

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 22nd January 2004
at 6.00 p.m.

PRESENT:-

Labour Group

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

Conservative Group

Councillors Atkin, Bladen, Ford, Mrs. Hall, Harrison, Mrs. Hood, Hood, Lemmon, Martin, Nalty, Mrs. Renwick, Shaw, Mrs. Walton and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Bale (Chair)(Conservative Group), who was representing the Council at a Civic Function and Councillor Pabla (Labour Group).

CL/95. **MINUTES**

The Open Minutes of the Meeting of the Council held on 6th November 2003 (Minutes Nos. CL/69 - CL/81) were taken as read, approved as a true record and signed by the Chair, subject to Minute No. CL/72 being amended to reflect Special Responsibility Allowances for three Chairs of Scrutiny Committees and three Vice-Chairs of Scrutiny Committees. The Open Minutes of the Special Meetings of the Council held on 27th November (Minutes Nos. CL/84 - CL/89) and 11th December 2003 (Minutes Nos. CL/90 - CL/94) were taken as read, approved as true records and signed by the Chair.

With regard to Minute No. CL/73 concerning the East Midlands Airport, Members expressed concern at the recent renaming of the Airport as "Nottingham East Midlands Airport" and it was agreed to ask whether there may be a further opportunity to reconsider this decision and also request an assurance that the residents of South Derbyshire would not incur any costs arising from the implications of any name change.

(Councillors Harrington and Whyman declared personal interests in this matter.)

CL/96. **CHAIR'S ANNOUNCEMENTS**

On behalf of the Chair of the Council, the Vice-Chair advised of several forthcoming events. These included the dedication of trees at Rosliston Forestry Centre on 27th January to mark Holocaust Memorial Day, a 'Last Night of the Proms' Charity Concert at Gresley Old Hall on 6th February, a

Civic Dinner at Mickleover Court Hotel on 20th March and the Charity Golf Competition at Branston Golf and Country Club on 21st May.

CL/97. **LEADER'S ANNOUNCEMENTS**

The Leader advised that the British Urban Regeneration Association had informed the Council that the Old Post Centre/Old Post Regeneration Association at Newhall had been selected as a finalist in the Coalfields Regeneration Trust Awards for Best Practice in Coalfields Regeneration. The winner from England would be announced at a workshop to be held in February 2004 and would be invited to the National Coalfields Conference in March 2004. This was excellent news for the area and Members expressed their best wishes to the Old Post Centre in the final.

The Leader requested Officers to consider the current process under Council Procedure Rule No. 11 relating to Members' questions and in particular, whether there was any flexibility under this Rule to permit appropriate questions without the necessary notice.

CL/98. **CHIEF EXECUTIVE'S ANNOUNCEMENTS**

The Chief Executive informed Members of an issue related to this Council's approach to handling Personal Searches. This had been challenged throughout the Country and the Council was aware of the issue and was responding along with other Authorities. A further report on progress would be submitted, if appropriate.

CL/99. **ANNUAL AUDIT LETTER 2002/03**

Andrew Blackburn, District Auditor and Lee Towers, Audit Manager attended the Meeting and presented the Annual Audit Letter to Members. The Council's External Auditors had a duty to report formally on the performance of the organisation and their opinion was set out in the Annual Audit Letter, which had been circulated to Members. The Letter covered the financial year up to the end of March 2003 and also commented on events and action relevant to the Council's financial and management performance after that date.

The Audit Letter provided basic reassurance to Members and the Council had now received an unqualified audit opinion on the Council's accounts and its Best Value Performance Plan. This indicated that Members were able to rely on both the Council's financial reporting in terms of its final accounts and performance management arrangements, as set out in the Best Value Performance Plan. The External Auditors were also responsible for highlighting any concerns over the legality of certain Council transactions but no such concerns had been raised within the Audit Letter.

Generally, the Letter revealed further positive progress made by the Council in addressing a range of financial and managerial issues during the previous year. In particular, further improvements on the Council's financial standing had been noted, together with progress in implementing systems and procedures to manage people and performance. In other areas, the report noted that the Council had started to tackle new and emerging priorities, including corporate governance.

