

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 7th April 2005
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Chair), Councillor Jones (Vice-Chair) and Councillors Bambrick, Bell, Carroll, Dunn, Harrington, Isham, Lauro, Mulgrew, Pabla, Richards, Shepherd, Southerd, Southern, Stone, Taylor and Wilkins.

Conservative Group

Councillors Atkin, Bladen, Ford, Mrs. Hall, Harrison, Hood, Mrs. Littlejohn, Nalty and Shaw.

Independent Member

Councillor Mrs. Walton.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Lane, Murphy and Whyman, M.B.E. (Labour Group) and Councillors Bale, Mrs. Hood, Lemmon, Mrs. Renwick and Mrs. Wheeler (Conservative Group).

CL/142. **MINUTES**

The Open Minutes of the Meeting of the Council held on 28th February 2005 (Minutes Nos. CL/124 – CL/138) were taken as read, approved as a true record and signed by the Chair.

CL/143. **DECLARATIONS OF INTEREST**

Councillor Mrs. Mead (Chair) and Councillor Jones (Vice-Chair) declared prejudicial interests in the application for Community Partnerships Scheme funding from the Phoenix After School Club, as members of the organisation's committee.

Councillor Ford declared a prejudicial interest in the item on the Community Partnerships Scheme relating to the previous application from Findern Parish Rooms, as a member of the organisation's committee.

Councillor Richards declared a personal interest in the Notice of Motion submitted by himself due to his employment with the Derbyshire County Council.

All Members present declared interests in the item on Members' Allowances but, in accordance with Clause 10(2)(g) of the Members' Code of Conduct, regarded themselves as not having a prejudicial interest as the matter related to a function of the Authority in respect of an allowance or payment made under Sections 173 – 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989.

CL/144. **CHAIR'S ANNOUNCEMENTS**

The Chair welcomed Jayne Jones to the Meeting, the Director of Corporate Services who started her employment with the Council on Monday, 4th April. The Chair thanked those who had supported her Civic Dinner on 5th March 2005 and reported that she had recently visited two elderly residents on the occasions of their 100th and 106th birthdays.

The Chair expressed her best wishes to Councillor Lane on his forthcoming participation in the London Marathon on 17th April and thanked him for his efforts in raising money for her Charity Appeal. The Chair's Charity Golf Competition would be held at the Branston Golf and Country Club on 20th May 2005 and further details and entry forms were now available.

CL/145. **LEADER'S ANNOUNCEMENTS**

On behalf of the Leader of the Council, the Deputy Leader reiterated the welcome afforded to Jayne Jones, Director of Corporate Services. She also welcomed the recent National Lottery funding in the sum of £225,000 over a period of three years towards the continuing development of the Old Post Centre at Newhall. Members expressed their congratulations to those involved in the preparation of the funding bid.

CL/146. **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:-

Development Control Committee, 1st March 2005 (Minutes Nos. DC/109 - DC/114)

Environmental and Development Services Committee, 3rd March 2005 (Minutes Nos. EDS/62 - EDS/66)

Housing and Community Services Committee, 10th March 2005 (Minutes Nos. HCS/92 - HCS/98)

(The Chair of the Committee referred to the work of the Tenant Liaison Officers during the last year in achieving income at a level of 102% and requested that letters be forwarded to the Officers concerned congratulating them on their efforts. He also expressed his gratitude to Members for the decision to invest in new computer equipment, which had also contributed to the figure achieved.)

Finance and Management Committee, 17th March 2005 (Minutes Nos. FM/113 - FM/118)

(Minute No. FM/115, Reports of Overview and Scrutiny Committees - Councillor Harrison referred to his comments made at the Meeting regarding inconsistencies and in response, the Chair of the Committee advised that as part of the Comprehensive Performance Assessment, the Council had been advised that project management could be improved and this would be addressed in the Corporate Plan.)

Community Scrutiny Committee, 21st March 2005 (Minutes Nos. CYS/32 - CYS/35)

Development Control Committee, 22nd March 2005 (Minutes Nos. DC/115 - DC/125)

Corporate Scrutiny Committee, 29th March 2005 (Minutes Nos. COS/27 - COS/29)

Overview Committee, 4th April 2005 (Minutes Nos. OV/30 - OV/34)

CL/147. **NOTICE OF MOTION**

It was reported that, in accordance with Council Procedure Rule No. 12, Councillor Richards had given notice of the following motion:-

“This Council commends the Government’s intentions and actions to end child poverty and fully supports the initiative by the Local Government Association in setting a partnership accord between the Local Government Association, Department for Work and Pensions, HM Treasury, Inland Revenue and The Department of Education & Skills.

