

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 19th January 2017
at 6.00pm

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick, Chahal, Dunn, Rhind, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins

CL/102 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Coe, Ford (Conservative Group) and Dr Pearson (Labour Group).

CL/103 **MINUTES OF ANNUAL COUNCIL**

The Open Minutes of the Council held on 3rd November 2016 (Minute Nos. CL/80-CL/98) were approved as a true record.

Councillor Shepherd referred to Minute CL/82, querying the figures relating to Planning Appeal costs and requested that the figures be itemised. The Chief Executive advised that total costs had been provided previously as requested. Council were advised that should itemised costs be required, then this instruction would need to be directed by Members. Council approved this proposal and the Chief Executive advised that these figures would be made available at a future Council meeting.

CL/104 **DECLARATIONS OF INTEREST**

The Chairman made a declaration on behalf of all Members in relation to Item 12 Members' Allowances Scheme.

Councillor Atkin declared a disclosable pecuniary interest in relation to Item 9 Local Plan Part 2 Submission, by virtue of his family owning farm land in the area.

CL/105 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined a summary of events since the last meeting held on 3rd November 2016, including the visit from the High Sherriff

of Derbyshire, Mrs E J Fothergill; the Christmas Light's Switch-On; his visit to the Royal Mail sorting office; the opening of the Needlecraft Centre; his two Men United Prostate Cancer charity bike rides; his visit to the Jack Bodell exhibition at Sharpe's Pottery and his visit to the Swadlincote Golf Centre.

CL/106 **ANNOUNCEMENTS FROM THE LEADER**

The Leader extended his best wishes for the New Year.

CL/107 **ANNOUNCEMENTS FROM HEAD OF PAID SERVICE**

The Chief Executive updated Council that the location of the Depot had been confirmed with the move scheduled for July 2017. The Chief Executive led Members in thanking the Town Team, Magic Attic and Sharpe's for the exhibition at Sharpe's Pottery for for Jack Bodell, he advised that it would close on the 4th February and encouraged Members to visit.

Councillor Richards, in relation to the announcements made by the Chairman and Chief Executive queried whether condolences had been conveyed on behalf of the Council to the family of the former Lord Lieutenant of Derbyshire, Sir John Bather. The Chief Executive advised Council that condolences had been sent. Councillor Richards also thanked and proposed that Graham Nutt be recognised for his voluntary services to the Magic Attic, which was approved by Council. An update on the opening of the Swadlincote Golf Club was requested by Councillor Richards to which the Chief Executive responded.

CL/108 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed that no questions had been received.

CL/109 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed that no questions had been received.

CL/110 **SEALED DOCUMENTS**

18.10.16 11520 Transfer – 4 Grange Close, Melbourne
09.11.16 11544 Transfer – 29 Windmill Road, Etwall
09.11.16 11545 Transfer – 1 Mount Pleasant Road, Repton
24.11.16 11557 Transfer – 29 Chatsworth Road, Newhall
02.12.16 11563 Transfer – 1 Truro Close, Midway
16.12.16 11584 Transfer – 38 Lincoln Way, Midway

Councillor Wilkins commented on the number of council houses sold and in relation to this, sought clarification on whether the number of new builds would equate to this. The Chief Executive advised Council information with regards to this would be provided in due course.

RESOLVED:

That the Sealed Documents listed, for which there is no specific authority, be duly authorised.

CL/111 **NOTICE OF MOTION**

In accordance with Council Procedure Rule No. 12, Councillor Swann had given notice of the following motion:

Burton Hospital's Accident and Emergency Services

“This Council unequivocally supports the retention of a full-fledged Accident and Emergency Department at Burton's Queen's Hospital as a vital, and indeed life-saving, facility for residents of South Derbyshire.

Therefore, this Council instructs the Chief Executive to write to the relevant NHS officials and clinicians, who make the decisions in respect of such matters, outlining the Authority's resolute and unwavering support for the continuation of Burton Hospital's Accident and Emergency services.”

Councillor Richards proposed an amendment to paragraph two of the motion, requesting the inclusion of ‘Her Majesty's Government’ to the list of bodies to be corresponded with; however this was not supported by Council.

Councillor Plenderleith, as the Council's representative on the Board of Governors for Burton Hospitals NHS Foundation Trust, advised Council on the Trust's position on the Sustainability and Transformation Plan (STP), outlining that the Trust had stated that they are committed to maintaining and developing a vibrant district general hospital in Burton. Whilst headlines in the local press may seem of concern, Members were advised that the Trust currently have no plans for the Emergency Department (ED) to close. Members were advised that as part of the STP's commitment to public consultation on major decisions, the views of all county residents would be respected when it came to discussing which ED may potentially turn into an Urgent Care Centre and other significant proposals within the STP.

