

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 26th February 2009
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick, Dunn, Mrs. Gillespie, Mrs. Lane, Lane, Mrs. Mead, Rhind, Richards, Shepherd, Southerd, Tilley and Wilkins.

Independent Member

Councillor Mrs. Brown.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bale and Hewlett (Conservative Group) and Councillors Pabla and Taylor (Labour Group).

Condolences were expressed to Councillor Pabla following the recent death of his wife, after a long and difficult illness.

CL/93. **MINUTES**

The Open Minutes of the Meeting of the Council held on 22nd January 2009 (Minutes Nos. CL/77 - CL/90) were taken as read, approved as a true record and signed by the Chairman.

CL/94. **DECLARATIONS OF INTEREST**

Councillor Atkin declared a prejudicial interest in respect of Minute No. SC/38 of the Standards Committee held on 22nd January 2009. If there was any discussion of these Minutes, he would withdraw from the Meeting.

CL/95. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported on her recent engagements, speaking particularly about an event at Rosliston Forestry Centre, with the dedication of trees to mark Holocaust Memorial Day. She referred to a recent civic tour of the Garrick Theatre in Lichfield and the Derbyshire Dales Chairman's Quiz Night. Along with a number of other Members of the Council, the Chairman had attended the Showman's Guild 20th Annual Civic Luncheon in Nottingham. She then confirmed that the planned Special Meeting of the

Council for 10th March 2009 was no longer required and she advised that tickets for the Civic Dinner were still available.

CL/96. **LEADER'S ANNOUNCEMENTS**

The Leader of the Council reported on the domestic violence conference held the previous day, at which over 100 people involved in this service area had attended. She voiced her thanks to the Council staff involved and explained that many local authorities were now following the approach taken by this Council.

CL/97. **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 (Special), 6th January 2009 (Minutes Nos. EDS/35 – EDS/37)

Housing and Community Services Committee (Special), 8th January 2009 (Minutes Nos. HCS/48 - HCS/50)

Finance and Management Committee (Special), 15th January 2009 (Minutes Nos. FM/83- FM/84)

Development Control Committee 20th January 2009 (Minutes Nos. DC/65 - DC/74)

Overview and Scrutiny Committee, 21st January 2009 (Minute No. OS/33)

Licensing and Appeals Sub-Committee, 22nd January 2009 (Minutes Nos. LAS/17 - LAS/18)

Standards Committee (Special), 22nd January 2009 (Minute No. SC/38)

Finance and Management Committee (Special), 26th January 2009 (Minutes Nos. FM/85 - FM/86)

Environmental and Development Services Committee, 29th January 2009 (Minutes Nos. EDS/39 – EDS/45)

(Minute No. EDS/42, Enforcement options for parking on grass verges – a Member requested an update following the Committee's decision to seek the support of Derbyshire County Council about the introduction of enforceable restrictions. A response was still awaited from that authority.)

Development Control Committee, 10th February 2009 (Minutes Nos. DC/77 – DC/83)

Licensing and Appeals Sub-Committee, 11th February 2009 (Minute No. LAS/20)

Overview and Scrutiny Committee, 11th February 2009 (Minutes Nos. OS/34 – OS/41)

Finance and Management Committee, 17th February 2009 (Minutes Nos. FM/87 – FM/102)

(Minute No. FM/88 – A Member clarified a declaration of interest that related to his wife rather than himself.

Minute No. FM/91 – In response to Members’ questions, there was discussion about the long-term sustainability of the Housing Revenue Account, specific cost projections within this report and the degree of certainty that could be applied to such long-term projections. Related to this, there was also discussion about a recent LGA conference and funding for the street cleansing service.)

Area Forums

Repton, 27th January 2009 (Minutes Nos. RA/19 – RA/26)

Swadlincote , 28th January 2009 (Minutes Nos. SA/16 – SA/24)

Etwall, 4th February 2009 (Minutes Nos. EA/12 – EA/17)

Melbourne, 9th February 2009 (Minutes Nos. MA/23 – MA/32)

CL/98. **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/99. **COMPOSITIONS OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

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

CL/100. **COMPOSITION OF SUBSTITUTE PANELS**

There were no amendments to the composition of Substitute Panels.

CL/101. **REPRESENTATION ON OUTSIDE BODIES**

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

CL/102. **BUDGET REQUIREMENT AND COUNCIL TAX LEVELS 2009/2010**

The Leader of the Council addressed Members on the budget and proposed a Motion relating to an increase of 2.5% on this Council’s level of Council Tax, which was duly seconded. The Leader of the Opposition Group responded and proposed an amended Council Tax increase of 1.5%, which was duly seconded. The amendment was debated, put to a vote and defeated.

