

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 31st January 2002
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Rose (Chair), Councillor Mrs. Mead (Vice-Chair) and Councillors Bambrick, Bell, Brooks, Carroll, Dunn, Evens, Ford, Lauro, Pabla, Richards, Mrs. Rose, Routledge, Shepherd, Sherratt, Southerd, Southern, Taylor, Whyman and Wilkins.

Conservative Group

Councillors Bale, Bladen, Douglas, Harrison, Hood, Mrs. Robbins, Shaw, Mrs. Walton and Mrs. Wheeler.

APOLOGIES

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

CL/91. **MINUTES-**

The Open Minutes of the Meeting of the Council held on 13th December 2001 (Minutes Nos. CL/76 - CL/87) were taken as read, approved as a true record and signed by the Chair.

CL/92. **CHAIR'S COMMUNICATIONS**

The Chair advised that the Supper and Song Evening on 19th January 2002 had raised the sum of £498.53 and he expressed his thanks to those who had attended together with the local media for advertising the event. On 30th January 2002, the Chair and his Consort had dedicated four silver birch trees to mark Holocaust Memorial Day. The Chair reminded Members that tickets for his Civic Dinner on 16th March 2002 were now available.

CL/93. **MEMBERS' ALLOWANCES**

Further to Minute No. CL/84 of 13th December 2001, the Council gave further consideration to the report of the Independent Remuneration Panel. The Leader of the Council paid tribute to the enormous amount of work undertaken by the Panel and considered that a great deal had been learnt during the current trial year of the modernised committee structure. The Leader made reference to the recognition of the scrutiny function in the report and acknowledged the work of Councillor Bell in leading the scrutiny role, which he felt was a model of good practice within local authorities. Accordingly, he agreed with the recommendation that the remuneration of the Scrutiny Chairs should be at the same level as the Policy Committee Chairs. It was also acknowledged that the Leader of the Opposition should

be remunerated at the same level on the basis of a similar scrutiny role being undertaken.

The Leader concurred with the Panel's report which considered that the Deputy Leader should receive an amount less than that at present and that the remuneration for the Development Control Committee Chair should be increased considerably for this public and demanding role. The recommendation to increase the basic allowance from £2,700 to £2,800 was accepted but it was considered that all posts receiving a special responsibility allowance should be subject to an increase of 3.5%, compared with the average recommended level of £1.89%. It was also considered that all Chairs should receive the same remuneration, as should all Vice-Chairs.

With regard to the Deputy Leader of the Council, it was considered that this post should be remunerated on the same level as the Chair of a Policy Committee due to the various overseeing roles involved together with necessary attendance at committee meetings and deputising for the Leader of the Council, as necessary. Finally, the Leader felt that the Independent Remuneration Panel may wish to give future consideration to a level of remuneration for the Deputy Leader of the Opposition.

Mr. P. Booth, the Chair of the Independent Remuneration Panel advised that the report had been prepared on the basis of evidence provided to the Panel, which had not been totally satisfactory. However, both the Panel and Members considered that the process had been a valuable experience which could prove advantageous in any future consideration of the matter. Mr. Booth advised Members that he would shortly be relocating from the area and accordingly, it had been necessary for him to tender his resignation from the Panel. On behalf of all Members, the Leader wished him and his family every success in their relocation.

RESOLVED:-

- (1) That the following posts be remunerated with special responsibility allowances with effect from 16th May 2002, as indicated:-***

<i>Leader</i>	<i>£7,760</i>
<i>Deputy Leader</i>	<i>£4,400</i>
<i>Leader of Opposition</i>	<i>£4,400</i>
<i>Finance & Management Committee Chair</i>	<i>£4,400</i>
<i>Finance & Management Committee Vice-Chair</i>	<i>£1,550</i>
<i>Environmental Services Committee Chair</i>	<i>£4,400</i>
<i>Environmental Services Committee Vice-Chair</i>	<i>£1,550</i>
<i>Community Services Committee Chair</i>	<i>£4,400</i>
<i>Community Services Committee Vice-Chair</i>	<i>£1,550</i>
<i>Development Control Committee Chair</i>	<i>£4,400</i>
<i>Development Control Committee Vice-Chair</i>	<i>£1,550</i>
<i>Corporate Scrutiny Committee Chair</i>	<i>£4,400</i>
<i>Corporate Scrutiny Committee Vice-Chair</i>	<i>£1,550</i>
<i>Community Scrutiny Committee Chair</i>	<i>£4,400</i>
<i>Community Scrutiny Committee Vice-Chair</i>	<i>£1,550</i>