RESOLVED:-

That the motion be carried.

Councillor Atkin left the Chamber at 6.25pm.

CL/112 **LOCAL PLAN PART 2 SUBMISSION**

The Planning Policy Manager presented the report to Council, summarising the process to date, including the three main modifications as required by the Inspector to ensure the Plan was sound and legally compliant.

Councillor Watson led Members in thanking and congratulating Officers for the comprehensive report. Councillor Watson proposed the report that had been previously discussed and approved by the Environmental and Development Services Committee.

Councillor Shepherd, as local Ward Member for Stenson, referred to the recent announcement regarding the Infinity Garden Village funding award and expressed disappointment at the lack of information and notice given to the local Members. He sought further clarification with regard to how the matter had been reported to Elected Members.

Councillor Southerd sought clarification on the criteria for the selection process in order to secure the funding and expressed surprise that the location qualified to be eligible, considering its proximity to Derby City. The Planning Policy Manager stated that all the required information had been submitted, which resulted in the successful outcome.

Councillor Richards requested Councillor Watson respond as to whether he had been informed on the matter. Councillor Watson advised that he was aware of the expression of interest but felt it was a confidential matter and as the expression of interest had not been accepted; it was too soon to make an announcement.

The Director of Community and Planning Services informed Council that the submission of an expression of interest had been made by Officers, which, once accepted, would have led to a full bid application process. At this point it, would have been put to Members, but the announcement was made public sooner than was expected.

The Chief Executive made reference to the unfortunate timing of the national announcement being made on a Bank Holiday and informed Members that the matter would be discussed at the next Environmental and Development Services Committee on 2nd March 2017. He further advised that although the reasons for this expression of interest were just, Officers had not been informed prior to the press release and had therefore been unable to advise Members in the usual manner.

Councillor MacPherson expressed a view that Officers should not be discouraged from pursuing funding opportunities. The Waste Less Save More campaign and progress with Neighbourhood Plan initiatives were cited as good examples.

RESOLVED:-

1.1 That Council approved the modifications as set out in Appendix B, having given consideration to the Duty to Co-operate under section 33A of the Planning and Compulsory Purchase Act 2004 (the 'Act'), and progress to submission of the Local Plan Part 2.

1.2 That Council granted the Director of Community and Planning and the Planning Policy Manager authority to prepare and submit reports, statements, proofs of evidence and to make further changes during the hearings, in pursuit of the Council's agreed position following submission.

Councillor Atkin returned to the Chamber at 7.05pm

CL/113 COUNCIL TAX REDUCTION SCHEME REGULATIONS 2017 REPORT

The Director of Finance and Corporate Services presented the report informing Council that report's recommendations had been previously considered and approved by the Finance and Management Committee.

RESOLVED:-

Members considered and approved the recommendations that:

1.1 Under Section 10 of the Local Government Finance Act 2012, a Local Council Tax Support Scheme for South Derbyshire be adopted for the financial year commencing 1st April 2017.

1.2 Regulations be approved and cited as the Council Tax Reduction Scheme Regulations (South Derbyshire District Council Local Scheme 2017) and come into force on 19th January 2017.

1.3 These regulations amend the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013, as amended, set out in the Schedule to those Regulations for the purposes of paragraph 4 of Schedule 1A to the Local Government Finance Act 1992, by:

- Continuing the insertion of Section 18a Class G: exempt persons who are not pensioners.***
- Continuing the insertion of Section 18b Class H: persons who are not pensioners.***
- Continuing the amendment to Regulation 32 to vary the maximum entitlement in prescribed cases, i.e. to give effect to the designation of war pensioners and the disabled as protected groups (in addition to pensioners under the Prescribed Requirements) and to reduce benefit entitlement in non-protected groups by 8.5% for persons on passported benefit and by 10% in all other cases.***
- Continuing the amendment to Schedule 8 (20) to ensure the disregard of war pensions, to include other payments made under the Armed Forces Compensation Scheme.***
- Continuing the insertion at Part 12 Chapter 6 the provision to increase the period of extended payments (as defined in the Regulations) from 4 to 8 weeks.***

1.4 That the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums and deductions be uprated in accordance with the 2013 Regulations in 1.3 above as set out in Circular A12/2016

CL/114 **APPOINTMENT OF THE COUNCIL'S EXTERNAL AUDITOR**

The Director of Finance and Corporate Services presented the report to Council informing Members that the recommendation had been considered and approved by both the Audit Sub-Committee and Finance and Management Committee.