RESOLVED:-

- (1) *That the revised general fund revenue estimates (net expenditure) for the financial year commencing 1st April 2008 is approved in the sum of £11,865,829 (as approved by Finance and Management Committee on 17th February 2009).*
- (2) *That the general fund revenue estimates (net expenditure) for the financial year commencing 1st April 2009 are approved in the sum of £11,874,982 (as approved by Finance and Management Committee on 17th February 2009).*
- (3) *That it be noted that at a meeting of the Finance and Management Committee held on 15th January 2009 the Council calculated the following amounts for the financial year commencing 1st April 2009 in accordance with Regulations made under Section 33 (5) of the Local Government Finance Act 1992.*
- (a) *30,641.6 being the amount calculated by the Council, in accordance with Regulation 3 of The Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its council tax base for the year.*
- (b) *Part of the Council's area - parish of*

<i>Ash</i>	<i>24.7</i>
<i>Aston-on-Trent</i>	<i>675.0</i>
<i>Barrow-on-Trent</i>	<i>233.7</i>
<i>Barton Blount</i>	<i>29.4</i>
<i>Bearwardcote</i>	<i>12.7</i>
<i>Bretby</i>	<i>387.0</i>
<i>Burnaston</i>	<i>666.7</i>
<i>Calke</i>	<i>10.1</i>
<i>Castle Gresley</i>	<i>500.5</i>
<i>Catton</i>	<i>20.6</i>
<i>Cauldwell</i>	<i>46.5</i>
<i>Church Broughton</i>	<i>232.7</i>
<i>Coton-in-the-Elms</i>	<i>282.4</i>
<i>Dalbury Lees</i>	<i>115.9</i>
<i>Drakelow</i>	<i>62.5</i>
<i>Egginton</i>	<i>257.7</i>
<i>Elvaston</i>	<i>701.1</i>
<i>Etwall</i>	<i>969.6</i>
<i>Findern</i>	<i>637.5</i>
<i>Foremark</i>	<i>33.2</i>

Foston & Scropton	237.4
Hartshorne	1,182.0
Hatton	882.8
Hilton	2,367.5
Hoon	22.3
Ingleby	46.5
Linton	685.3
Lullington	62.6
Marston-on-Dove	14.9
Melbourne	1,793.3
Netherseal	337.7
Newton Solney	278.2
Osleston and Thurvaston	120.0
Overseal	810.3
Radbourne	50.5
Repton	1,001.4
Rosliston	265.8
Shardlow and Great Wilne	392.5
Smisby	112.7
Stanton-by-Bridge	113.3
Sinfin Moor (Stenson Fields)	1,183.1
Sutton-on-the-Hill	62.8
Swadlincote	8,996.1
Swarkestone	89.3
Ticknall	299.1
Trusley	41.0
Twyford and Stenson	66.0
Walton-on-Trent	317.7
Weston-on-Trent	470.1
Willington	898.4
Woodville	1,541.7

Being the amounts calculated by the Council in accordance with Regulation 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

- (4) That the following amounts now be calculated by the Council for the financial year commencing 1st April 2009 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:**

- (a) **£42,756,640 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 32(2)(a) to (e) of the Act.**
- (b) **£30,526,531 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 32(3)(a) to (c) of the Act.**
- (c) **£12,230,109 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its Budget Requirement for the year.**
- (d) **£7,134,878 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant reduced by the amount of the sums which the Council estimates will be transferred in the year from its general fund to its collection fund in accordance with Section 97(4) of the Local Government Finance Act 1988 and increased by the amount of any sum which the Council estimates will be transferred from its collection fund to its general fund pursuant to the Local Authorities (Alteration of Requisite Calculations and Funds) (England) Regulations 1994.**
- (e) **£164.65 being the amount at 4(c) above less the amount at 4(d) above all divided by the amount at 3(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.**
- (f) **£509,474 being the aggregate amount of all special items referred to in Section 34(1) of the Act.**
- (g) **£148.03 being the amount at 4(e) above less the result given by dividing the amount at 4(f) above by the amount at 3(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.**
- (h) **Part of the Council's area - parish of:**

Aston-on-Trent	37.04
Barrow-on-Trent	42.79
Bretby	6.24
Burnaston	18.37
Castle Gresley	37.79
Church Broughton	15.04
Coton-in-the-Elms	22.04
Dalbury Lees	19.84
Egginton	31.04
Elvaston	9.98

Etwall	41.25
Findern	18.43
Foston & Scropton	37.91
Hartshorne	8.04
Hatton	22.66
Hilton	37.70
Linton	43.02
Melbourne	8.56
Netherseal	27.24
Newton Solney	15.46
Overseal	34.56
Repton	13.68
Rosliston	22.39
Shardlow and Great Wilne	35.67
Smisby	30.29
Sinfin Moor (Stenson Fields)	12.68
Ticknall	38.45
Walton-on-Trent	17.67
Weston-on-Trent	26.59
Willington	40.48
Woodville	19.46

