

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 14th August 2003
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Vice-Chair) and Councillors Bell, Dunn, Harrington, Jones, Lane, 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, Lemmon, Nalty, Mrs. Renwick, Shaw and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bambrick, Carroll, Isham and Lauro (Labour Group) and Councillors Martin and Mrs. Walton (Conservative Group).

CL/34. **MINUTES**

The Open Minutes of the Meeting of the Council held on 26th June 2003 (Minutes Nos. CL/20 - CL/31) were taken as read, approved as a true record and signed by the Chair.

CL/35. **CHAIR'S ANNOUNCEMENTS**

The Chair outlined his numerous visits during the previous six weeks, which included an event with school children at Rosliston Forestry Centre on 2nd July, the Royal Garden Party at Buckingham Palace on 15th July, the presentation of certificates to volunteers on 18th July who had completed a domestic abuse training course, the launch of South Derbyshire Care Line at Granville Court on 21st July, the ground breaking ceremony with Bison on 24th July, the hosting of a Japanese delegation from Toyota City on 1st August, Oaklands Open Day on 2nd August and a visit to East Midlands Airport on 5th August. He had also attended several Bass Charity Vase football matches during July and forthcoming events included the South Derbyshire Steam and Country Fair at Catton Park on 6th and 7th September. In this regard, leaflets and posters were available for Members to display in their Wards.

CL/36. **LEADER'S ANNOUNCEMENTS**

The Leader referred to the announcement of 'A' Level results earlier in the day and congratulated all students achieving success. The Leader read a statement on behalf of the Controlling Group, condemning the recent press coverage which had criticised the standards of education involved. This was endorsed by the Leader of the Conservative Group, who agreed that students

had performed remarkably well and also congratulated the teachers and governors concerned.

CL/37. **PRESENTATION BY SHOPMOBILITY**

Members received a presentation by Councillor Harrington, Chair of Shopmobility (Swadlincote) Management Committee on the service. Since February 2002, the service had worked in partnership with the Derbyshire Association for the Blind, which had resulted in the security of tenure for both parties, a reduction in running costs, integration of staff and volunteers and a resource centre that provided support, advice and practical help to all those in need in South Derbyshire. Mrs. P. Taylor of the Derbyshire Association for the Blind also addressed Members.

CL/38. **REPORTS OF COMMITTEES**

At this stage, the press and public were excluded from the Meeting whilst Members considered a report on the legal implications associated with a report of a Committee as defined in paragraph 12 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). The press and public were then allowed back into the Meeting which returned to an Open format.

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, 26th June 2003 (Minutes Nos. LA/4 – LA/5)

Development Control Committee, 8th July 2003 (Minutes Nos. DC/21 - DC/25)

Environmental and Development Services Committee, 10th July 2003 (Minutes Nos. EDS/11 - EDS/18)

(Minute No. EDS/13, Review of Committee Terms of Reference - Bus Shelters - Members referred to recent works to the Swadlincote Bus Station and expressed concern over the design issues. It was noted that this Council was not responsible for the provision of bus shelters and the County Council had undertaken the design. It was reported that the County Council's Scrutiny Committee was currently investigating the matter. The Deputy Chief Executive referred to a letter from a local resident which had been circulated to all Members and confirmed that he had responded accordingly and had copied this to all Members. The major outstanding issue was the completion of repairs to electrical cables underneath the shelters for shelter lighting which could not be undertaken by the electricity company for three to four weeks. Within this period, the seating design would also be reviewed and it was hoped that within four to five weeks, the situation would be improved along with the associated facilities.

Minute No. EDS/14, Tourism Strategy for the East Midlands - A Member referred to the absence of any details relating to the Sharpe's Pottery

Visitor Centre or the Rosliston Forestry Centre on the Council's website and requested the inclusion of these facilities.

Minute No. EDS/18, Local Plan Inquiry - Proposed Change of Policy at Burnaston Cross - The recommendation to reject the proposed amendment and that the Council's position on the Local Plan remain unchanged was approved and confirmed - Councillor Mrs Wheeler wished her abstention on this matter to be recorded.

Members held a lengthy discussion on problems associated with the Council's composting scheme arising from its recent introduction in the Upper Midway area. It was noted that at the recent Melbourne Area Meeting, it had been suggested that the appropriate Scrutiny Committee should consider the matter and make recommendations accordingly. Following the concern now expressed, the matter would be raised at the next Meeting of the Environmental and Development Services Committee.)

