

MINUTES of the MEETING
of the SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 19th May 2016
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Atkin (Chairman), Councillor Murray (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

Labour Group

Councillors Bambrick, Chahal, Dunn, Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor and Tilley.

CL/1 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Wilkins (Labour Group).

CL/2 **MINUTES**

The Open Minutes of the Meeting of the Council held on 7th April 2016 (Minutes Nos. CL/126-CL/148) were taken as read, approved as a true record and signed by the Chairman.

CL/3 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

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 Wheeler was Leader of the Conservative Group and Councillor Richards was Leader of the Labour Group.

RESOLVED:-

That Councillor 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 Mrs Coyle was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

RESOLVED:-

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

CL/6 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined the various engagements he had attended since the last Council on 7th April 2016, namely a civic tour of Charles Darwin's birthplace in Litchfield; attendance at Melbourne's Operatic Society's performance of Princess Ida; the Diamond Anniversary Concert of the Derbyshire Police Male Voice Choir at Derby Cathedral; the lighting of the Eureka Park Beacon to mark Her Majesty's 90th Birthday celebrations; the St Georges Day Parade at Calke Abbey; the Golden Anniversary event at Scropton Riding School for the Disabled, attended by Her Royal Highness the Princess Royal; the 5th Annual Sports Awards at the Pingle School; the Careers/Jobs Fair at the Greenbank Leisure Centre; a tour of the Toyota car factory; completion of the Three Marina's Charity Walk; the Festival of Transport in Swadlincote; the official opening of the dipping pond at the Rosliston Forestry Centre and the recent Liberation Day event.

The Chairman commented that throughout his year in office he had enjoyed meeting many talented individuals and successful businesses, also applauding Members and Officers for their vision, contribution and decisions. The Chairman thanked Members for having granted him his second term of office.

CL/7 **ANNOUNCEMENTS FROM THE LEADER**

The Leader provided an update on the Derbyshire Devolution Deal process, in that meetings were still ongoing amongst Derbyshire Authorities.

Officers were commended for achieving affiliation to the World Health Organisation's Healthy Cities project.

Reference was made to Lewis White, a local disabled swimmer, who, following recent successes, was to be congratulated on being successful in selection for the Paralympics in Rio.

The Leader joined Members in thanking Councillor Atkin for his year in office as Chairman.

CL/8 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive echoed his praise for the Chairman on behalf of Officers.

The Chief Executive also made reference to the following:

- The Notice of Referendum had now been posted, with all being urged to ensure they registered to vote by 7th June 2016.
- Pupils from the William Allitt School to run a market stall as part of their Enterprise Skills initiative, in aid of the Whizz Kids charity.
- The Aviva Women's Cycling Tour of Great Britain visits South Derbyshire on the 18th June 2016.
- The recent Festival of Transport had enjoyed another successful year. Now deemed a Regional Event, the Chief Executive confirmed that enhanced processes would be applied in future years to deal with the logistics of this growing event.
- The Jobs Fair had again proved popular. Such events to be further co-ordinated across the region to maximise their impact.
- The Business Advice Service had achieved further good outcomes – advice given to 174 businesses, 63 employed and 22 business start-up's assisted.
- The Chief Executive referred to the challenge of improving Swadlincote town centre, with Economic Development Funds available to improve standards around The Delph. To this end, new businesses were being approached.

CL/9 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed no questions had been received.

CL/10 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The following question had been received, on notice, from Councillor Mrs Brown to the Chairman of the Environmental and Development Services Committee:

“I would be grateful for a progress report on the Local Plan for the information of this Council at this meeting. A response by the Chairman of Environment and Development Services is requested.”

The Chairman of the Environmental and Development Services Committee reported that Part One of the Local Plan was now in a position to be adopted and in order to achieve this, a Special Council had been requested for Monday 6th June 2016. Once adopted, the Local Plan Part One would be subject to a six week legal challenge period. Part Two of the Local Plan would undergo further periods of consultation before its adoption could be considered in 2017.

Councillor Mrs Brown welcomed this news and thanked the Officers involved and the Committee Chairman for his update.

The Chief Executive confirmed that a Special Council had been agreed for Monday 6th June 2016.

CL/11 **NOTICES OF MOTION**

Council were informed that no notices of motion had been received.

CL/12 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees be approved as a true record:-

Overview and Scrutiny Committee, 23rd March 2016 (Minute Nos. OS/54-OS/63)

Etwall Joint Management Committee, 11th April 2016 (Minute Nos. EL/42-EL/45)

Planning Committee, 12th April 2016 (Minute Nos. PL/198-PL/210)

Environmental and Development Services Committee, 14th April 2016 (Minute Nos. EDS/92-EDS/103)

Housing and Community Services Committee, 21st April 2016 (Minute Nos. HCS/99–HCS/110)

Councillor Richards, in relation to Minute No. HCS/106, referred to the influx of swimmers from outside the District following the closure of facilities in Derby City and queried what provision was being made. The Director of Community and Planning Services confirmed that the Council was looking to extend its provision to meet the current and future demand and would report back to Members once the review had been completed.

