

MINUTES of the ANNUAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 22nd May 2008
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Bale (Chairman), Councillor Mrs. Hood (Vice-Chairman) and Councillors Bladen, Mrs. Coyle, Mrs. Farrington, Ford, Harrison, Hewlett, Jones, Lemmon, Murray, Mrs. Patten, Mrs. Plenderleith, Roberts, Stanton, Timms, Watson, Mrs. Wheeler and Wheeler.

Labour Group

Councillor Bambrick, Dunn, Mrs. Gillespie, Mrs. Lane, Lane, Mrs. Mead, Pabla, Rhind, Richards, Shepherd, Southerd, Tilley and Wilkins.

Independent Member

Councillor Mrs. Brown.

CL/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Atkin and Grant (Conservative Group) and Councillor Taylor (Labour Group).

CL/2. **MINUTES**

The Open Minutes of the Meeting of the Council held on 10th April 2008 (Minutes Nos. CL/123 – CL/136) were taken as read, approved as a true record and signed by the Chairman.

(Minute No. CL/123 – A question was submitted about resisting development in the open countryside, in contravention of planning policies. Reference was made to the controlling group's manifesto and the planning policies in place.

Minute No. CL/135 – an update was provided, as a point of information on the delays experienced in transferring functions under the decriminalisation of car parking.)

CL/3. **DECLARATIONS OF INTEREST**

Councillor Stanton declared a potential prejudicial interest in the Minutes of the Development Control Committee held on 22nd April 2008 and would withdraw from the Meeting if there was any discussion of this item.

CL/4. **APPOINTMENT OF THE LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Mrs. Wheeler was the Leader of the Conservative Group and Councillor Richards was the Leader of the Labour Group.

It was proposed, duly seconded and

RESOLVED:-

That Councillor Mrs. Wheeler be appointed Leader of the Council for the ensuing year.

CL/5. **APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Harrison was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

It was proposed, duly seconded and,

RESOLVED:-

That Councillor Harrison be appointed Deputy Leader of the Council for the ensuing year.

CL/6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman recorded his thanks to the people of South Derbyshire for the kindness and support given to himself and his consort during his year in office. He paid tribute to Councillor Lane who had recently completed the London Marathon in support of his chosen charity, raising the sum of £1,800. He also reported on other fund raising events, comprising the Charity Golf Competition, the Charity Concert and a carriage driving event. The Chairman had completed his aim of visiting all parts of the District during his year in office. Information was displayed on recent engagements, which the Chairman reported on. Particular reference was made to visits to Lullington Cricket Club, Newton Solney Primary School, and meeting with parishioners at morning worship, in churches throughout South Derbyshire.

CL/7. **LEADER'S ANNOUNCEMENTS**

The Leader referred to the first twelve months of the new controlling group's administration. She acknowledged the untimely death of former Councillor Bob Southern and paid tribute to the Chairman on his year in office. She referred to the controlling group's vision for South Derbyshire and the achievements made over the last year. In particular, she referred to the low Council Tax increase, the successful review of cultural services and the local knowledge of affordable housing needs, particularly in the rural areas. She spoke about the new leisure facilities being provided in Etwall and the other achievements throughout the Council.

CL/8. **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:-

***Environmental and Development Services Committee, 17th April 2008
(Minutes Nos. EDS/48 - EDS/53)***

***Development Control Committee, 22nd April 2008 (Minutes Nos. DC/116
- DC/121)***

***Housing and Community Services Committee, 24th April 2008 (Minutes
Nos. HCS/75 – HCS/86)***

***Licensing and Appeals Sub-Committee, 25th April 2008 (Minute No.
LAS/47)***

***Licensing and Appeals Sub-Committee, 28th April 2008 (Minute No.
LAS/50)***

***Finance and Management Committee, 1st May 2008 (Minutes Nos.
FM/142 – FM/153)***

***Overview and Scrutiny Committee, 7th May 2008 (Minutes Nos. OS/52 –
OS/57)***

***Development Control Committee, 13th May 2008 (Minutes Nos. DC/122 –
DC/127)***

***Licensing and Appeals Sub-Committee, 15th May 2008 (Minute No.
LAS/55)***

***Licensing and Appeals Sub-Committee, 15th May 2008 (Minute No.
LAS/60)***

CL/9. **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/10. **POLITICAL COMPOSITION**

The Council reviewed the political proportionality for the composition of Committees and Sub-Committees, calculated accordingly, to reflect the political proportionality of the Council.