Being the amounts given by adding to the amount at 4(g) above the amounts of the special item of items relating to dwellings in those parts of the Council's area mentioned above, divided in each case by the amount at 3(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

- (i) *Those amounts specified in Schedule 1 to this resolution being the amounts given by multiplying the amounts at 4(g) and 4(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.*
- (5) *That it be noted that for the financial year commencing 1st April 2009 Derbyshire County Council have stated the amounts detailed in Schedule 2 to this resolution in a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown.*
- (6) *That it be noted that for the financial year commencing 1st April 2009 Derbyshire Police Authority have stated the amounts detailed in Schedule 2 to this resolution in a precept issued to the Council in accordance with Section 40 of the Local*

Government Finance Act 1992, for each of the categories of dwelling shown.

- (7) **That it be noted that for the financial year commencing 1st April 2009 Derbyshire Fire and Rescue Authority have stated the amounts detailed in Schedule 2 to this resolution in a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown.**
- (8) **That, having calculated the aggregate in each case of the amount at 4(i), 5, 6 and 7 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts detailed in Schedule 3 to this resolution as the amounts of council tax for the financial year commencing 1st April 2009 for each of the categories of dwellings shown.**

Note: Members of the Labour Group wished it to be recorded that they had voted against this decision.

CL/103. **MEMORANDUM OF UNDERSTANDING WITH EAST STAFFORDSHIRE BOROUGH COUNCIL**

It was reported that discussions with East Staffordshire Borough Council had lead to the production of a Memorandum of Understanding on cross-boundary issues. A copy of the document was submitted for the Council's approval. The document provided for signatories, being the Leader, Leader of the Opposition Group and the Chief Executive of each authority.

Concerns were voiced by the Opposition Group Leader about signing this document and its potential ramifications. The Council had worked with neighbouring authorities previously, but without the need for such a formal document. Officers provided guidance on the nature of the Memorandum of Understanding, which provided a statement that, where it was advantageous, the authorities would work together. Other Members expressed opinions and contributed on the worth of the Memorandum if it was not binding, on the potential for such agreements with other adjacent authorities and an example was provided of recent successful work with Derby City Council on the conjoined planning inquiry. A further aspect raised concerned the regional boundary and the roles of the respective Government Offices for the East and West Midlands.

RESOLVED:-

That Council agrees to the Memorandum of Understanding with East Staffordshire Borough Council.

CL/104. **APPOINTMENT – INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

Members were reminded of the legislative background that required the establishment of a Standards Committee, with at least a quarter of its Members being independent. The District Council's Standards Committee comprised eleven members and details were given of its composition. In June 2005, three independent members were appointed to the Standards

Committee, for a period of four years. The current members' term of office would end in June of this year and it was necessary to advertise for replacement independent members. The proposed advertisement, overview of role and person specification were appended to the report.

Details were then provided of the proposals for short-listing and interviewing applicants who met the required criteria. Whilst the successful candidates would not be employees of the Council, it was considered best practice to follow the Council's recruitment and selection procedures and equal opportunities policy. After this process, a further report would be submitted with details of the provisional successful candidates. Members would then be able to raise any objections, before the appointments were confirmed.

The report also provided background on the legal requirements concerning appointment as an independent member of the Standards Committee and the relevant Standards Board for England guidance. Members were reminded of the review in 2008, which led to the local assessment of alleged breaches of the Code of Conduct. However, prior to this time, the independent members had little direct involvement in the workings of the Council. In order to ensure continuity and that the Authority did not lose the experience gained to date, it was proposed that two existing members who had served two terms be considered for appointment if they submitted an application form. Furthermore, in order to "stagger" the appointments of independent members it was proposed to introduce terms of office of two, three and four years. This would ensure that the Authority did not lose three experienced independent members at the same time.

The report's financial implications set out the allowances paid to independent members of the Standards Committee.

A Member referred to the guidance from the Standards Board on the maximum period of office for independent members and the costs of outsourcing cases to independent legal practices. Officers replied to the points raised.

RESOLVED:-

That the Council agrees:-

- (1) To appoint three replacement independent members to the Council's Standards Committee.***
- (2) To agree the advertisement, overview of role and person specification for the appointment of three replacement independent members, as set out in the appendices to the report.***
- (3) To delegate to the Chief Executive the power to shortlist and interview applicants for the 3 positions of independent members to the Standards Committee.***
- (4) To bring a further report to Council recommending the appointment of three independent members to the Council's Standards Committee.***

- (5) To agree to accept applications from the existing independent members of the Standards Committee.**

CL/105. **SCHEME OF DELEGATION TO OFFICERS**

It was reported that in June 2006, the Council approved a Scheme of Delegation to Officers, as part of the Constitution. This followed an extensive review, as the previous scheme was considered both out of date and not user friendly, as a source of reference. Details were provided of the current Scheme of Delegation to Officers, which delegated powers in functional terms. The powers were delegated to the Chief Executive, Directors and the Head of Legal and Democratic Services as Monitoring Officer, rather than to a number of other Officers. The benefits of this approach were reported. It limited or qualified the exercise of those delegated powers and ensured adequate Member involvement.