(Councillor Harrison left the Meeting at 7.20 p.m.)

Housing and Community Services Committee, 17th July 2003 (Minutes Nos. HCS/16 - HCS/26)

(Minute No. HCS/23, Housing Stock Options - Following recent press publicity on this matter, Councillor Richards advised that his consideration of the matter was open to every option and he hoped that tenants would be provided with every opportunity to be acquainted with the advantages and disadvantages of the options available.

Minute No. HCS/24, Anti-Social Behaviour - Councillor Richards referred to ongoing problems with anti-social behaviour in Newhall and the Chair of the Committee confirmed that the Working Group established would consider all aspects of anti-social behaviour.

The Chair of the Committee referred to the forthcoming Exempt item on the agenda concerning the choice of consultants to lead the Consultation and Empowerment Strategy for assessing the future stock options and advised that a press release on the matter would be issued following the Meeting.)

(Councillor Murphy left the Meeting at 7.40 p.m.)

Finance and Management Committee, 24th July 2003 (Minutes Nos. FM/18 - FM/28)

(Minute No. FM/23, Budget Out-turn 2002/03, Financial Strategy and Updated Financial Projections 2005/06 - Councillor Lemmon advised that the contribution afforded to the Etwall Leisure Centre had now been spent on improved changing facilities and praised the Leisure Centre Staff for their efforts in decorating the Centre whilst the pool was closed.)

Community Scrutiny Committee, 28th July 2003 (Minutes Nos. CYS/6 - CYS/14)

Development Control Committee, 29th July 2003 (Minutes Nos. DC/26 - DC/34)

Corporate Scrutiny Committee, 4th August 2003 (Minutes Nos. COS/9 - COS/16)

Overview Committee, 11th August 2003 (Minutes Nos. OV/6 - OV/10) (Minute No. OV/8, Constitution Action Plan – Councillor Bell presented a report in connection with this matter and the status of the Action Plan was approved and confirmed for formal response to the District Auditor.)

(Councillor Dunn left the Meeting at 7.50 p.m.)

CL/39. **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/40. **REPRESENTATION ON OUTSIDE BODIES**

(a) South Staffordshire Water plc Customer Consultative Committee

It was reported that a letter had been received from the West Midlands Local Government Association (WMLGA) advising that South Staffordshire Water plc had reconstituted its Customer Consultative Committee (CCC) which was originally established by the Company in 1983 to represent consumer interests. The Company wished the Consultative Committee to continue but felt that changes needed to be made to ensure that it was in step with the environment in which it now operated. The Committee would continue to scrutinise and monitor the water supply service provided by the Company but would increasingly be concerned with the national debate on important policy issues connected with water supply.

The Company had decided that a reconstituted CCC should continue to have local government involvement but that members would be nominated by WMLGA to provide a reinforced local government presence. Other members would be nominated by local Chambers of Commerce, the local Federation of Small Businesses, the NFU and the Company's largest customers. The Council had been requested to nominate an elected Member to the new Committee.

RESOLVED:-

That Councillor Whyman be nominated as the Council's representative to the new Customer Consultative Committee of South Staffordshire Water plc.

(b) Review of the Council's Appointments to Outside Bodies

Members reviewed the current vacancies together with any other amendments to the Council's list of appointments to outside bodies.

Councillor Hood advised Members that the Southern Derbyshire Community Health Council would cease to exist after September 2003. Councillor Hood also represented the Community Health Council on the NHS LIFT Project and this representation would therefore cease too. The involvement with the District Council in the LIFT Project was to be discussed in due course but in the meantime, Councillor Hood had been invited to continue to attend meetings. Councillor Southerd, the other representative of the Council on the South Derbyshire Community Health Council, confirmed the cessation of the organisation and his associated resignation from 1st September 2003. However, he considered it important for the Council to have continuing representation on the LIFT Project. Members expressed their gratitude to the Southern Derbyshire Community Health Council for the valuable work undertaken over many years.

