

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 3rd July 2008
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

Councillors Dunn, Mrs. Gillespie, Mrs. Lane, Lane, Mrs. Mead, Pabla, Rhind, Richards, Shepherd, Southerd, Taylor and Tilley.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Mrs. Farrington and Timms (Conservative Group), Councillors Bambrick and Wilkins (Labour Group) and Councillor Mrs. Brown (Independent Member).

CL/22. **MINUTES**

The Open Minutes of the Annual Meeting of the Council held on 22nd May 2008 (Minutes Nos. CL/1 - CL/19) and of the Civic Meeting of the Council held on 29th May 2008 (Minutes Nos. CC/1 – CC/4) were taken as read, approved as true records and signed by the Chairman.

CL/23. **PRESENTATION BY GROUNDWORK DERBY AND DERBYSHIRE**

The Council received a presentation from John Bowie, the Executive Director of Groundwork Derby and Derbyshire. He was accompanied by Adam Jacobs, who would shortly replace Mr. Bowie as the Executive Director. A brief overview was given of the many projects that Groundwork Derby and Derbyshire were delivering, with particular emphasis on those in South Derbyshire. The range of projects covered environmental, social and economic schemes. Specific examples were given of works in Overseal, the Poppy Wood in Melbourne, the Hilton Village Master Plan and support for small and medium enterprises. The presentation touched on financial issues and for South Derbyshire's £30,000 contribution, nearly £800,000 worth of projects had been delivered in the local area. Future issues and objectives were then discussed, with specific reference made to the new National Indicators and the areas that Groundwork Derby and Derbyshire were interested in working with the Council on.

Questions were invited and the first concerned whether the scope of environmental projects could be extended to include garden works for elderly residents. Such projects were undertaken in other areas through the use of an independent labour market. This provided a valuable service and gave

skills training to those who were unable to get employment presently. Reference was made to Groundwork Derby and Derbyshire's work with the LSP and the SRB scheme previously. There was a wish to continue the excellent working relationship with Groundwork and personal thanks were recorded to Mr. Bowie.

CL/24. **DECLARATIONS OF INTEREST**

It was reported that all Members of the Development Control Committee would withdraw during the consideration of an Exempt item on the Council's Depot. This was the subject of further planning applications and it was necessary to avoid any potential predetermination of this matter. Councillors Ford, Harrison, Richards and Southerd declared prejudicial interests in respect of the item on the consolidation of powers for civil parking enforcement, as either a Member or employee of Derbyshire County Council. Councillors Mrs. Coyle, Harrison, Lane, Mrs. Mead and Mrs. Patten declared prejudicial interests in respect of the item on the Sharpe's Pottery Museum and Heritage Trust, as Board Members of the Trust.

In response to a Member's question, clarification was provided on why Council appointed Members to outside bodies had to declare prejudicial interests, given the financial aspects of the item under consideration.

CL/25. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported that the theme for her year in office would be "A Woman's Work". She had attended various engagements over recent weeks, referring to Civic Services and the commemoration of the 100th Anniversary of the formation of the Territorial Army. Her forthcoming events included a performance by the Toyota City Junior Orchestra, in the Melbourne Parish Church.

CL/26. **LEADER'S ANNOUNCEMENTS**

The Leader confirmed that she and the Chief Executive had attended the LGA Conference at Bournemouth this week.

CL/27. **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:-

Standards Committee, 28th May 2008 (Minutes Nos. SC/1 - SC/9)

Environmental and Development Services Committee, 3rd June 2008 (Minutes Nos. EDS/1 - EDS/9)

(Minute No. EDS/4 – It was acknowledged that the planned meeting with representatives of East Midlands Airport had been cancelled at short notice, which was a disappointment. It was expected that this meeting would be re-arranged for early September.

Minute No. EDS/6 – In response to a question about dog control orders, the Chairman of the Committee provided information about the consultation arrangements and the opportunity for Member input, before this matter was reconsidered by the policy committee.

Minute No. EDS/8 – A Member questioned the potential for further public place orders and whether suggestions should be submitted. In reply, it was noted this area of the law was used rarely and significant evidence was required to get the necessary police support for such orders.)