It was noted that the Annual Audit Letter would be available to the Inspectors carrying out the Council's Comprehensive Performance Assessment and there were no financial implications arising directly from the report. Nevertheless, the Audit Letter clearly raised several financial issues being addressed by the Council.

The Leader of the Council expressed his gratitude to the Auditors on the positive report.

RESOLVED:-

- (1) That the Annual Audit Letter be noted.**
- (2) That the responses to the key messages within the Letter be approved.**

CL/100. **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 Committee, 4th November 2003 (Minutes Nos. LA/10 – LA/11)

Environmental and Development Services Committee, 13th November 2003 (Minutes Nos. EDS/42 - EDS/51)

Corporate Scrutiny Committee (Special), 17th November 2003 (Minutes Nos. COS/35 – COS/36)

Development Control Committee, 18th November 2003 (Minutes Nos. DC/64 – DC/73)

Licensing and Appeals Committee, 20th November 2003 (Minutes Nos. LA/13 – LA/14)

Housing and Community Services Committee, 20th November 2003 (Minutes Nos. HCS/59 – HCS/68)

(Minute No. HCS/62, Best Value Review of Older People in the Community – Councillor Mrs. Wheeler commended the letter which had been submitted to the County Council.

The Chair of the Committee expressed his gratitude to staff within the Legal Services Section on their speedy action in connection with recent court proceedings and in turn, Councillor Dunn congratulated the Chair of the Committee on his efforts in connection with a recent Eviction Order obtained by the Council.)

Joint Consultative Committee, 27th November 2003 (Minutes Nos. JC/31 – JC/33)

Community Scrutiny Committee, 1st December 2003 (Minutes Nos. CYS/34 – CYS/40)

(Councillor Southerd left the Meeting at 7.00 p.m.)

Corporate Scrutiny Committee, 8th December 2003 (Minutes Nos. COS/37 – COS/43)

Finance and Management Committee, 11th December 2003 (Minutes Nos. FM/59 – FM/68)
(Minute No. FM/63, Anti-Social Behaviour Officer – The Chair of the Committee expressed his gratitude to Members for this decision and advised that a new Anti-Social Behaviour Officer was to commence employment shortly.)

Development Control Committee, 16th December 2003 (Minutes Nos. DC/75 – DC/88)

Development Control Committee, 13th January 2004 (Minutes Nos. DC/91 – DC/97)

Area Meetings

Linton, 21st October 2003 (Minutes Nos. LA/11 – LA/17)

Melbourne, 22nd October 2003 (Minutes Nos. MA/10 – MA/15)

Repton, 23rd October 2003 (Minutes Nos. RA/13 – RA/19)

Etwall, 30th October 2003 (Minutes Nos. EA/12 – EA/17)

Swadlincote, 4th November 2003 (Minutes Nos. SA/13 – SA/19)

Newhall, 11th November 2003 (Minutes Nos. NA/12 – NA/19)

CL/101. **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/102. **COUNCIL TAX BASE 2004/05**

It was reported that Section 33 of the Local Government Finance Act 1992 required each billing authority to calculate the basic amount of its Council Tax by applying a particular formula involving the authority's base budget requirement for the year, the sum of total Government grant and the Council Tax Base. Under the Act, regulations had been made which set out the calculations for the Council Tax Base.

It was proposed that the collection rate should remain at 99%, which took into account any anticipated increases in the Tax Base over the year due to new properties. If the Tax Base did not rise as anticipated, it may be necessary to review the collection rate for the following year 2005/06. The overall Tax Base had been calculated at 28,675.5 and this calculation was also undertaken for each constituent area of the District. Where an area

levied an additional Parish Precept for its own area, the Tax Base for that particular area was used in the calculation.

RESOLVED:-

That a Council Tax Base of 28,675.5 be approved.

CL/103. **ESTIMATED COLLECTION FUND SURPLUS 2004/05**

It was reported that the Council was required to calculate the estimated balance on its Collection Fund in accordance with statutory regulations. The estimated position of the Collection Fund was summarised and the overall balance was distributed to this Council and the Derbyshire County and Police Authorities in proportion to their precepts on the Fund. The amount attributable to this Council was £82,000, which was slightly greater than that assumed in the Council's latest three-year financial projection of £73,000. In accordance with statutory regulations, this amount would effectively be returned to local taxpayers as part of the Council Tax for 2004/05. This would equate to approximately £2.85 on a Band D bill for District Council services.