- (2) That the level of basic allowance with effect from 16th May 2002 be increased to £2,800 per annum.***

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:-

Joint Consultative Committee, 13th December 2001 (Minutes Nos. JC/7 – JC/9)

Licensing and Appeals Committee, 18th December 2001 (Minutes Nos. LA/8 – LA/9)

Development Control Committee, 18th December 2001 (Minutes Nos. DC/80 - DC/91)

Corporate Scrutiny Committee (Special), 19th December 2001 (Minutes Nos. COS/21 - COS/22)

Standards Committee, 19th December 2001 (Minutes Nos. SC/3 – SC/8)

Environmental Services Committee, 3rd January 2002 (Minutes Nos. ES/1 – ES/9)

(Minute No. ES/9, South Derbyshire Local Plan Review – A Member considered that this item should have been placed earlier on the agenda but it was noted that the first deposit draft had been approved only for consultation at this stage and a final draft would follow for further consideration in due course).

Licensing and Appeals Committee, 10th January 2002 (Minutes Nos. LA/11 – LA/12)

Community Services Committee, 10th January 2002 (Minutes Nos. CS/66 - CS/78)

(Minute No. CS/72, Celebrating the Golden Jubilee – A Member referred to the various fees, rules and regulations now in place in connection with Road Closure Orders, Public Entertainment Licences and insurance cover and enquired whether the Council could assist residents wishing to organise street parties. The Chief Executive advised that although charges were generally in the region of £200 for road closure orders, it may be possible to reduce these costs if several applications were received and consolidated into one Order and the County Council had indicated that it may be prepared to accept an Order made on this basis. It was anticipated that no Public Entertainments Licence would be required for local street parties but public liability insurance cover was advised strongly.

(Councillor Douglas left the Meeting at 6.45 p.m.)

Minute No. CS/74, Community Police Office – Following a query by a Member, it was reported that no suitable premises had yet become available in Newhall to provide a base for neighbourhood police officers.

The Chair of the Committee referred to the condition of Gresley Common following the recent encroachment by travellers and expressed his disappointment at the lack of action taken to date by the Environment Agency and the Police. He also referred to an alleged mistreatment of animals, which would be pursued accordingly. At the present time, the Council was following due process to remove the travellers.

Following a query by a Member, the Chair of the Committee confirmed that a structured programme was in place in connection with security improvements to Council properties within the next financial year).

Community Scrutiny Committee, 14th January 2002 (Minutes Nos. CYS/17 - CYS/23)

Development Control Committee, 15th January 2002 (Minutes Nos. DC/94 - DC/100)

(Minute No. DC/95, Site Visit Procedure and Protocol – Following representations made by Members, it was noted that the Committee had approved further investigations into the implementation of a system involving parties being able to address the Committee).

Finance and Management Committee, 17th January 2002 (Minutes Nos. FM/74 - FM/83)

(Minute No. FM/78, Revenue Budget 2002/03 – The Chair of the Committee advised that the decision in connection with the contribution of £1million to the pension fund had been called in for consideration by the Overview Committee. However, the Chair of the Overview Committee advised that following a thorough investigation, the Committee had agreed not to refer the matter back to the Finance and Management Committee for re-consideration).

Overview Committee, 21st January 2002 (Minutes Nos. OV/17 – OV/21)

Standards Committee, 24th January 2002 (Minutes Nos. SC/9 – SC/16)

Licensing and Appeals Committee, 28th January 2002 (Minutes Nos. LA/14 – LA/15)

Corporate Scrutiny Committee, 28th January 2002 (Minutes Nos. COS/24 – COS/32)

Licensing and Appeals Committee, 29th January 2002 (Minutes Nos. LA/17 – LA/18)

CL/95. **NOTICE OF MOTION**

In accordance with Council Procedure Rule No. 13(s), the Council approved consideration of the following motion as urgent, which was then proposed by Councillor Whyman:-

“In one single day – the 31st July 1917 more than 30,000 young British soldiers lost their lives at Pilckem Ridge in the Battle of Ypres in the first

world war. During the following 100 days a further 450,000 Commonwealth soldiers fell on this battlefield of the Ypres Salient.