RESOLVED:-

***That the allocation of seats to the political groups and the
independent Member attached at Annexe ‘A’ to these Minutes be
approved.***

CL/11. **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING
PANELS 2008/09**

The Council reviewed the composition of Committees, Sub-Committees and Working Panels for 2008/09. The Leader of the Opposition Group advised of appointments to fill two vacancies on the Licensing and Appeals Committee.

RESOLVED:-

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the ensuing year, as set out at Annexe 'B' to these Minutes, be received and noted.***
- (2) That the appointment of Chairmen and Vice-Chairmen be approved as indicated.***

CL/12. **COMPOSITION OF SUBSTITUTE PANELS**

RESOLVED:-

That the Group nominations of Members to serve on Substitute Panels, as set out at Annexe 'C' to these Minutes be received and noted.

CL/13. **APPOINTMENT OF CHAIRMEN OF AREA MEETINGS**

RESOLVED:-

That the following Chairmen be appointed to the Area Meetings indicated below:-

***Etwall Area Meeting – Councillor Lemmon
Linton Area Meeting – Councillor Wheeler
Melbourne Area Meeting – Councillor Harrison
Newhall Area Meeting – Councillor Mrs. Farrington
Repton Area Meeting – Councillor Bladen
Swadlincote Area Meeting – Councillor Taylor***

CL/14. **REPRESENTATION ON OUTSIDE BODIES 2008/09**

The Leader of the Council advised that there would be a review of representation on outside bodies. This was to ensure that the organisations to which Members were appointed were still appropriate.

RESOLVED:-

That a report be submitted to the next appropriate Council Meeting on the outcome of this review.

CL/15. **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

RESOLVED:-

That the Annual Report of the Overview and Scrutiny Committee for 2007/08, a copy of which is incorporated in the Signed Minute Book at Annexe 'SMB2', be noted.

CL/16. **ANNUAL REPORT OF THE STANDARDS COMMITTEE****RESOLVED:-**

That the Annual Report of the Standards Committee for 2007/08, a copy of which is incorporated in the Signed Minute Book at Annexe ‘SMB3’ be noted.

CL/17. **LOCAL ASSESSMENT REGULATIONS AND STANDARDS BOARD FOR ENGLAND GUIDANCE**

It was reported that the Government had brought into force regulations relating to the conduct of local authority Members in England. In addition, the Standards Board for England (SBE) had produced its own guidance for local authorities to be mindful of when determining any matter under the local assessment regime.

All complaints against elected Members would now be received by the Standards Committee, rather than the SBE. In appropriate cases, they would be dealt with by way of investigation by the Monitoring Officer and if necessary, local determination by the Standards Committee. Serious cases would still be referred to the SBE for determination. The regulations provided that Standards Committees should establish sub-committees for the initial assessment, review and hearings processes. The report explained the requirements for different membership of the first and second sub-committees, with each being chaired by an independent member of the Committee. The proposed terms of reference for the three sub-committees were provided. There would be a requirement for an additional parish councillor to serve on the Standards Committee. This accorded with SBE guidance that there should be a minimum of three parish council representatives on the Standards Committee.

RESOLVED:-

- (1) That the Council increases the membership of the Standards Committee to eleven members, increasing the number of parish council representatives to three.***
- (2) That the Council establishes three Standards Sub-Committees for the Initial Assessment, Review and Hearings processes, the composition of which is as set out in the report.***
- (3) That the Council approves the terms of reference for the three Sub-Committees established above, as set out in Annexe ‘SMB4’ to the Signed Minute Book.***
- (4) That Council notes the transfer of responsibilities from the Standards Board for England to the Standards Committee for the local assessment of alleged breaches of the Members’ Code of Conduct.***

CL/18. **FORMAT OF MINUTES**

The Council was asked to consider a revised format for its Minutes for the new municipal year. Members were informed of the publication “Knowles on

Local Authority Meetings – A Manual of Law and Practice”. This was acknowledged as the authority on the law and practice of local authority meetings and decision-making. A number of extracts were provided in relation to the content of minutes and particularly those elements which should not be included within minutes. Background information was also provided to compare the Council’s existing minutes with a suggested model from the start of the new municipal year.

RESOLVED:-

That the revised format of Minutes be approved and adopted with effect from the new municipal year.

CL/19. **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 10th April 2008 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:-

Environmental and Development Services Committee, 17th April 2008

Housing and Community Services Committee, 24th April 2008

Licensing and Appeals Sub-Committee, 25th April 2008

Licensing and Appeals Sub-Committee, 28th April 2008

Finance and Management Committee, 1st May 2008

Licensing and Appeals Sub-Committee, 15th May 2008

M.J.P. BALE

CHAIRMAN
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