We as a Local Authority deal with a combination of issues and many aspects, which touch the lives of children and are uniquely placed to play an active part.

Therefore this Council will work in partnership with other bodies to formulate and agree local public service agreement targets, which will contribute to the eradication of Child Poverty.

We further state that we will embark on a District wide campaign to ensure that all families on low income are informed of their entitlement to Tax Credits and benefits and work to remove any barriers impeding take-up.”

Councillor Richards proposed the Motion, which was duly seconded.

Councillor Harrison proposed the following amendment to the Motion, which was duly seconded:-

“This Council notes the Government’s intentions and actions to end child poverty but deplores the lack of progress to date. However, we fully support the initiative by the Local Government Association in setting a partnership accord between the Local Government Association, Department for Work and Pensions, HM Treasury, Inland Revenue and The Department of Education & Skills.

We as a Local Authority deal with a combination of issues and many aspects, which touch the lives of children and are uniquely placed to play an active part.

Therefore this Council will work in partnership with other bodies to formulate and agree local public service agreement targets, which will contribute to the eradication of Child Poverty.

We further state that we will embark on a District wide campaign to ensure that all families on low income are informed of their entitlement to Tax Credits and benefits and work to remove any barriers impeding take-up.”

The amendment was debated, put to a vote and lost.

RESOLVED:-

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

“This Council commends the Government’s intentions and actions to end child poverty and fully supports the initiative by the Local Government Association in setting a partnership accord between the Local Government Association, Department for Work and Pensions, HM Treasury, Inland Revenue and The Department of Education & Skills.

We as a Local Authority deal with a combination of issues and many aspects, which touch the lives of children and are uniquely placed to play an active part.

Therefore this Council will work in partnership with other bodies to formulate and agree local public service agreement targets, which will contribute to the eradication of Child Poverty.

We further state that we will embark on a District wide campaign to ensure that all families on low income are informed of their entitlement to Tax Credits and benefits and work to remove any barriers impeding take-up.”

(Councillor Richards declared a personal interest in this matter due to his employment with the Derbyshire County Council).

CL/148. **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/149. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

There were no amendments to the compositions of Committees, Sub-Committees and Working Panels.

CL/150. **SUBSTITUTE PANELS**

There were no amendments to the compositions of Substitute Panels.

CL/151. **REPRESENTATION ON OUTSIDE BODIES**

There were no amendments to the Council’s representation on outside bodies.

CL/152. **TIMETABLE OF MEETINGS 2005/06**

Members considered a proposed timetable of Meetings for 2005/06.

RESOLVED:-

That the timetable of Meetings for 2005/06 attached at Annexe 'A' to these Minutes be approved.

CL/153. **MEMBERS' ALLOWANCES 2005/06**

Members were reminded that at the Council Meeting held on 6th November 2003, consideration was given to a report of an Independent Remuneration Panel on Members' allowances. The recommendations contained in the report were accepted but, on the grounds of affordability at that time, it was agreed that the basic and special responsibility allowances be increased by the annual local government pay percentage increase agreed each April plus a further 6.6% for the next three years to move towards the Panel's recommendations in terms of these allowances. An option was also reserved to move towards the Panel's recommendations at a revised rate, dependent upon the Council's resources in future years.

In July 2004, the Service and Financial Planning Working Panel had recommended the allocation of the necessary financial provision to enable the full levels of allowances contained in the report of the Independent Remuneration Panel to be met. This recommendation had subsequently been approved by the Finance and Management Committee. The agreed pay percentage increase for 2005/06 was 2.95% and details of the current levels and the proposed levels with effect from 19th May 2005 were as follows:-

	2004/05	2005/06
BASIC ALLOWANCE	£4,983	£5,130
SPECIAL RESPONSIBILITY ALLOWANCES		
Leader of the Council	£16,440	£16,926
Deputy Leader of the Council	£9,042	£9,309
Chairs of Policy Committees (x 3)	£8,220	£8,463
Vice-Chairs of Policy Committees (x 3)	£2,055	£2,115
Chair of Development Control Committee	£8,220	£8,463
Vice-Chair of Development Control Committee	£2,055	£2,115
Chairs of Scrutiny Committees (x 3)	£6,576	£6,771
Vice-Chairs of Scrutiny Committees (x 3)	£1,644	£1,692
Leader of Opposition	£8,220	£8,463
Deputy Leader of Opposition	£2,055	£2,115
Chair of Standards Committee	£1,644	£1,692
Co-opted Members (x 4)	£258	£267

The new levels of allowances for 2005/06 would be advertised in the local press and these levels could be met from existing budgets.