Housing and Community Services Committee, 5th June 2008 (Minutes Nos. HCS/1 - HCS/11)

Development Control Committee, 10th June 2008 (Minutes Nos. DC/1 - DC/9)

Finance and Management Committee, 12th June 2008 (Minutes Nos. FM/1 - FM/13)

(Minute No. FM/2 – Councillor Mrs. Plenderleith had declared a personal interest in respect of the item on growth point funds, rather than Councillor Mrs. Coyle. A question was submitted about the amount of growth point funds secured and how these had been used previously. Information would be provided to the Member.

Minute No. FM/10 – It was noted that a nomination was still sought from the Opposition Group of its Training Champion.)

Overview and Scrutiny Committee, 25th June 2008 (Minutes Nos. OS/1 – OS/6)

Finance and Management Committee (Special), 26th June 2008 (Minutes Nos. FM/21 – FM/24)

Area Meetings

Newhall, 15th May 2008 (Minutes Nos. NA/15 - NA/18)

Etwall, 21st May 2008 (Minutes Nos. EA/16 – EA/20)

Melbourne, 28th May 2008 (Minutes Nos. MA/1 – MA/12)

Linton, 2nd June 2008 (Minutes Nos. LA/1 - LA/9)

Swadlincote, 4th June 2008 (Minutes Nos. SA/1 - SA/7)

Repton, 16th June 2008 (Minutes Nos. RA/1 – RA/9)

CL/28. 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/29. COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS

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

CL/30. **COMPOSITION OF SUBSTITUTE PANELS****RESOLVED:-**

- (1) That Councillor Rhind replaces Councillor Lane as a substitute Member on the Finance and Management Committee.***
- (2) That Councillors Mrs. J. Lane and R. Lane be appointed as substitute Members on the Etwall Leisure Centre Joint Management Committee.***

CL/31. **REPRESENTATION ON OUTSIDE BODIES**

There were no amendments to the Council's representation on Outside Bodies.

CL/32. **CONSULTATION PAPER – MOVING THE DATE OF LOCAL ELECTIONS TO THE SAME DATE AS EUROPEAN ELECTIONS IN 2009**

It was reported that the Department for Communities and Local Government had invited views on a proposal to change the date of the English Local Elections to Thursday 4th June 2009, the likely date of the European Parliamentary Election. The relevant sections of the consultation paper were submitted and in particular, views were sought on four specific questions within the paper. The Department had regard to the experience in 2004 when the turnout for combined elections was significantly higher than that for previous years.

Reference was made to a joint election in Scotland where problems had been encountered. Members felt that this was a fait accompli, but it was sensible in seeking to encourage participation, whilst saving on costs.

RESOLVED:-

That the Council supports and makes no objection to the proposal to change the date of the English local elections to combine them with the European Parliamentary Election.

CL/33. **BT PAYPHONE REMOVAL CONSULTATION**

It was reported that the Council had been contacted as part of a formal consultation process, on the programme of public payphone removals. The company wished to remove eighteen public payphones within the District and details were provided of the location of each payphone. Through the Council's website, local residents had been invited to submit comments, which would then be forwarded to BT.

Several Members spoke to this item, voicing their strong objection to the removal of the payphones, as they provided a vital community facility. The merits of retaining the payphone at Princess Street, Castle Gresley were stated and the needs of elderly residents were reported, with particular reference to the payphone in Smisby. There was a consensus that the Council should oppose the removal of all payphone kiosks and criticism that there were no actual usage levels to enable an objective assessment. It was

felt that payphones were well used and there were particular concerns for the most vulnerable people in society. A Member referred to previous consultations where payphones were removed despite representations being made. In some cases, the payphones were the only ones remaining in that rural area. The risks for young people were also stated, it being noted that the payphone outside the John Port School was due to be removed. The design of payphone kiosks was a further issue raised, as the glass panels should be replaced with Perspex to reduce vandalism and advertising obscured the inside of the kiosk.

RESOLVED:-

That a strongly worded response be submitted to this consultation document, on the basis outlined above.