It was here that John McCrae wrote the poem “In Flanders Fields the poppies blow between the crosses row on row, which mark our grave while in the sky....” It is also a place that is visited every year by more than 350,000 people, a quarter of whom are schoolchildren, wishing to show their respect to those brave men who sacrificed their lives defending western democracy.

The site is dotted by a dozen or so war cemeteries and has remained almost identical since the days of the battles. Bodies are still being unearthed. Between the summers of 1999 and 2001, 135 were found.

It is of considerable concern that the Flemish Regional Government is planning, in a very short time, the destruction of the Pilckem Ridge site by a road construction, the A19, which cuts the site into two pieces. This can be avoided by agreeing a short and simple diversion of only a few kilometres which should have only marginal impact on the cost of the project.

This Council expresses its gratitude to the hundreds of thousands of young men who sacrificed their lives on Belgian soil and calls upon our MP, Euro MP’s, the Prime Minister, relevant ministers of government; and British members of the Commonwealth War Graves Commission to protest about this proposal and to ask the Flemish Regional Government to reconsider its intentions and to agree a diversion that protects the Pilckem Ridge site from desecration.”

The motion was duly seconded and a Member suggested that the word “ask” in the last paragraph be replaced by “urge”, which was acceptable to the proposer and seconder of the motion.

RESOLVED:-

That the motion, as set out below, be carried unanimously:-

“In one single day – the 31st July 1917 more than 30,000 young British soldiers lost their lives at Pilckem Ridge in the Battle of Ypres in the first world war. During the following 100 days a further 450,000 Commonwealth soldiers fell on this battlefield of the Ypres Salient.

It was here that John McCrae wrote the poem “In Flanders Fields the poppies blow between the crosses row on row, which mark our grave while in the sky....” It is also a place that is visited every year by more than 350,000 people, a quarter of whom are schoolchildren, wishing to show their respect to those brave men who sacrificed their lives defending western democracy.

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pieces. This can be avoided by agreeing a short and simple diversion of only a few kilometres which should have only marginal impact on the cost of the project.

This Council expresses its gratitude to the hundreds of thousands of young men who sacrificed their lives on Belgian soil and calls upon our MP, Euro MP's, the Prime Minister, relevant ministers of government; and British members of the Commonwealth War Graves Commission to protest about this proposal and to urge the Flemish Regional Government to reconsider its intentions and to agree a diversion that protects the Pilckem Ridge site from desecration."

CL/96. **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/97. **SOUTH DERBYSHIRE COMMUNITY STRATEGY**

Members received a report on the outcome of an assessment by District Audit on the Council's arrangements for preparing the Community Strategy. At the end of last year, the District Auditor had completed a short diagnostic to assess the Council's arrangements for preparing a Community Strategy against the statutory requirements. The District Auditor had concluded that whilst the Council was at a relatively early stage in the development of the strategy, preparations were progressing well in several areas. He also considered that this work should provide a good basis for establishing a local strategic partnership and developing the Community Strategy. However, three key priority areas had been highlighted for action relating to the absence of a firm project plan that systematically defined stages, tasks and responsibilities in the process of developing and delivering a strategy, a lack of clarity concerning Member involvement in the preparation of a strategy and limited consideration given to the definition of local communities.

On 9th January 2002, Members had attended a half day seminar on community planning led by Dr. Steve Rogers of the Institute of Local Government Studies at Birmingham University. Members received feedback notes and in order to move forward on the basis discussed at the seminar, it was proposed that a second half-day seminar should be organised for all Members on the specific issue of partnership working. It was noted that it had been intended to hold a full day seminar on 9th January 2002 but this had not been possible due to unforeseen circumstances. It was also proposed that a meeting should be organised with a small group of key partners in the public, private and voluntary sectors to explore arrangements for the establishment of a local strategic partnership and a timetable for the development of the Community Strategy.