RESOLVED:-

That the levels of Members' allowances paid for the municipal year 2004/05 and proposed for 2005/06 be approved.

(All Members present declared interests in this matter but, in accordance with Clause 10(2)(g) of the Members' Code of Conduct, regarded themselves as not having a prejudicial interest as the matter related to a function of the Authority in respect of an allowance or payment made under Sections 173 – 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989).

CL/154. **CIVIC ALLOWANCES 2005/06**

It was reported that under the provisions of the Local Government Act 1972, the Council may pay reasonable allowances to the Chair (Section 3(5)) and Vice-Chair (Section 5(4)) of the Council. The levels of allowances were considered by the Overview Committee at its Meeting held on 1st November 2004 as part of a review of the role of the Chair and Vice-Chair of the Council. The Committee noted that there had been no substantial increase in the allowances paid to the Chair and Vice-Chair for several years and Members had expressed great concern that the current allowances (£4,640 and £450 for 2004/05) were insufficient to enable the roles to be fulfilled properly, particularly in respect of necessary expenses. Accordingly, a recommendation was made to the Finance and Management Committee that the allowances payable to the Chair and Vice-Chair be increased for 2005/06 to reflect the Special Responsibility Allowances paid to the Chair and Vice-Chair of the Scrutiny Committees (£6,771 and £1,692 respectively).

The budgetary provisions for 2005/06 for the Chair and Vice-Chair were in the sums of £4,780 and £460 respectively. However, following the above recommendation to the Finance and Management Committee, a Service Development Bid for an additional sum of £3,200 had been submitted and approved and accordingly, this would now enable the allowances to be paid at the levels recommended by the Overview Committee.

RESOLVED:-

That the levels of Civic allowances for 2005/06 for the Chair and Vice-Chair of the Council be fixed in the sums of £6,771 and £1,692 respectively.

CL/155. **APPOINTMENTS – INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

It was reported that the Local Government Act 2000 required the Council to establish a Standards Committee with at least 25% of Members being Independent Members. This Council's Standards Committee was currently composed of eight members, as follows:-

- (a) Three Councillors, including the Chair of the Council, being two Members from the majority party and one Member from the minority party (District Council Members).

- (b) Three people who were not Councillors or Officers of the Council or on any other body having a Standards Committee, one of which would be the Chair of the Committee (Independent Members).
- (c) Two Members of Parish Councils wholly or mainly in the Council's District (Parish Members).

On 21st June 2001, Full Council appointed three Independent Members to the Council's Standards Committee for a period of four years. The terms of office of these appointments would end on 21st June 2005 and it was therefore necessary to advertise in at least one or more newspapers circulating in the area of the Authority for three Independent Members to sit on the Committee. Members considered a proposed advertisement, an overview of the role and a person specification.

It was proposed that the Chief Executive be authorised to undertake the shortlisting and interviews with those applicants who met both the legal eligibility criteria and the essential skills, knowledge and experience that would be assessed from their applications, as identified in the person specification. The shortlisting and Interview Panel would comprise of the Chief Executive, together with the Head of Legal and Democratic Services and the Head of Human Resources. Although the successful candidates would not become employees of the Council, it was considered best practice for the advertisement, shortlisting and interviews of candidates to be completed in line with the Council's Recruitment and Selection Procedure and Equal Opportunities Policy.

Following the interviews, a provisional offer would be made to the successful candidates, explaining that the offer would be subject to approval by the Full Council. A further report would then be submitted to the Full Council, providing details of the provisional successful candidates and at this stage, Members would be able to raise any objections to the decision-taking. If no objections were raised or the Chief Executive considered that they were not material or well-founded, the appointments would be confirmed. If an objection was considered to be material and well-founded, this would be discussed further with the Interview Panel and a decision taken on whether the appointment could continue.