RESOLVED:-

- (1) That Councillor Jones replace Councillor Isham on the Community Arts Project (People Express) Management Committee.***
- (2) That Councillor Southerd be appointed to the Derbyshire Community Legal Services Partnership.***
- (3) That Councillor Richards replace Councillor Isham on the Sharpe's Pottery Heritage and Arts Trust.***
- (4) That Councillor Hood be appointed to continue to attend meetings of the LIFT Project, subject to the receipt of a formal invitation in this regard.***

CL/41. **STATEMENT OF ACCOUNTS 2002/03**

It was reported that in 2003, new Regulations had been introduced which required the Statement of Accounts to be approved by Members by 30th September 2003. In future years, this date would be brought forward by one month each year and by 2006, the accounts would need to be approved by 30th June. A good start had already been made and this was the earliest time that the Council had closed its accounts for several years and was a good step forward in preparing for the more challenging deadline of future years. Bringing the timetable forward would also produce other benefits, with Members having information on the anticipated out-turn position by the end of June. In turn, this would enable the Finance and Management Committee to consider early in the financial year whether it wished to allocate any unspent resources from the previous year to improve the Council's services in 2003/04.

The new Accounts and Audit Regulations also introduced a requirement for the Chair of the relevant Committee to sign the accounts to indicate that they had been considered by Members in accordance with the Regulations. In the case of this Council, the accounts therefore needed to be signed by the Chair of the Council. The accounts had also introduced a new requirement for the Council's Section 151 Officer, ie the Council's Chief Finance Officer, to confirm that the Council had proper systems of internal financial control in place. This had been reflected within the Statement of Accounts.

The accounts for South Derbyshire had been closed and the Statement of Accounts prepared by 30th July 2003. This was in line with the timetable and reflected an improvement of nearly two weeks on the previous year. This also represented a considerable level of commitment and achievement by staff within the Financial Services Section. The accounts now submitted with this report for approval were considerably in advance of the statutory deadline.

The Statement explained how the accounts were set out and District Audit was scheduled to commence an audit of the accounts in September, which was a month earlier than in previous years. In addition, the Chief Finance Officer was also required to provide a letter of representation to the external auditors confirming that there were no significant events that had occurred after the end of the accounting period that would materially effect the accounts for 2002/03. The Council's external auditors had requested that this letter was provided at the end of the audit and this would be the subject of a subsequent report to the Council.

The following two paragraphs had been extracted from the Executive Summary within the accounts and provided the most concise analysis of the Council's current financial position:-

"The Accounts continue to provide further reassurance that the Council can look forward to the future with a sound financial base with prudent levels of balances and systems in place to ensure that it manages its finances responsibly.

This does not mean that the Council can be complacent. Just like any other Council, South Derbyshire will continue to face the pressure of meeting the increasing needs of local residents and new government legislative requirements from within limited resources. With this in mind the Council is involving residents of South Derbyshire in helping to inform these difficult spending decisions by seeking their views on what they see as priorities for Council spending."

RESOLVED:-

That the Council's Statement of Accounts for the year ended 31st March 2003 be approved in accordance with the provisions of the Accounts and Audit Regulations 2003 and the Chair of the Council be authorised to sign the accounts accordingly.

CL/42. **REVIEW OF COMMITTEE TERMS OF REFERENCE**

It was reported that as part of the Asset Management Best Value Review, the Review Team had considered the level of Member involvement in asset management matters. The review report noted that the Audit Commission, York Consulting (who had been evaluating the Council's asset management process) and the Minister for Local Government had all highlighted the lack of Member involvement as a national issue which needed to be addressed. District Audit, during a study of asset management in the Council in 2000, had also recommended that the Council needed to address this issue. Accordingly, the Best Value Review Team had considered how Members could become more involved in asset management and had consulted several Members on the issue.

It was recognised that most Members did not have sufficient appreciation of asset management issues and that the historic basis of reporting on assets to several different committees did not assist with this. Most councils which operated a cabinet system had one Member responsible for asset issues. However, as this Council did not have a Cabinet system, it was necessary to consider how the issue could be addressed by the Committee system.

The 2002 Asset Management Plan, which dealt with all non-housing related issues, had been scored as satisfactory rather than good. One particular reason for this was that the Council could not meet the requirement that a Cabinet Member or a lead Committee Member held responsibilities for the authority's property resource on behalf of the Council. On querying this with the Government Office for the East Midlands, it had been confirmed that it should be clear that a particular Member held this specific responsibility. It was also suggested that the Council should move away from three Committees having asset responsibilities, to one Committee.

