

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 20th January 2005
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Mrs. Mead (Chair), Councillor Jones (Vice-Chair) and Councillors Bambrick, Carroll, Dunn, Harrington, Isham, Lane, Lauro, Murphy, Pabla, Shepherd, Southerd, Southern, Stone, Whyman, M.B.E. and Wilkins.

Conservative Group

Councillors Atkin, Bladen, Mrs. Hall, Harrison, Hood, Lemmon, Nalty, Mrs. Renwick, Shaw and Mrs. Wheeler.

Independent Member

Councillor Mrs. Walton.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bell, Richards and Taylor (Labour Group) and Councillors Bale, Ford and Mrs. Hood (Conservative Group).

CL/104. **MINUTES**

The Open Minutes of the Meeting held on 4th November 2004 (Minutes Nos. CL/73 – CL/89) were taken as read, approved as a true record and signed by the Chair. The Open Minutes of the Special Meeting of the Council held on 2nd December 2004 were taken as read, approved as a true record and signed by the Chair with the exception of the reference to “Hilton Village Hall Committee” in the first sentence of Minute No. CL/99 (Draft Hilton Village Action Plan) being amended to the “Hilton Community Leisure Group”.

CL/105. **CHAIR'S ANNOUNCEMENTS**

The Chair advised that ‘An Evening of Country Music’ in aid of her Charity Appeal would be held at Belvedere Park Club on 21st January 2005 at 8.00 p.m. and tickets were still available. Tickets were also available for the Civic Dinner on 5th March 2005 at the Bretby Conference Centre. On 27th January 2005 at 11.00 a.m., the Chair would be dedicating Ash trees as Rosliston Forestry Centre to mark Holocaust Memorial Day 2005. The theme for the Day this year would be ‘Survivors, Liberation and Rebuilding of Lives’ and would mark the 60th year of liberation.

A Silent Auction in aid of the Chair’s Charity Appeal would be held on 11th February 2005 at Gresley Old Hall and items for the auction had been donated by local companies.

The Chair presented a plaque to the Council which she had received from the Air Training Corps 1211 Squadron on 24th December 2004 on behalf of the

Secretary of State for Defence. This plaque commemorated support given to reserves of Armed Forces.

CL/106. **LEADER'S ANNOUNCEMENTS**

The Leader referred to the Quality Parish Council status recently awarded to Barrow-on-Trent Parish Council, being the first in South Derbyshire and only the third in Derbyshire to have been accredited with this award. The scheme aimed to provide a benchmark standard for parish and town councils to enable them to serve better the communities they represented. Councils accredited with Quality Parish Council status could enter into negotiations with principal authorities on improving the way in which they could work together. The Parish Council had thanked all members of staff at this Council, whose good relations with the Parish Council had helped obtain this prestigious status. In turn, it was agreed that the Council's congratulations be conveyed to the Parish Council together with Members' gratitude for the kind sentiments which had been expressed.

The Leader referred to the ongoing budgetary process and advised that the Service and Financial Planning Working Panel had recently met to consider scored bids for revenue and capital proposals. Agreement in principle had been reached on those bids which were to be supported and at its Meeting held on 13th January 2005, the Finance and Management Committee had agreed the revenue and capital proposals, subject to levels of Council Tax together with the identification of a revenue shortfall of £191,000. The matter would be considered further at the next Meeting of the Committee on 15th February 2005, when capital expenditure proposals would be explained and confirmed. It was proposed that reserves would be maintained at a level of £1 million and the Commutation Reserve would be reduced by £140,000.

CL/107. **PRESENTATION BY PHOENIX AFTER SCHOOL AND HOLIDAY CLUB**

It was reported that due to a previous appointment, the Chief Executive of this Club was no longer able to attend this Meeting and accordingly, arrangements would be made for the presentation to be rearranged.

(Councillor Shaw joined the Meeting at 6.20 p.m.)

CL/108. **ANNUAL AUDIT LETTER 2003/04**

Andrew Blackburn, District Auditor and Alex Warmald, Audit Manager attended the Meeting and presented the Annual Audit Letter to Members. The Council's external auditors had a duty to report formally on the performance of the organisation and their opinion was set out in the Annual Audit Letter, which had been circulated to Members. The Letter covered the financial year up to the end of March 2004 and also commented on events and action relevant to the Council's financial and management performance after that date.

The Audit Letter addressed the financial position and advised that balances remained satisfactory and the income collection performance was good. The medium term financial planning process was now established with good reporting to Members. However, a continuing healthy level of reserves could be put at risk by some future developments and uncertainties, such as costs associated with the delay in opening new tipping facilities and extra costs of

Implementing Electronic Government developments. There also may be further unquantified costs in respect of the project to replace the Revenues and Benefits system and the decision to retain the housing stock.