Councillor Richards also raised comment with regard to Minute No. HCS/107, relating to the Aviva Women's Cycling Tour, querying the publicity opportunities. The Director of Community and Planning Services stated that having received approval from the County Council and the promoters, that a promotional campaign was underway, with further promotions planned. Councillor Dunn requested that promotional material be considered for the Sainsbury's / Newhall area.

Licensing and Appeals Sub-Committee, 25th April 2016 (Minute Nos. LAS/54-LAS/59)

Finance and Management Committee, 28th April 2016 (Minute Nos. FM/129-FM/138)

CL/13 **POLITICAL PROPORTIONALITY**

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by the Local Government (Committees and Political Groups) Regulations 1990.

A report was submitted which confirmed the political composition of the Council. It also set out the requirements to review representation of the different political groups at, or as soon as practicable after, the Annual Meeting of the Council.

RESOLVED:-

- (1) That in accordance with Council Procedure Rule No. 1.1(e) the Council appoints the Committees and Sub-Committees as set out at Annexe "A" to these Minutes, together with the six Area Forums detailed in Article 9 of the Council's Constitution.***
- (2) That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2016/17.***
- (3) That the Council allocates seats between the Political Groups as set out at Annexe "A" to these Minutes and invites the two Groups to make nominations to fill these seats.***

CL/14 **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2016/17**

The Leader thanked those retiring from Chairman positions and welcomed new Chairmen.

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2016/17.

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 appointments of Chairmen and Vice-Chairmen be approved as indicated.***

CL/15 **COMPOSITION OF SUBSTITUTE PANELS**

Members reviewed the composition of the Substitute Panels for 2016/17.

RESOLVED:-

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

CL/16 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2016/17**

RESOLVED:-

That Council approves the schedule of persons nominated to serve on Outside Bodies for 2016/17, as set out at Annexe “D” to these Minutes.

CL/17 **APPOINTMENT OF MEMBER CHAMPIONS**

RESOLVED:-

That Council approves the schedule of Members Champions for 2016/17 as set out at Annexe “E” to these Minutes.

CL/18 **APPOINTMENT OF CHAIRMEN AT AREA FORUMS**

RESOLVED:-

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

*Etwell Area Forum – Councillor Mrs. Brown
Linton Area Forum – Councillor Murray
Melbourne Area Forum – Councillor Harrison
Newhall Area Forum – Councillor Bambrick
Repton Area Forum – Councillor Smith
Swadlincote Area Forum – Councillor Rhind*

CL/19 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2015/16**

The Chairman of the Committee presented the Annual Report to Council.

RESOLVED:-

That the Council receives the annual report of the Overview and Scrutiny Committee for 2015/16

CL/20 **CYCLE OF MEETINGS 2016/17**

RESOLVED:-

That the Council approves the Cycle of Committee meetings scheduled for 2016/17.

CL/21 **SCHEME OF DELEGATION**

RESOLVED:-

That, in accordance with Council Procedure Rule No. 1.1 (f) of the Council’s Constitution, Council approved the Scheme of Delegation, to form Part 3 of the Council’s Constitution.

CL/22 COMMUNITY GOVERNANCE REVIEW: NEWHALL AND STANTON – DRAFT PROPOSALS

The Chief Executive presented the report to Council, highlighting the current position following the Stage One consultation, emphasising that it does not mean that the Draft Proposals cannot be amended, that further consultation will dictate the final proposals scheduled to be put to Council in September.

Councillor Richards stated that in carrying out the review, it should be reflective of the community and that those involved should possess a full understanding of the issues. Having discovered that a number of representations had been made by individuals living outside the Newhall and Stanton area, the Councillor questioned the scrutiny and integrity of the review process, requesting sight, and scrutiny, of the original petition. He also asserted that some who were approached regarding the review had been misled and expressed his view that as such, claims of maladministration could be made, leading to the potential for a judicial review. Councillor Richards stated that he was not personally for or against the proposals, but he wanted to ensure that it was based on valid information. He further stated that whilst the true cost of any precept was unknown, Newhall and Stanton residents should be fully informed and therefore moved that the matter be deferred pending investigation of the issues.

The Chief Executive confirmed the Community Governance Review process, as prescribed in the Local Government and Public Involvement in Health Act 2007 and that the Act requires that the petition contains 7.5% of the relevant population to be compliant. Close scrutiny of the petition had been made until a 8.5% position was reached, in excess of the requirement to make it valid.

The Leader stated that he had no prior knowledge of any doubts over the validity of the petition and held no preconceived view on the formation of a Newhall and Stanton Parish Council. He stated that it was a matter for the residents to respond to the consultation, ideally in greater numbers than for the Stage One consultation. The Leader also emphasised that no final decision was being made by Council that evening, just approval for the process to continue.

Councillor Mrs Patten stated that she understood the concerns being expressed, that people need to understand the consequences of forming a parish council and also hoped for a better response to the next consultation. Councillor Dunn stated that residents were not aware of what they were signing up to, also querying whether Members were best qualified to determine this matter. Councillor Mrs Stuart claimed that there was much misunderstanding relating to the formation of a parish council and queried the methods employed by those collecting signatures.