The Scheme adopted in 2006 no longer reflected the Council's management structure. The opportunity had been taken to review the scheme and to reflect additional specific delegations approved by the Council or its Committees. The amendments were shown in a tracked changes appendix to the report.

With reference to the report's recommendations, Members questioned the determination of "major" or "minor" amendments to the Constitution, which it was proposed to delegate to the Monitoring Officer. Examples were provided of the types of minor changes that it was proposed to authorise, usually consequential on other committee reports. It was noted that only the Council could agree changes to the Constitution presently. A suggestion was made regarding additional consultation with leading Members, to avoid the need for a formal report to the Council on each occasion.

RESOLVED:-

- (1) That Council approves and adopts the Revised Scheme of Delegation to Officers, a copy of which is incorporated in the Signed Minute Book at Annexe "SMB2" to form Part 3(B) of the Council's Constitution.**
- (2) That Council delegates to the Monitoring Officer the ability to make minor amendments to the Constitution, in consultation with the Chairman of the Council, the Leader of the Council and Leader of the Opposition Group, for example, following restructures.**

CL/106. **MEMBER ROLE PROFILES AND PERSONAL DEVELOPMENT PLANS**

The Council was asked to consider the adoption of Member role profiles and personal development plans, in line with advice issued by the Audit Commission.

The Audit Commission guidance advised the Council to publish a document, which clearly described the individual roles and responsibilities of the Leader of the Council, Executive Members, other Council Members and the Scrutiny function. This information would usually form part of the Council's Constitution. It was advised that Members receive a thorough tailored

induction, that Council provide a full range of development opportunities, as well as support for Members, to address their own development needs. It was expected that the Council equip Members to carry out their roles and responsibilities. Member take-up of training and development opportunities should be high and feedback should be provided on its effectiveness. Proposed documents were submitted for the Council's consideration.

The Training Champion suggested that a session be arranged for Members on both training and completion of the documentation. It was questioned whether there was an omission in the Member role profiles relating to the role of Leader of the Opposition Group.

RESOLVED:-

- (1) That the Member Role Profiles and Personal Development Plans be approved and adopted.***
- (2) That the Monitoring Officer be authorised to make minor amendments to the documents, in consultation with the Leader of the Council and Leader of the Opposition Group.***
- (3) That a further Member training session be provided, to include the completion of the Personal Development Plans.***

CL/107. **ELECTORAL REVIEW OF SOUTH DERBYSHIRE**

It was reported that the Boundary Committee for England had identified the potential need for an Electoral Review of South Derbyshire. The report explained how the Boundary Committee audited levels of electoral imbalance, the potential causes of such imbalance and the two elements that the Committee took into account when assessing the need for an Electoral Review. The guidelines on the requirements for a review were reported, together with statistics for South Derbyshire, which met these requirements. The Boundary Committee had requested any views on whether the electoral imbalances identified were likely to continue. Information was provided on how this matter would be progressed, the further information that would be supplied to Members and how the review process was undertaken. It was confirmed that this review would not look at South Derbyshire's boundaries, but as a fast growing authority, it was considered a review was virtually inevitable.

RESOLVED:-

That Council notes the report submitted.

CL/108. **CYCLE OF MEETINGS 2009/10**

A schedule of the proposed dates of Committee and Council Meetings for 2009/10 was submitted. A verbal update was provided, to amend the dates of two meetings of the Etwall Leisure Centre Joint Management Committee.

A Member referred to the trial introduced the previous year for reduced meetings in the summer months. It was questioned if this trial would continue. The Leader of the Council confirmed this, explaining the benefits that had resulted, particularly the additional Member training.

RESOLVED:-

That the updated Cycle of Meetings for 2009/10, a copy of which is attached at Annexe 'A' be approved.

CL/109. **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 Meeting of the Council held on 22nd January 2009 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 (Special), 6th January 2009

Housing and Community Services Committee (Special), 8th January 2009

Development Control Committee, 20th January 2009

Licensing and Appeals Sub-Committee, 22nd January 2009

Development Control Committee, 10th February 2009

Licensing and Appeals Sub-Committee, 11th February 2009

Overview and Scrutiny Committee, 11th February 2009

Finance and Management Committee, 17th February 2009

MRS. A. HOOD

CHAIRMAN