CL/34. **LOCAL CODE OF CORPORATE GOVERNANCE**

A report was submitted about revised advice and guidance from the Chartered Institute of Public Finance and Accounting (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) on the adoption of a revised Local Code of Corporate Governance. During 2005, the Council undertook a review of corporate governance arrangements in accordance with CIPFA/SOLACE guidance. Subsequently, the Council's scheme was adopted in August 2005. This described the principles and arrangements that would continue to be made to achieve the principles of good corporate governance.

The detail of the report provided a definition of corporate governance and explained the purpose of a local code of governance. It stated the Council's commitment to corporate governance and explained how governance arrangements were measured against six core principles, which were set out within the report. A revised local code of corporate governance, based on the core and supporting principles was submitted. A Senior Officer Group had been established, which would meet on a 6-monthly cycle to assess the governance arrangements. The Group carried out an assessment against the CIPFA/SOLACE checklist to measure compliance with the six supporting principles. This self-assessment provided the evidence of how the Council had fulfilled or intended to fulfil its commitments and a copy of the self-assessment report was also provided. It was recommended that the Standards Committee and Audit Sub-Committee receive half-yearly reports on progress in relation to compliance with the core principles. As corporate governance was an all encompassing concept, it was recommended that the Leader of Council and the Chief Executive Officer would have overall responsibility for implementing the code and monitoring the Council's performance against the commitments contained within it.

RESOLVED:-

- (1) That Council adopts the revised Local Code of Corporate Governance, as submitted.***
- (2) That the Audit Sub-Committee and Standards Committee undertake half-yearly reviews on progress in achieving the action points set out in the Local Code of Corporate Governance and report back to Council annually.***

- (3) That the responsible officer for implementing the Code and monitoring the Council's performance against the commitments set out in it be the Chief Executive, in consultation with the Leader of the Council.**

CL/35. **LOCAL STRATEGIC PARTNERSHIP PROGRESS REPORT AND ACTION PLAN 2008/09**

It was reported that the South Derbyshire Local Strategic Partnership (SDLSP) was established in October 2003. Details were provided of its composition and one of its main purposes was to produce a community strategy. To ensure the SDLSP was delivering its vision, six broad themes were developed and for each theme an Action Plan outlined key activities which the LSP hoped to achieve for each year. Changes to the LSP meant a refocus on five themes and new structure for delivery. The new structure was shown as an annexe to the report. The LSP was managed through a Board, chaired by the local authority and it met four times each year. It monitored progress at each meeting, received presentations and assessed how actions were contributing to positive outcomes for the local community. There was also a strategic co-ordinating group and five themed groups, to manage day-to-day delivery against each theme. The action plan for 2007/08 showed achievements for the current year and examples were reported. The LSP had agreed the Community Strategy Action Plan for 2008/09, which gave the main areas of focus over the coming year. Examples were also provided of some of the key activities it was aimed to deliver.

The LSP was required to publish a new sustainable community strategy from April 2009. In consultation with others, a county-wide strategy was being prepared, with district-based chapters.

The final submission of the Derbyshire LAA had been agreed with the Government Office for the East Midlands. It would be forwarded to the Secretary of State for Communities and Local Government for consideration and consultation. The indicators would need to be reflected in the new Local Sustainable Community Strategy and linked to actions in each of the new theme group action plans. Progress would be made to ensure that the priorities that were not in the 35 LAA targets would be measured by other local indicators, primarily from the newly established 198 national indicators.

In response to a Member's question about the LAA, it was reported that a presentation had been sought for a future Council Meeting on this subject. The difficulties in formulating the 35 LAA targets were discussed and there had been a 9 month consultation process. It was pleasing that targets on road surface and safety issues had been retained. It was noted that several of the targets were particularly important as finance would follow function.

RESOLVED:-

That Council notes the progress made by the South Derbyshire Local Strategic Partnership in delivering outcomes for the people of South Derbyshire.

CL/36. **ANNUAL REPORT 2008/08**

The Council received its first Annual Report, which drew upon approved Corporate Plans, the end of year performance report and financial out-turn figures. A summary of accounts had been published in 2005/06 and 2006/07, alongside the larger statement of accounts.