The letter advised of the following action required by the Council:-

- Monitor the delivery of the Improvement Plan
- Make performance management part of day-to-day business
- Turn the Procurement Strategy into action
- Continue to review the approach to accounts production to meet earlier deadlines
- Monitor closely financial plans
- Assess carefully the full implications of the costs of retaining and managing the housing stock

Members expressed their gratitude to the auditors for the report.

RESOLVED:-

That the Annual Audit Letter be noted.

CL/109. **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:-

Environmental and Development Services Committee, 11th November 2004 (Minutes Nos. EDS/37 - EDS/46)

(The Chair of the Committee referred to the Government's target of 17% recyclable waste which had been achieved by the Council several months previously and congratulated all concerned.)

Development Control Committee, 16th November 2004 (Minutes Nos. DC/74 - DC/82)

Housing and Community Services Committee, 18th November 2004 (Minutes Nos. HCS/47 - HCS/60)

(The Chair of the Committee referred to the current Early Day Motion relating to the fourth option on housing stock and advised that there had been no decision at the present time.)

Finance and Management Committee, 25th November 2004 (Minutes Nos. FM/64 - FM/76)

Community Scrutiny Committee, 29th November 2004 (Minutes Nos. CYS/21 - CYS/25)

Corporate Scrutiny Committee, 6th December 2004 (Minutes Nos. COS/18 - COS/21)

Development Control Committee, 14th December 2004 (Minutes Nos. DC/83 - DC/88)

Development Control Committee, 11th January 2005 (Minutes Nos. DC/89 – DC/98)

Area Meetings

Linton, 3rd November 2004 (Minutes Nos. LA/11 – LA/18)

Repton, 8th November 2004 (Minutes Nos. RA/11 – RA/15)

Etwall, 10th November 2004 (Minutes Nos. EA/13 – EA/19)

Melbourne, 17th November 2004 (Minutes Nos. MA/11 – MA/17)

Swadlincote, 30th November 2004 (Minutes Nos. SA/12 – SA/17)

Newhall, 1st December 2004 (Minutes Nos. NA/12 – NA/17)

CL/110. **NOTICES OF MOTION**

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

“This Council notes with deep sympathy the Asian Tsunami disaster that has overwhelmed those countries in the region of the Indian Ocean. It is shocked by the wide scale devastation of lives, property and infrastructure, and recognises the ensuing grievous plight of those who are endeavouring to come to terms with their losses and desperately struggling to overcome the nightmare of their ordeal.

The Council’s Chief Executive is asked to endeavour to identify any South Derbyshire family affected and to co-operate with other authorities and agencies which may be addressing the situation. The Council shall provide any appropriate response, in whatever form it is able, to contribute to local, regional and national initiatives to assist in the short, medium and long term recovery programme for those countries and populations which have been affected.”

Councillor Whyman proposed the motion, which was duly seconded. It was debated, and, on a vote, it was,

RESOLVED:-

That the motion be carried.

(The Chief Executive advised that primary legislation limited the Council’s spending powers but the Authority could work in collaboration with other authorities to ensure that any expenditure was lawful. Many staff had already contributed directly to the Appeal and the Chief Executive would welcome any information from Members on local families affected).

- (b) It was reported that, in accordance with Council Procedure Rule No. 12, Councillor Taylor had submitted the following motion:-

“This Council formally adopts the Nottingham Declaration on Climate Change. The Council acknowledges its intent, welcomes its content and commits to all actions within it”.

In the absence of Councillor Taylor, Councillor Isham proposed the Motion, which was duly seconded. It was debated and, on a vote, it was,

RESOLVED:-

That the motion be carried.

CL/111. **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/112. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

Councillor Mrs. Wheeler advised that Councillors Bladen and Mrs. Renwick (substitute – Councillor Harrison) would be the Conservative Group's Members on the Recruitment and Selection Panel recently established by the Finance and Management Committee for the forthcoming recruitment process for the Head of Planning.

CL/113. **COUNCIL TAX BASE 2005/06**

It was reported that Section 33 of the Local Government Finance Act 1992 required each billing authority to calculate the basic amount of its Council Tax by applying a particular formula involving the Authority's base budget requirement for the year, the sum of total Government grant and the Council Tax Base. Under the Act, Regulations had been made which set out the calculations for the Council Tax Base.

It was proposed that the collection rate should remain at 99%, which took into account any anticipated increases in the Tax Base over the year due to new properties. If the Tax Base did not rise as anticipated, it may be necessary to review the collection rate for the following year 2006/07. The overall Tax Base had been calculated at 29,179.9 and this calculation was also undertaken for each constituent area of the District. Where an area levied an additional Parish Precept for its own area, the Tax Base for that particular area was used in the calculation.