RESOLVED:-

That the Council opts into the national procurement framework for the appointment of its External Auditor from the financial year 2018/19.

CL/115 **MEMBERS' ALLOWANCES SCHEME**

The Monitoring Officer presented the report to Council.

The Leader proposed an amendment to Section 10 of Annexe A, by deletion of the reference to spinal column 49 of NJC Scheme. This was supported by Council.

RESOLVED:-

That Council approves the Members' Allowances Scheme attached at Annexe 'A' subject to the amendment to Section 10.

CL/116 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

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

<i>Planning</i>	<i>18.10.16</i>	<i>PL/83-PL/96</i>
<i>Planning</i>	<i>08.11.16</i>	<i>PL/97-PL/112</i>
<i>Environmental and Development Services</i>	<i>17.11.16</i>	<i>EDS/47-EDS/62</i>

Councillor Tilley referred to Minute EDS/54 requesting clarification on the potential use of Section 106 funding for the continuation of refurbishment to Swadlincote Town Centre. The Chief Executive responded that due to the conditions, Swadlincote Town Centre would not currently qualify for Section 106 funding, and investment would be required to move to Phase 3 of the refurbishment plan.

<i>Housing and Community Services</i>	<i>24.11.16</i>	<i>HCS/49-EDS/64</i>
<i>Planning</i>	<i>29.11.16</i>	<i>PL/115-PL/128</i>

Councillor Southerd raised concern that public speaking at the Planning Committee should not provide a platform for abuse with the Chairman of the meeting taking appropriate action. Councillor Mrs Brown agreed and advised such matters would be addressed by the Chairman of the Meeting.

Finance and Management	01.12.16	FM/88-FM/99
Licensing and Appeals	06.12.16	LAS/28-LAS/32
Overview and Scrutiny	07.12.16	OS/33-OS/42
Planning	20.12.16	PL/129-PL/139
Environmental and Development Services: Special - Budget	05.01.17	EDS/66-EDS/74

Councillor Shepherd wished for it to be noted at Minute EDS/73 a correction should be made in relation to the amount of funding available. Whilst citing the development of the Stenson Fields Ward, he made reference to what he deemed as inadequate road infrastructure, with a request that any finance obtained be prioritised towards bridge improvements.

Councillor Rhind sought clarification with regard to how strategic housing advice is being delivered and how will it be delivered in the future. The Director of Housing and Environmental Services responded that this work had been distributed within the team and the new realignment of processes would endeavour to deliver an effective service.

Area Forums

Swadlincote	03.10.16	SA/10-SA/18
Repton	04.10.16	RA/10-RA/18
Melbourne	10.10.16	MA/10-MA/18
Etwell	11.10.16	EA/10-EA/18
Newhall	12.10.16	NA/10-NA/18
Linton	31.10.16	LA/10-LA/18

CL/117 THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR

Council were informed that no changes had been made to the composition of the committees, sub-committees and working panels since its last meeting.

CL/118 COMPOSITION OF SUBSTITUTE PANELS

Council were informed that no changes had been made to the composition of the substitute panels since its last meeting.

CL/119 REPRESENTATION ON OUTSIDE BODIES

Council were informed that no changes had been made to representations on outside bodies since its last meeting.

CL/120 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 ANNUAL COUNCIL

The Exempt Minutes of the Council Meeting held on 3rd November 2016 (Minute Nos. CL/99–CL/101) were approved as a true record.

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

Council was 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:-

<i>Planning</i>	<i>08.11.16</i>	<i>PL/113-114</i>
<i>Environmental and Development Services</i>	<i>17.11.16</i>	<i>EDS/63-EDS/65</i>
<i>Housing and Community Services</i>	<i>24.11.16</i>	<i>HCS/65-EDS/66</i>
<i>Finance and Management</i>	<i>01.12.16</i>	<i>FM/100-FM/104</i>

Councillor Richards welcomed Councillor Farrington back wishing her a speedy recovery and also extended his wishes to Councillor Mrs Patten following her operation.

The Chairman extended his best wishes for the New Year and thanked all Members and Officers their work.

The meeting terminated at 7.25pm.

COUNCILLOR P MURRAY

CHAIRMAN OF THE DISTRICT COUNCIL