It had been felt the Council should produce a much wider Annual Report that incorporated the summary of financial information, together with other information about the Council. The report had been managed and designed in-house. It presented a positive picture of actions undertaken by the Council together with its ambitions for 2008/09. The Annual Report would be launched on the website and a printed version made available to various organisations and individuals. It was requested that copies also be made available to the public on request and it was confirmed that this would be done. A Member commented on the document and its content, voicing gratitude to Officers for the work undertaken in producing it.

RESOLVED:-

That the Council approves the Annual Report for 2007/08 and that copies be made available as stated within the report and to the public on request.

CL/37. **CONSOLIDATION OF POWERS FOR CIVIL PARKING ENFORCEMENT**

Note: At 7.10 p.m. Councillors Ford, Harrison, Richards and Southerd left the Meeting for this item.

An update was provided on progress towards the county-wide introduction of Civil Parking Enforcement (CPE). Members were reminded of earlier reports, which had approved in principle the introduction of the powers and transfer of on-street parking responsibilities from the Derbyshire Constabulary. A CPE Project Board had been established and a draft joint agreement formulated for service delivery. The draft memorandum of understanding was presently on its 14th version and this was submitted for Members' information. The report explained the financial implications and the County Council now sought formal approval to support the application to the Secretary of State for the civil enforcement powers. The report set out the requirements on this Council to join a joint committee, the requirements relating to the clamping and the removal of vehicles and the need for off-street parking place orders, to coincide with the grant of civil parking enforcement powers.

In response to a Member's question on the memorandum of understanding, further information was provided on the officer working groups established. CPE had been considered by the Council on two previous occasions and an overview was provided of the issues raised and the decisions reached at those times. It was explained how the document was tailored for authorities like South Derbyshire that did not charge for car parking. It was also questioned whether Members would be involved regarding the Traffic Control Orders. As community leaders, Members had a local knowledge of particular problem areas and could provide input to Officers, so that resources were targeted effectively.

RESOLVED:-

- (1) That Council approves the County Council's application to the Department of Transport for Civil Parking Enforcement, Special parking Enforcement, Bus Lane Enforcement powers and moving contravention enforcement powers.***
- (2) That this Council agrees to join the "Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London" in accordance with the requirements of the Traffic Penalty Tribunal.***
- (3) That the Council approves in principle the powers to clamp and remove vehicles parked in contravention, provided that these powers will not be exercised without further approval from this Council.***
- (4) That the Council authorises the setting of the level of differential penalty charges at Band 2 as defined in the Civil Enforcement of Parking Contraventions (Guidance on Levels of Charges)(England) Order 2007.***
- (5) That approval be given to begin formal public consultation in respect of a Parking Order, which will reflect the changes in enforcement that will be brought about by the aforementioned powers, and associated costs in bringing this into being.***
- (6) The Council approves the appointment of bailiffs where necessary to recover unpaid parking debts, subject to appropriate legal and financial guidance being put in place to ensure they are used appropriately.***

Note: At 7.20 p.m. Councillors Ford, Harrison, Richards and Southerd rejoined the Meeting.

CL/38. DISABLED PERSONS PROPERTY ADAPTATIONS

It was reported that the demand for disabled persons property adaptations, both in the public and private sectors, continued to exceed the available budget. A report was submitted to identify an additional £200,000 worth of resources, to ensure that qualifying residents received necessary works to their homes, to improve their quality of life. This matter had been approved by the Housing and Community Services Committee and a recommendation made to the Council.

Members were reminded of the mandatory nature of Disabled Facility Grants (DFG's), the Government Grant support to fund private sector DFG's and the resources provided by this Council. In the public sector, works had to be funded through the Housing Revenue Account or Major Repairs Allowance. In the current year, the Primary Care Trust had announced it would make over £1million available across Derbyshire, to supplement private sector adaptation work. This was welcomed, but the resources had not yet been allocated. Adaptation works in the private sector, in South Derbyshire had currently ceased as available resources had been exhausted.

The overall public sector demand for grants at the end of May 2008 was £388,000. The position in the private sector was even more acute with overall demand being £867,000. The current process assessed demand without reference to resource availability. An outline was given of the process to assess grant applications. There was no prioritisation of need in the current system, which became an issue where demand exceeded available budgets. It was recommended that Officers continue to work with Social Services colleagues to agree an effective prioritisation system, to ensure that those in most urgent need were not disadvantaged.