There was a legal requirement that a person may not be appointed as an Independent Member of a Standards Committee unless the appointment was:-

- (a) approved by a majority of the members of the Authority.
- (b) advertised in one or more newspapers circulating in the area of the Authority;
- (c) of a person who had submitted an application to the Authority;
- (d) of a person who had not, within the period of five years immediately preceding the date of the appointment, been a Member or Officer of the Authority; and
- (e) of a person who was not a relative or close friend of a Member or Officer of the Authority.

The successful candidates would be appointed for a period of four years and would be entitled to reimbursement of a travel allowance and Dependent/Childcare allowance in appropriate cases. An annual allowance of £267 would be paid, increasing to £1,692 per annum for the Chair of the Committee.

Members paid tribute to the service of the Independent Members of the Standards Committee during the previous four years.

RESOLVED:-

- (1) That the appointment of three Independent Members to the Council's Standards Committee be approved.***
- (2) That the advertisement, overview of role and person specification for the appointment of the three Independent Members be approved.***
- (3) That the Chief Executive be authorised to shortlist and interview applicants for the three positions of Independent Members of the Standards Committee.***
- (4) That a further report be submitted to the Council recommending the appointment of three Independent Members to the Council's Standards Committee.***

CL/156. **COMMUNITY PARTNERSHIPS SCHEME**

It was reported that a revamped Community Partnerships Scheme was re-launched midway through 2002/03, offering capital grants of up to £25,000 to projects brought forward from the voluntary community sector. A Panel, initially comprising three Councillors, later increased to five, with advice from the Partnership Development Officer was established to assess projects against set criteria and make recommendations on grant distribution. In addition to simply operating a grants programme, the Community Partnerships Scheme, through the Partnership Development Officer and the Community Partnership Officer was also able to offer some advice in relation to funding applications, sources of funding and project development. In some instances, the Officer was able to offer direct project development support.

The amount of grant available for distribution through the Scheme had been increased from £50,000 in 2002/03 to £150,000 in 2003/04 and 2004/05. The total available for distribution this year was £176,975, as £26,975 had been carried forward from last year's scheme due to underspend. In rounds two and three of the Scheme, ten grants totalling £141,867 had been awarded and these were outlined to Members. The applications received and considered for the fourth round were as follows and details of the applications were outlined to Members:-

Applicant and Project	Amount Requested
Phoenix After School and Holiday Club – Phase 1 refurbishment	£7,525
Recreation in Aston – Recreational facility pre-build project	£13,521

The Community Partnership Scheme Assessment Panel met on 22nd February 2005 and scored the applications against the questions and weightings previously agreed during the re-launch of the Scheme. Initial recommendations were presented to the Housing and Community Services Committee on 10th March 2005, but as the Panel was inquorate at the time of making the recommendations, it was decided that it would need to reconvene, consider an application from the Friends of Coton Park and submit recommendations. Accordingly, the Panel had reconvened on 21st March 2005. As the original Panel had previously been quorate at the time of assessing the applications from the Phoenix After School and Holiday Club and Recreation in Aston, the reconvened Panel was happy for the original scores and recommendations to stand. The Panel decided that the application from the Friends of Coton Park would need to be resubmitted, clearly illustrating project ownership and community involvement. The award of the grants were contained within the Community Partnerships budget allocation.

Councillor Taylor requested a further report on funding in the area from the Community Partnerships Scheme, identifying the Council's contribution together with the total funding generated.

RESOLVED:-

That grants totalling £21,046 be awarded, as follows:-

Phoenix After School Club - £7,525

Recreation in Aston - £13,521

(Councillor Mrs. Mead (Chair) and Councillor Jones (Vice-Chair) declared prejudicial interests in the application from the Phoenix After School Club as members of the organisation's committee and withdrew from the Meeting during the consideration and determination of this application – Councillor Dunn assumed the Chair for this matter. Councillor Ford declared a prejudicial interest in the previous application from the Findern Parish Rooms as a member of the organisation's committee and withdrew from the Meeting during the discussion relating to this matter.)

CL/157. **LOCAL GOVERNMENT 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 28th February 2005 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, 3rd March 2005

Housing and Community Services Committee, 10th March 2005

Finance and Management Committee, 17th March 2005

MRS. J. MEAD

CHAIR