As the Council was trying to develop a more corporate approach to asset management, it made sense to try to bring all asset responsibilities under the control of a single Committee. Logically, this would be the Finance and Management Committee, which already had the responsibility to oversee strategic asset management. In addition, if assets were considered as a corporate resource along with people and finance, then asset-related issues, like those relating to people and finance, should be considered centrally by the Finance and Management Committee. The Best Value Review Team had advocated this solution which should lead to a greater knowledge, expertise and ownership of all asset matters by the Members of that Committee. This was now an action point in the Improvement Plan approved by the Finance and Management Committee on 18th February 2003.

The existing terms of reference were outlined, together with suggested future terms of reference. It was considered that the responsibility for non-housing asset-related issues should be transferred to the Finance and Management Committee and the simplest option appeared to be the insertion of a note at the top of each Committee's terms of reference explaining this. With regard to CS01 relating specifically to housing, it was suggested that the responsibility to sell, lease or purchase housing-owned land and estate shops should rest with the Finance and Management Committee, as this was moving away from the delivery of a housing service and therefore that part of terms of reference CS01 should be deleted. The asset-related issues for houses, garages and permanent gypsy sites would remain under the control of the Housing and Community Services Committee.

It was recognised that whilst it would be preferable to move responsibility for assets to a single Committee, there would be a need to continue to consult with Members of either the Housing and Community Services Committee or the Environmental and Development Services Committee over the issue under consideration. In practice, many asset-related issues were also linked to service delivery issues and therefore, in many cases, the matter would be reported to both Committees, thereby allowing the Members of these Committees to comment prior to consideration by the Finance and Management Committee. The Chairs of both these Committees were Members of the Finance and Management Committee and could therefore report the views of their Members to that Committee. In situations where the

matter under consideration did not also have service delivery implications, it was suggested that the report author should consult with the relevant Committee Chair to decide whether the matter should also be referred to their Committee for consideration.

Whilst it was recognised that these changes may lead to an element of duplication in respect of some issues with reports being submitted to two Committees instead of one, this was more than counterbalanced by the positive benefits which the changes would bring to the way in which the Council managed its assets. It was noted that the three Policy Committees had supported the proposal at their last Meetings.

RESOLVED:-

That the responsibility for all non-housing asset matters be transferred to the Finance and Management Committee.

CL/43. **COMPREHENSIVE PERFORMANCE ASSESSMENT UPDATE**

Members received a report outlining progress on preparations for the Council's first Comprehensive Performance Assessment (CPA). Good progress had continued to be made and the work programme had been managed by the CPA Working Panel, which had now met on five occasions. Steps had been taken to ensure that all Members and employees were aware of the CPA processes and outcomes and first drafts had been completed of the corporate self assessment and the thematic reviews/external assessments, which were provided to Members. Consultation had commenced with internal and external stakeholders including employee representatives, local people via Area Meetings and the Shadow Board of the South Derbyshire Local Strategic Partnership.

The Council had participated in a peer challenge, which was an important part of the self assessment process and had been arranged through SOLACE Enterprises. The Peer Challenge Team comprised the Chief Executive of Kerrier District Council, the former leader of Kings Lynn and West Norfolk Borough Council and a facilitator from SOLACE. They had visited the Civic Offices from 16th to 18th July 2003 and had met with Members and employees. They had also toured the District, spoken to partner organisations and reviewed the assessment and supporting material. The Peer Challenge Team had presented its findings to Members, the Management Team and Review Team Leaders on 25th July 2003 and a copy of the slides was provided to Members. A more detailed report of the findings would be provided in due course.

The next stages in the preparations involved the evaluation of feedback from the peer challenge in mid-September, the completion of consultation with internal and external stakeholders, including employees at the end of August, the development and agreement to an Improvement Plan at the end of September, the incorporation of improvement proposals in an updated Corporate Plan early in November and the development of a detailed project plan up to the planned inspection date early in January. A further progress report would be submitted to the next Meeting of the Council on 25th September 2003.

RESOLVED:-

That the progress report be noted.

CL/44. LOCAL STRATEGIC PARTNERSHIP – CONSULTATION ON THE DRAFT CONSTITUTION

Members received a report on the draft Constitution of the Shadow Board of the South Derbyshire Local Strategic Partnership (SDLSP). An initial Forum event for key stakeholders had been held on 6th October 2002, when it was agreed that a Business Planning Group (BPG) be established. The BPG proposed a draft Constitution which provided the context for establishing the SDLSP and which was debated further at a Forum event on 11th June 2003. A key element of the Constitution involved the establishment of a Shadow Board to manage the SDLSP and to oversee the preparation of the draft Community Strategy. The draft had been agreed at the Forum event, subject to further community consultation.