The District Auditor had suggested that there was a need to progress this matter fairly quickly and Members were also reminded that the Council had previously adopted the target of having a timetable in place for the preparation of the strategy by 31st March 2002.

RESOLVED:-

- (1) That the District Auditor's diagnostic analysis of the Council's approach to the development of the South Derbyshire Community Strategy be noted.***
- (2) That the report on the seminar held on 9th January 2002 be noted and a second half-day seminar be organised on partnership working.***
- (3) That the Chief Executive, in consultation with the Leader, be authorised to make the necessary arrangements for an initial meeting with partners from the public, private and voluntary sectors to progress the establishment of a local strategic partnership for South Derbyshire.***

CL/98. **'QUALITY TOWN AND PARISH COUNCILS' – CONSULTATION PAPER**

It was reported that at its Meeting held on 17th January 2002, the Finance and Management Committee had referred this matter to the Council for consideration and Members received a copy of the report to the Committee. The Council's views had been requested on a consultation paper from the Department of the Environment, Food and Rural Affairs (DEFRA) on 'Quality Town and Parish Councils'. The Council had been invited to comment on proposals by DEFRA on how a quality Parish or Town Council might work. This followed a commitment made in the Rural White Paper, published in November 2000.

In summary, the consultation paper set out proposals for :-

- A model charter covering relations between all parish and town councils and their principal authorities.
- The additional benefits that a local council could expect from achieving quality status (bigger role in service delivery, access and information points and integral part of consultation arrangements)
- Guidance to principal authorities and local councils setting out how the quality system would work, including the model charter and guidance to principal authorities on financial arrangement with local councils.
- A series of tests that local councils would have to pass to achieve quality status.
- Self-assessment validated by the External Auditor.

Members considered details of the proposed model charter together with a list of possible functions that may be considered for delegation to all parish and town councils.

According to the consultation paper, the Government's aim was to improve the contribution of local councils to local governance; to promote greater co-operation between the tiers of local government; and to encourage principal authorities to work in partnership with local councils.

Members expressed concern at the resource implications.

RESOLVED:-

That the criteria for quality councils be supported in principle, subject to the concern at the implications on resources.

CL/99. **COUNCIL TAX BASE 2002/03**

Members were advised of the requirement placed upon the Council to calculate its Council Tax Base in accordance with the requirements of Sections 33 and 34 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

It was reported that Section 67 of the Act provided that certain functions under the Act should only be discharged by the Authority and could not be delegated to a Committee. One of these functions was the setting of the Council Tax Base and the Regulations required this calculation to be made between 1st December and 31st January in the financial year preceding that for which the calculation was made.

The detailed formula required by the Act for each billing authority to calculate the basic amount of Council Tax was outlined to Members. The calculation for each parish was circulated, together with a summary indicating that the Council Tax Base for South Derbyshire was estimated at 27,508.5. On the basis of the collection rates for last year, a level of 99% was estimated.

RESOLVED:-

- (1) That the Council Tax Base for South Derbyshire District Council, calculated in accordance with the provisions of Section 33 of the Local Government Finance Act 1992 for the financial year commencing 1st April 2002, be approved at 27508.5.***
- (2) That the Council Tax Bases for the areas of the various parishes within South Derbyshire District, calculated in accordance with the provisions of Section 34 of the Local Government Finance Act 1992 for the financial year commencing 1st April 2001, be approved as the amounts listed at Annexe 'A' to these Minutes.***

CL/100. **ESTIMATED COLLECTION FUND – SURPLUS 2001/02**

Members received details of the estimated position of the Collection Fund for 2002/03. With regard to the Council Tax element, this had been calculated in the sum of £263,374 and in accordance with the prescribed formula, this was shared as follows:-

	£
Derbyshire County Council	210,539
Derbyshire Police Authority	20,420
South Derbyshire District Council	32,415

In addition, the estimated surplus on the Community Charge element had been calculated in the sum of £2,002. This amount was not shared and remained fully with the District Council and therefore the total amount attributable to this Council was in the sum of £34,417.

It was noted that the amount of residual community charge collected had declined to a very low level of approximately £400. The remaining debt was now approximately nine years old and many authorities had already taken a decision to write-off any outstanding debt.