RESOLVED:-

That a Council Tax Base of 29,179.9 be approved.

CL/114. **ESTIMATED COLLECTION FUND SURPLUS 2004/05**

It was reported that the Council was required to calculate the estimated balance on its Collection Fund in accordance with statutory Regulations. The estimated position of the Collection Fund was summarised and the overall balance was distributed to this Council and the Derbyshire County, Police and Fire Authorities in proportion to their precepts on the fund. The amount attributable to this Council was £85,000 and this amount had been incorporated into the Council's latest three-year financial projection. In accordance with statutory Regulations, this amount would effectively be returned to local taxpayers as part of the Council Tax for 2004/05. This would equate to approximately £2.90 on a Band D bill for District Council services.

Members received details of an estimated surplus balance on the Collection Fund as at 31st March 2005 of approximately £753,000. In accordance with the prescribed formula, this would be shared as follows:-

Derbyshire County Council	£558,000
Derbyshire Police Authority	£77,000
Derbyshire Fire Authority	£33,000
South Derbyshire District Council	£85,000

RESOLVED:-

That the estimated Collection Fund Surplus of £85,000 for 2004/05 be used in the calculation of the Council Tax for 2005/06.

CL/115. **DESIGN AND HERITAGE CHAMPIONS**

Members considered the appointment of a Design Champion to promote good design in South Derbyshire in line with the aims of the Council for Architecture and the Built Environment and a Historic Environment Champion to promote the protection of the historic built environment of South Derbyshire in line with the aims of English Heritage. Nominations for each Champion had been referred to this Meeting by the Environmental and Development Services Committee at its Meeting held on 11th November 2004.

RESOLVED:-

That Councillor Southerd be appointed as the Council's Design Champion and Councillor Lauro be appointed as the Historic Environment Champion.

CL/116. **BRETBY CREMATORIUM JOINT COMMITTEE – NEW AGREEMENT AND CONSTITUTION**

It was reported that at its Meeting held on 8th June 2004, the Housing and Community Services Committee considered a report from the Bretby Crematorium Scrutiny Panel on a review of partnership arrangements. Members received a copy of that report to provide background on the matter. At that time, the Committee approved proposals to review the partnership arrangements and to reduce the size of the Joint Committee to three Members from each Authority.

Officers had held discussions with colleagues at East Staffordshire Borough Council, resulting in draft documents which had been circulated to Members. The principal changes to the original Agreement in 1974 were as follows:-

- Members of the Joint Committee would be three Members from each Authority.
- Provision was made for a Scheme of Delegation to Officers, acting in consultation with the Chairman and Vice-Chairman. The Joint Committee could decide the terms of such delegation, as and when necessary, to allow for the most efficient operation of the Crematorium. Arrangements that the Joint Committee might want to introduce for the call-in of delegated decisions could be included in any scheme.
- Provision was made for the establishment of a Scrutiny Committee, entirely separate from the Joint Committee.

- The revised Agreement did not specify that staff would be employed by East Staffordshire Borough Council. This was proposed, so that if at some time in the future, the Joint Committee wished to alter the way that staff were employed, it may do so.

The Agreement also contained a procedural section, which included reference to prejudicial interests to comply with current rules and ethical standards. Other clauses were generally similar to the previous document.

Members were reminded that the Council currently had four representatives appointed to the Joint Committee. However, from 1st February 2005 when the new arrangements would take effect, the Council would have three nominations to serve on the Joint Committee.

RESOLVED:-

- (1) That the new Agreement and Constitution for the Bretby Crematorium Joint Committee with effect from 1st February 2005 be approved and adopted.***
- (2) That Councillors Dunn, Southern and Mrs. Wheeler be appointed to serve on the Bretby Crematorium Joint Committee with effect from 1st February 2005.***

CL/117. **ESTABLISHMENT OF A LICENSING COMMITTEE**

Members were reminded that the Licensing Act 2003 (“the Act”) had fundamentally changed the licensing system. The lengthy Act consolidated six existing licensing regimes in respect of alcohol, public entertainment, night cafes, late night refreshment, cinemas and theatres. The most significant aspect of these regimes, being alcohol licensing, was formerly the responsibility of the Magistrates’ Courts. This area, together with the other aspects of licensing, was to be the sole responsibility of District and Unitary Authorities in their new capacity as “Licensing Authorities”. Accordingly, the Council would be responsible for determining all licence applications from the effective implementation date, being 7th February 2005.

The Act required all Councils to establish a licensing committee on the basis of political proportionality. The Act provided that licensing committees must consist of a minimum number of ten Members and a maximum number of fifteen. It was anticipated that the committee may have to meet on a regular basis to consider applications. For this reason, the Act enabled the committee to establish sub-committees of three Members which would be able to be convened more readily at relatively short notice.