The first meeting of the Shadow Board had been held on 23rd July 2003, when it was agreed that the draft Constitution would be the subject of further consultation with partners and the local community. A report on the results would be the subject of a report back to the Shadow Board which would make recommendations to the Forum's AGM in October with the aim of formally constituting the SDLSP.

Members received a draft Constitution which defined legal status, aims and objectives, values, structure, functions, membership of an executive Board and its function and responsibilities, voting rights and operation. The Board would consist of 24 representatives, of which six would be nominated or elected from the four sectors of local authorities, other public sector, private sector and the community/voluntary sector. The Chief Executive, Leader of the Council and Leader of the Opposition Group of this Council would have seats on the local authority sector. It was intended that the Council would act as the accountable body and secretariat and in this context, the Officers to the Board would be the Council's Chief Finance Officer and the Legal and Democratic Services Manager.

Several comments had been made at the initial Shadow Board Meeting, which were outlined to Members. The Legal and Democratic Services Manager had been consulted and had suggested several amendments for the sake of clarity, which were also outlined.

RESOLVED:-

That the draft Constitution and comments thereon be noted and approved.

CL/45. DRAFT DERBYSHIRE COMMUNITY STRATEGY

It was reported that the Local Government Act 2000 placed a duty on all local authorities and their partners to produce a Community Strategy that would help to improve the economic, social and environmental well-being of their areas. The Derbyshire Partnership Forum was the countywide Local Strategic Partnership formed by the county and district councils and other key partners and voluntary organisations in Derbyshire. It was responsible

for developing, co-ordinating and monitoring the Derbyshire Community Strategy and was the vehicle for delivering the targets contained therein. In developing the Strategy, the County Council had undertaken a wide range of consultation with local people and organisations working within the county. Local people's views had been sought in several ways, including the recent Derbyshire Residents Survey carried out by MORI and regular citizens panel consultations, which had asked Derbyshire residents for their views on several issues and a variety of services.

The main aim of the Strategy was to improve the quality of life for all people in Derbyshire, regardless of where they lived or worked. The purposes and sections of the plan were outlined and the Strategy focused on six main themes, being crime and community safety, children and young people, health and social well-being, economic and community regeneration, environment, transport and housing and lifelong learning and culture. For each key theme, the Strategy highlighted a vision, priorities, the current situation and key concerns and then identified targets for the first three years, partnerships' activities and other plans and strategies to achieve these ends.

The Derbyshire Partnership Forum had agreed that the deadline for comments was 12th September 2003. The Forum had asked if any other partnership/organisation activities currently being undertaken at a countywide level could be identified to include in the final draft. A request had also been made for participating organisations to consider how they could contribute to some or all of the targets and what activities could be undertaken to achieve them.

The countywide Community Strategy had been the subject of discussions with the general public and organisations throughout Derbyshire, particularly in terms of the main themes and identification of priorities. It had focused on those issues and actions which had a countywide aspect, relying on Local Strategic Partnership's Community Plans to focus on those issues of a particular local dimension. It provided opportunities for partners and other organisations to co-ordinate their plans and programmes and focus resources on more specific issues. It would also provide the emergent South Derbyshire Local Strategic Partnership with a starting point for the local Community Strategy.

The Leader of the Council commended the document and considered that it would prove very helpful as time progressed. It was noted that the Strategy would be presented to the next Shadow Board Meeting of the South Derbyshire Local Strategic Partnership.

RESOLVED:-

That the Strategy be welcomed.

(Councillor Bell left the Meeting at 8.10 p.m.)

CL/46. **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.

CL/47. **MINUTES**

The Exempt Minutes of the Annual Meeting of the Council held on 26th June 2003 were duly received and approved.

CL/48. **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, 27th June 2003

Housing and Community Services Committee, 17th July 2003

Finance and Management Committee, 24th July 2003

PROGRESS ON IMPLEMENTATION AND CHOICE OF CONSULTANTS TO LEAD ON THE CONSULTATION AND EMPOWERMENT STRATEGY FOR ASSESSING THE FUTURE STOCK OPTIONS (Paragraphs 8 and 9)

The Council approved a tendering and subsequent consultation appointment process on this matter.

M.J.P. BALE

CHAIR