Councillor Ford stated that an average annual precept equated to around £0.45 per week, representing good value in his opinion and that he would not be looking to defer the matter. Councillor Mrs Brown stated that even with a small number of potentially suspect representations, it left a clear majority in favour of the proposal. Her experience of parish councils was a positive one,

that residents gain from this form of localism in action. Councillor Mrs Coe stated that as a Parish Councillor as well as a District Councillor she supported the proposals, but agreed that people need to express their views. Councillor Grant stated that there was a responsibility that all were informed and that the residents of Newhall and Stanton need to make the decision, that the 20% against should not dictate progress. He saw no benefit in delaying the process, but echoed the desire for a better response from the majority.

Councillor Richards noted the comments made and whilst he had no prejudice either way, if the process was flawed it could be liable to future challenge. A recently conducted survey had shown that four to one of those surveyed were against the proposal.

The Chief Executive emphasised that members needs to take all aspects on board before making a final decision, that queries relating to the methods employed by those groups canvassing opinions need to be made of those groups, not the Council. The Community Governance Review process follows the guidance, as copied to Members, the petition is valid and whilst the representations may be flawed, with a small number of entries from outside the area, Members were obliged to make decisions.

Councillor Richards sought assurance that, in relation to the petition, where more than two people were listed, those entries had been checked. The Chief Executive confirmed that the validity of these entries had been checked, with a number rejected before the aforementioned 8.5% level had been reached.

Councillor Southerd, whilst agreeing that Members would have to make the decisions, queried the level of knowledge people had when adding their signatures, the motives of individuals making the statements. He also referred to the potential flaws, whether they were major enough to cease the process and whether Members were content that the majority of residents actually wanted a parish council, given that they were, in his view, well represented with or without one.

The Chief Executive referred to the report submitted to Council on 21st January 2016, in which the Review timetable was detailed. Within that timetable, a period of analysis and evaluation of the Stage Two consultation commences on 4th July 2016. The Chief Executive invited Members to be part of this process, to scrutinise the representations received. He further asserted that the law dictates what should be done, that Officers cannot influence the matter either way.

The motion that the Community Governance Review process be deferred was put to Council and not carried. Councillor Richards requested that it be recorded that all eleven Labour Group Members present at the Meeting had voted for this motion.

The Leader, in proposing that the substantive recommendations now be put to Council, commented that it had been the best debate in Chamber he had experienced, also emphasising that the recommendations were not a final decision, just a decision to progress matters. He proposed a modest

amendment to the proposals, to include Member scrutiny of the consultation responses.

Councillor Watson stated his view that if a sufficient number petition for a Review, the Council is obliged to undertake one. The Chief Executive confirmed that the Council can reject a request if the petition was found to be invalid, but if valid, it is obliged to continue the process. Councillor Southerd felt that the legal terminology and jargon was potentially confusing for residents. The Chief Executive referred to the Terms of Reference, as submitted to Council on 21st January 2016, which was more plain English, as were the Draft Proposals being presented to this Council.

In line with the Council's Procedure Rules, Members requested a recorded vote on this matter.

The Members who voted for were: Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Murray, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

The Members who voted against were: Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor and Tilley.

RESOLVED:-

1.1 Members noted the results of the Terms of Reference consultation.

1.2 Members noted that the majority of the responses received were in favour of the proposal to form a Newhall and Stanton Parish Council and therefore the draft recommendation for further consultation be: 'To accept the majority representation from the people of Newhall and Stanton that a Parish Council be constituted for the area of Newhall and Stanton.'

1.3 Members agreed to the publication of the results of the Terms of Reference consultation.

1.4 That Members noted that a further period of consultation on the results of the initial consultation responses will take place.

1.4 That Members be invited to assist in the analysis and evaluation of the consultation.

1.5 That a further report will be brought to Council in order that a decision may be made in respect of the final recommendations of this Community Governance Review.

CL/23

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.

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council, held on 7th April 2016, (Minute Nos. CL/149-CL/151) were taken as read, approved as a true record and signed by the Chairman.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11

Council were informed that no questions had been received.

EXEMPT MINUTES

Council received and considered the Exempt Minutes of its committees.

RESOLVED:-

That the Exempt Minutes of the following committees be approved as a true record:-

Planning Committee, 12th April 2016 (Minute Nos. PL/211-PL/212)

Housing and Community Services Committee, 21st April 2016 (Minute Nos. HCS/111-HCS/113)

Licensing and Appeals Sub-Committee, 25th April 2016 (Minute Nos. LAS/60)

Finance and Management Committee, 28th April 2016 (Minute Nos. FM/139-FM/142)

RESTRUCTURE OF LEGAL AND DEMOCRATIC SERVICES

RESOLVED:-

That the recommendations set out in the report were approved.

The Meeting terminated at 7.45pm

COUNCILLOR N ATKIN

CHAIRMAN OF THE DISTRICT COUNCIL