Members received details of an estimated surplus balance on the Collection Fund as at 31st March 2004 of approximately £732,000. In accordance with the prescribed formula, this would be shared as follows:-

	£
Derbyshire County Council	579,000
Derbyshire Police Authority	71,000
South Derbyshire District Council	82,000

A Member enquired whether the County Council could be requested to account for how its share of £579,000 was allocated.

RESOLVED:-

That the estimated Collection Fund surplus of £82,000 for 2003/04 be used in the calculation of the Council Tax for 2004/05.

CL/104. **REPRESENTATION ON OUTSIDE BODIES**

(a) Donington Park Racing Circuit Liaison Committee

It was reported that North West Leicestershire District Council had invited the Council to appoint a representative to serve on this Committee, which met on a bi-annual basis.

RESOLVED:-

That Councillor Atkin be appointed as this Council's representative to the Liaison Committee.

(b) Sure Start at Woodville

It was reported that the Council had been requested to appoint a representative to serve on the Woodville Mini Sure Start Board.

RESOLVED:-

That Councillor Taylor be appointed as this Council's representative on the organisation.

CL/105. **COMPREHENSIVE PERFORMANCE ASSESSMENT – UPDATE ON PROGRESS**

Members received a verbal report outlining progress on the inspection for the Council's first Comprehensive Performance Assessment (CPA), which had commenced on 19th January 2004. Final feedback on the inspection would be received on 23rd January 2004, following which the Council would have a period of seven days to respond. In this regard, a Meeting of the CPA Working Panel would be necessary during the afternoon of 28th January 2004. The Chief Executive advised Members that the inspection had been particularly evidence-based and considered that to date, the Council had acquitted itself well. He expressed his gratitude to all those involved for their efforts.

The Leader of the Council advised that he had met the Inspection Team on 21st January 2004 along with the Deputy Leader, the Leader of the Conservative Group and the Corporate Management Team. Although there were several disappointing misconceptions at this Meeting, he advised that later discussions were more fruitful and realistic. The Leader acknowledged the ongoing contributions of all involved, particularly the Deputy Chief Executive and the Head of Policy and Best Value. The Deputy Chief Executive responded, acknowledging the team effort across the Council as a whole.

CL/106. **SOUTH DERBYSHIRE LOCAL STRATEGIC PARTNERSHIP AND COMMUNITY STRATEGY – UPDATE ON PROGRESS**

Members received a further report on progress made to date on the establishment of the South Derbyshire Local Strategic Partnership, together with the preparation of the Community Strategy.

The Local Strategic Partnership Board had now met on two occasions on 20th November 2003 and 15th January 2004. The Forum's Annual General Meeting held on 24th October 2003 provided a platform for the launch of the Community Strategy Brief, which set out an outline programme for its preparation and was the subject of a report to the Special Council Meeting on 27th November 2003. The Board approved a programme of consultation, the results of which were reported to the next Meeting and would be used to influence the preparation of the Strategy. Nine responses had been received and the comments and suggestions had included a view that the County-wide Community Strategy and themes identified therein should be used for compatibility and a lead/champion organisation should be identified to encourage ownership and responsibility. It was noted that arrangements had been made for a 'Visioning Event' on 28th January 2004 to determine elements of the Strategy.

The Leader of the Council responded to some criticism levelled at the considerable time taken in progressing the Strategy and emphasised that it

had been necessary to encourage the use of strategic resources to move in one direction. He considered that this was an excellent partnership and a meaningful Strategy would be produced as a basis for a working day-to-day document.

RESOLVED:-

That the report be noted.

(Councillor Richards left the Meeting at 7.25 p.m.)

CL/107. **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 6th November 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, 4th November 2003

Development Control Committee, 18th November 2003

Licensing and Appeals Committee, 20th November 2003

Housing and Community Services Committee, 20th November 2003

Joint Consultative Committee, 27th November 2003

Finance and Management Committee, 11th December 2003

Development Control Committee, 16th December 2003

MRS. J. MEAD

CHAIR