The licensing committee or its sub-committees must determine applications relating to certain matters. These matters included applications where representations had been made or where the police had objected to an application. It would be possible to delegate decisions to Officers in respect of uncontested decisions. In this regard, Members were reminded that the Statement of Licensing Policy had been approved at the last Council Meeting on 4th November 2004 and various Officers were also authorised to approve all applications that were not subject to a substantiated appeal against a licence.

With regard to the terms of reference of any licensing committee, it was recognised that the changes to the licensing regime would affect the work of the existing Licensing and Appeals Committee in its current form. Accordingly, as the Council's existing Committee structure already provided for the maximum number of "policy" committees, it was suggested that the current terms of reference for the Licensing and Appeals Committee now be extended to cover the new licensing provisions, which it was anticipated would account for the vast majority of its workload. It was also suggested that the maximum number of Members (fifteen) be appointed to the Committee, comprising nine Members of the Labour Group and six Members of the Conservative Group in accordance with the overall political proportionality of the Council.

As reported to the last Council Meeting, the Government had stated that the transfer of liquor licensing would be cost neutral, as all expenses would be covered by the licence fee.

RESOLVED:-

- (1) That membership of the existing Licensing and Appeals Committee be expanded to fifteen Members, as follows:-**

Labour Group

Councillors Carroll, Dunn, Harrington, Isham, Jones, Mrs. Mead, Shepherd, Southern and Whyman, M.B.E.

Conservative Group

Councillors Atkin, Bale, Bladen, Mrs. Hall, Harrison and Lemmon (substitute – Councillor Mrs. Hood).

- (2) That the existing terms of reference of the Licensing and Appeals Committee now be extended, as attached at Annexe 'A' to these Minutes, to cover the new licensing provisions introduced by the Licensing Act 2003 and any consequential amendments to the Constitution be approved.**
- (3) That sub-committees of three Members, being two Members of the Labour Group and one Member of the Conservative Group, be established to consider matters and the Head of Legal and Democratic Services be authorised to convene Members as appropriate.**

CL/118. **PARTNERSHIP FUNDING WORKING PANEL**

It was reported that this Working Panel had met on 13th January 2005 to consider applications for grant funding from monies held for community projects following the sale of land at Castle Gresley. To date, the Panel had approved funding of £302,100 from a budget of £500,000 for eleven projects, leaving a balance of £197,900 for allocation. The Panel had considered the following applications:-

- Church Gresley Methodist Church – new roof to secure community activities (£5,000)
- Sharpe's Pottery – one-off request to cover cash flow (£10,000)
- Rosliston Forestry Centre – toilets, classroom etc., as part of barn section of 'Get Active' bid (£50,000)

- Derbyshire Association for the Blind (DAB) – Sports and Leisure Co-ordinator to work for the Association in South Derbyshire and based at Swadlincote (£52,655 over three years)

After due consideration, the Panel had agreed to recommend full grants to both the Church Gresley Methodist Church and Sharpe's Pottery. With regard to the Rosliston Forestry Centre bid, the Panel was minded to approve a grant of up to £25,000, further to additional scrutiny of the application by the Chair and Vice-Chair of the Panel and the Section 151 Officer. Although very supportive of the DAB application and the work of the organisation, the Panel was unable to recommend a grant. However, the Panel was prepared to reconsider the application in due course if identified potential capital bids with a more tangible link to Gresley failed to materialise.

The Panel had been appraised of several potential applications and had decided to ring-fence £150,000 of the remaining funds for projects that had a direct, tangible benefit to the Gresley area.

RESOLVED:-

- (1) That grants of £5,000 to Church Gresley Methodist Church and £10,000 to Sharpe's Pottery be approved.***
- (2) That a grant up to a maximum of £25,000 to the classroom and toilet element of the Get Active bid at Rosliston Forestry Centre be approved, subject to additional scrutiny of the project's overall funding status by the Chair and Vice-Chair of the Panel together with the Section 151 Officer.***

CL/119. **LOCAL AREA AGREEMENTS**

It was reported that this item had been withdrawn from the agenda and would be considered in due course.

CL/120. **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 4th November 2004 and of the Special Meeting of the Council held on 2nd December 2004 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, 11th November 2004

Housing and Community Services Committee, 18th November 2004

Finance and Management Committee, 25th November 2004

**POST OF ASSISTANT PERSONNEL AND DEVELOPMENT OFFICER
(Paragraph 1)**

The Council approved the regrading of this part-time post together with recruitment into the post as soon as possible.

MRS. J. MEAD

CHAIR