In the case of this Council, total outstanding debt was currently in the sum of £95,505. This amount was fully covered by a separate provision of non-payment in the Council's accounts and accordingly, it was now proposed that the remaining Community Charge debt be written off. However, existing arrangements already in place to collect outstanding debt would remain in force and any cash collected in the future would be returned to local taxpayers in accordance with statutory regulations.

RESOLVED:-

- (1) That the estimated Collection Fund Surplus of £34,417 for 2001/02 be used in the calculation of the Council Tax for 2002/03.***
- (2) That the outstanding debt in respect of residual Community Charge be written off.***

CL/101. **THE LOCAL AUTHORITIES (FUNDS)(ENGLAND) REGULATIONS 1992 AS AMENDED – PRECEPT PAYMENT DATES 2002/03**

It was reported that Regulation 3(1) of the above Regulations required a billing authority to discharge its liabilities to major precepting authorities (Derbyshire County Council and Derbyshire Police Authority) and local precepting authorities (Parish Councils) in accordance with its schedule of instalments.

The schedule of instalments should be determined so as to require the first instalment to be paid or transferred to principal authorities within the following periods of the start of the financial year.

<u>Year</u>	<u>Number of Days</u>
1996/97	32
1997/98	28
1998/99	24
1999/00 or later	21

The final instalment should be paid or transferred on or before the beginning of a period of fourteen days prior to the end of the financial year. There were two types of local precepting authorities; those which had large precepts and those with smaller precepts. In South Derbyshire, all parishes fell into the latter category. The requirement was that at least 50% of the precept must be paid within one month of the commencement of the financial year and the remaining 50% within six months of the commencement of the financial year.

In terms of procedure, a billing authority must inform each relevant precepting authority of the schedule of instalments it proposed to determine before 31st December in the preceding financial year and the billing authority must notify the precepting authorities of the schedule actually determined on or before 31st January in the preceding financial year. Precepting authorities must be given a minimum of twenty-one days in which

to comment. The dates for 2002/03 compared with those for 2001/02 had been agreed, as follows:-

<u>Instalment No.</u>	<u>2001/2002</u>	<u>2002/2003</u>
1	24 April 2001	23rd April 2002
2	31 May 2001	29 May 2002
3	5 July 2001	5 July 2002
4	9 August 2001	9 August 2002
5	14 September 2001	16 September 2002
6	19 October 2001	21 October 2002
7	23 November 2001	25 November 2002
8	2 January 2002	2 January 2003
9	6 February 2002	6 February 2003
10	13 March 2002	13 March 2003

The dates for parishes had remained the same since 1990/91 and were usually only adjusted for the incidence of weekends and bank holidays. The relevant dates were as follows:-

	<u>2001/2002</u>	<u>2002/2003</u>
1st instalment	9 April 2001	9 April 2002
2nd instalment	23 July 2001	23 July 2002

RESOLVED:-

That the schedules of instalments indicated above be approved.

CL/102. **SUBSTITUTE PANELS 2001/02**

Further to Minute No. CL/85 of 13th December 2001, following the amendment to Council Procedure Rule No. 4, further consideration was given to the appointment of Substitute Panels.

RESOLVED:-

That the Groups' nominations of substitute Members to serve on Committees when necessary for the remainder of the municipal year, as set out at Annexe 'B' to these Minutes, be received and noted.

(Councillor Dunn left the Meeting at 8.00 p.m.)

CL/103. **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 13th December 2001 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:-

***Joint Consultative Committee, 13th December 2001
Licensing and Appeals Committee, 18th December 2001
Development Control Committee, 18th December 2001
Corporate Scrutiny Committee (Special), 19th December 2001
Licensing and Appeals Committee, 10th January 2002
Community Services Committee, 10th January 2002
Development Control Committee, 15th January 2002
Finance and Management Committee, 17th January 2002
Licensing and Appeals Committee, 28th January 2002
Licensing and Appeals Committee, 29th January 2002***

WALKING THE WAY TO HEALTH PROJECT (Paragraph 9)

The Council awarded a contract in respect of this project.

C.H. ROSE

CHAIR