A financial proposal was submitted. The Council had £500,000 set aside within the HRA as a contingency to supplement future planned maintenance expenditure. The proposal was to utilise £200,000 of this contingency, to fund the adaptations highlighted in the report, split equally between the public and private sectors. This was considered against the need to balance the overall HRA over the ten-year business planning period and current projections showed it to be in overall deficit by approximately £1.1million in 2018. The HRA had a more favourable outturn in the last financial year and £200,000 could be utilised, without affecting the £500,000 balance.

A Member spoke of the Council's commitment to meet the demand for these grants. Efforts were being made to prioritise grant works and to simplify the arrangements wherever possible.

RESOLVED:-

- (1) That the Council utilises £200,000 from the Housing Revenue Account "Supplementary Fund" to allow disabled persons' adaptations work to continue in both the public and private sectors.***
- (2) That Officers continue to work with Social Services colleagues at the County Council, to agree an effective prioritisation system, to ensure that those in most urgent need of adaptations are not disadvantaged.***

CL/39. **PURCHASE OF IT SOFTWARE TO SUPPORT CHOICE BASED LETTINGS AND HOMELESSNESS PROCESSES**

The Council's approval was sought to the purchase of appropriate IT software for the introduction of Choice-Based Lettings (CBL). Members were reminded of the previous consideration of CBL at Committee Meetings in the autumn of 2007 and spring of 2008. A successful application for grant funding was made to the Government for the Council to join the Derby City CBL, resulting in grant funding of £56,774. The Council had approved funding from the HRA reserves of up to £60,000 giving a total budget of £116,774. The Derby City system used an IT software product supplied by Abritas Limited and it would be necessary to negotiate with this Company, in order to join the Derby City CBL scheme. It was therefore proposed to suspend the Contract Procedure Rules, to enable the Council to enter into the contract with Abritas.

The report then looked at homeless persons' applications and there was a close relationship to the allocations process, which was explained within the

report. Abritas had a complimentary software product to the CBL module that would make the processing of homeless persons' applications more straightforward and closely aligned to the allocations process. This would assist uniformity of process and save time, requiring applicants only to complete one form. The costs associated with the CBL software, the complimentary software product and annual maintenance charges were reported. This was explained in greater detail in a financial proposal, set out within the report.

RESOLVED:-

That Contract Procedure Rules be suspended and that the Council enters into a contract with Abritas Limited, for the introduction of a choice based lettings system, in line with the Government grant.

CL/40. **MIDWAY FISHPONDS, MIDWAY**

In November 2006, the Housing and Community Services Committee considered an engineering survey into the condition of the Midway fishponds. In particular, the report concentrated on the integrity of the bank between the upper and lower ponds. A number of short-term temporary actions were recommended. From the 2008/09 budget process, the Council was not in a position to fund any priority long-term works at the site. It was agreed, because of the risks involved, the situation would be reviewed when finance became available. The consultants identified as a priority the reconstruction of the overflow channel and weir and work to level and protect the crest of the bank.

The total budget estimate for these works was £113,500, including design and supervision fees of £17,500. Given the importance of the works, the consultants had been asked to progress the design work up to a value of £2,000. This did not take the project much further forward. To allow this to progress to the critical stage of seeking tenders, a supplementary estimate of £17,500 was sought. Once the tender process had been completed, it would be necessary to report back on the full requirements to deliver the works.

RESOLVED:-

That a supplementary budget of £17,500 be approved to fund urgent works at Midway Fishponds.

CL/41. **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 Annual Meeting of the Council held on 22nd May 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, 3rd June 2008

Housing and Community Services Committee, 5th June 2008

Finance and Management Committee, 12th June 2008

COUNCIL DEPOT (Paragraph 3)

The Council authorised negotiations for the disposal and replacement of the Council's Depot.

SHARPE'S POTTERY MUSEUM AND HERITAGE TRUST (Paragraph 3)

The Council considered a request for financial support from the Board of the Sharpe's Pottery Museum and Heritage Trust.

REVIEW OF PLANNING SERVICE (Paragraph 2)

The Council approved the implementation of changes to the Planning staffing structure.

MRS. A. HOOD

CHAIRMAN