, including the Trent and Mersey Canal Conservation Area, the Monks Bridge Ancient Monument, a number of Listed structures and other properties that might be affected.***
- (3) Whilst not objecting to proposals to enhance capacity on the A444, express the view that this should not lead to loss of amenity or safety in settlements through which the route passes, including Overseal, parts of Castle Gresley and Stanton.***

(Councillor Whyman declared a prejudicial interest in this matter and withdrew from the Meeting during the consideration and determination thereof).

In respect of rail proposals:

- (4) We deplore the omission from the Recommended Strategy of proposals to establish a National Forest Line passenger rail service, which has the potential to yield substantial environmental, social and economic benefits for South Derbyshire and throughout the National Forest. At the very least the scheme should be included among the proposals recommended for immediate reconsideration.***
- (5) Support be expressed for the proposal to reconsider the establishment of a passenger rail service along the Castle Donington freight line in the next ten years, as this could facilitate the establishment of the proposed South Derby Parkway transport interchange facility and would improve public transport access to East Midlands Airport thereby helping to minimise pressure on the highway network.***
- (6) The view be expressed that proposals to increase parking provision at all railway stations, whilst not opposed in principle, should take account of local highway capacity constraints and the need to avoid environmental harm to the immediate surroundings.***

In respect of bus proposals:

- (7) In the absence of a National Forest Line proposal, support be expressed for the establishment of a new bus service from Leicester to Burton on Trent, albeit recognising that such a service would be slower than an equivalent rail service and therefore potentially less attractive to those who would otherwise travel by car. Care would need to be taken to ensure that the proposal did not impact negatively on established bus services, particularly if the new service were to be publicly subsidised in any way.**
- (8) Support be expressed for the proposed Coleshill Interchange and the associated express coach services which would provide much improved public transport access from Swadlincote to Birmingham International Airport and the National Exhibition Centre.**
- (9) Disappointment be expressed concerning the omission of a proposal for a bus service to provide access from Swadlincote to East Midlands Airport, albeit recognising that any such service should take account of the need to avoid any negative impact on established bus services.**
- (10) Support be expressed in respect of proposals for improvements to rural bus services.**

In respect of other measures:

- (11) Support be expressed for the development of a HGV route network strategy, encouraging such vehicles to use suitable roads thereby avoiding undue harm to local amenity wherever possible.**
- (12) Support be expressed in principle for other proposed measures intended to reduce the need to travel, encourage travel by more sustainable modes and improve highway safety.**

In respect of the overall Study:

- (13) Disappointment be expressed with regard to the overall thrust of the Recommended Strategy which emphasises highway measures whilst doing little to encourage modal shift toward more sustainable forms of transport, thereby failing to significantly reduce the rate of growth in car travel or to control greenhouse gas emissions.**
- (14) Concern be expressed with regard to the failure to recognise the Council's strategy for Swadlincote as expressed in the adopted and emerging Local Plans, which seeks to balance housing and employment growth in order to encourage regeneration and achieve a more sustainable pattern of development.**

(Councillor Whyman declared a personal interest as the Independent Chair of the East Midlands Airport Independent Consultative Committee).

CL/64. COMPREHENSIVE PERFORMANCE ASSESSMENT – UPDATE ON PROGRESS

Members received a report outlining progress and preparations for the Council's first Comprehensive Performance Assessment (CPA). Good progress had continued to be made and the CPA Working Panel had met on 1st September 2003 with further meetings scheduled to the end of the year to enable Members to manage and monitor the delivery of the work programme. Since the report to the previous Council Meeting, the final report from the Peer Challenge Review Team had been received and Officers had started to evaluate the feedback. Consultation had been substantially completed with internal and external stakeholders, including employees at staff meetings and team briefings, and local people through Area Meetings. This phase of the programme would be concluded by consultation with parish councils. The first round of scoring for the Corporate Self Assessment had been completed to enable a judgement to be formed on the likely outcome and to identify and prioritise areas for improvement. Finally, the development of improvement plans for the Thematic Reviews had been started together with the preparation for the benefit fraud assessment and inspection.

The next stages in the preparations involved the evaluation of the feedback from the various consultation exercises and the Peer Challenge for use in producing second drafts of the Corporate Self Assessment and the Thematic Reviews, the submission of reports to the October cycle of policy committees on the Corporate Self Assessment and the Thematic Reviews to seek views on key issues and priorities for improvement, the development of an Improvement Plan incorporating improvement proposals in an updated Corporate Plan and detailed planning for the period up to the on site inspection in January.

A seminar for all Members would be held on 30th September 2003, which would provide an opportunity to discuss the Peer Challenge report, the development of improvement proposals and the arrangements for the on site inspection.

RESOLVED:-

That the progress report be noted.

CL/65. 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 14th August 2003 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 Committee, 14th August 2003

Joint Consultative Committee, 21st August 2003

Environmental and Development Services Committee, 21st August 2003

Housing and Community Services Committee, 28th August 2003

Finance and Management Committee, 4th September 2003

RECRUITMENT TO PERSONNEL AND DEVELOPMENT MANAGER VACANT POST (Paragraph 1)

The Committee approved a recruitment package relating to the vacant post of Personnel and Development Manager.

M.J.P. BALE

CHAIR