

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 22nd September 2005
at 6.00 p.m.

PRESENT:-

Labour Group

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

Conservative Group

Councillors Atkin, Bale, Bladen, Ford, Mrs. Hall, Harrison, Mrs. Littlejohn, Mrs. Renwick, Shaw and Mrs. Wheeler.

Independent Member

Councillor Mrs. Walton.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Dunn, Harrington and Southerd (Labour Group) and Councillors Mrs. Hood, Hood, Lemon and Nalty (Conservative Group).

CL/72. **MINUTES**

The Open Minutes of the Meeting of the Council held on 11th August 2005 (Minutes Nos. CL/50 - CL/69) were taken as read, approved as a true record and signed by the Chair.

CL/73. **DECLARATIONS OF INTEREST**

Councillors Atkin, Bale and Shaw declared personal interests in the motion relating to the Farmers' Market (Minute No. CL/79 refers), by virtue of their occupation as farmers.

CL/74. **CHAIR'S ANNOUNCEMENTS**

The Chair welcomed back Councillor Stone to the deliberations of the Council following his recent absence due to illness. The Chair advised Members of several events he had recently visited, including the launch of Findern Footpaths Map on 7th September (Green Apple Award), JCB's 60th anniversary celebrations on 10th September, a presentation of the Queen's Award for Enterprise - International Trade to Toyota by the Earl of Wessex on 13th September and a football match with Barclays on 18th September.

The Chair also referred to a Junior Needs Survey event on 29th September and reported that the switch on of the Swadlincote Christmas lights would take place on 25th November. Tickets for the Last Night at the Proms Concert to be held at Gresley Old Hall on 21st October 2005 were now

available and other future events included a Celebration of Christmas at the Grove Hall, Swadlincote on 16th December, an Evening of Country Music at Belvedere Park Club on 10th February 2006, the Civic Dinner on 25th March 2006 and the Charity Golf Competition on 19th May 2006. It was also hoped to arrange a Gresley Male Voice Choir Concert.

Following the recent departure of Debbie Cook (Democratic Services Officer) from the Council's employment, the Chair conveyed her gratitude for the generous collection from Members.

CL/75. **LEADER'S ANNOUNCEMENTS**

The Leader invited Councillor Southern to address Members on the recent audit assessment of the sheltered housing service.

CL/76. **PRESENTATION ON NEW EMERGENCY PLANNING ARRANGEMENTS AND CONTINUITY BUSINESS PLANNING**

Members received a presentation from Mr. I Shuttleworth (Chief Emergency Planning Officer - Derbyshire County Council) on this matter.

CL/77. **PRESENTATION ON ENVIRONMENTAL EDUCATION PROJECT**

Members received a presentation from Kate Allies (Environmental Development Officer) on this project, which dealt with the Annual Report and future plans and priorities.

CL/78. **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:-

Licensing and Appeals Sub-Committee, 11th August 2005 (Minutes Nos. LA/14 – LA/16).

Environmental and Development Services Committee, 18th August 2005 (Minutes Nos. EDS/19 - EDS/22).

Development Control Committee, 23rd August 2005 (Minutes Nos. DC/41 - DC/52).

Housing and Community Services Committee, 25th August 2005 (Minutes Nos. HCS/35 – HCS/40).

(It was noted that Councillors Richards, Stone, Harrison and Shaw had tendered their apologies for this Meeting.

Minute No. HCS/36(a), Gypsy and Traveller Sites - Councillor Harrison queried the number of additional plots and whether travellers would be permitted to stay on a permanent basis and the Chair of the Committee agreed to provide appropriate responses to Councillor Harrison.

Minute No. HCS/36(c), Protocol for the Resolution of Problems with Trees – Councillor Ford expressed a wish for replanting to be undertaken in appropriate circumstances when trees needed to be felled).

Licensing and Appeals Sub-Committee, 31st August 2005 (Minutes Nos. LA/18 - LA/19).

Finance and Management Committee, 1st September 2005 (Minutes Nos. FM/35 - FM/45).

Community Scrutiny Committee, 5th September 2005 (Minutes Nos. CYS/11 - CYS/14).

Licensing and Appeals Sub-Committee, 9th September 2005 (Minutes Nos. LA/20 - LA/21).

Corporate Scrutiny Committee, 12th September 2005 (Minutes Nos. COS/11 - COS/14).

Development Control Committee, 13th September 2005 (Minutes Nos. DC/53 - DC/57).

Overview Committee, 19th September 2005 (Minutes Nos. OV/9 - OV/12).

Area Meetings

Linton, 16th August 2005 (Minutes Nos. LA/1 - LA/9).

Newhall, 17th August 2005 (Minutes Nos. NA/1 - NA/10).

Repton, 24th August 2005 (Minutes Nos. RA/1 - RA/9).

Swadlincote, 30th August 2005 (Minutes Nos. SA/1 - SA/9).

Melbourne, 31st August 2005 (Minutes Nos. MA/1 - MA/10).

Etwall, 7th September 2005 (Minutes Nos. EA/1 - EA/9).

(Councillor Carroll welcomed the presence of County Council officers at the above cycle of Area Meetings and it was hoped that this arrangement would continue.)

CL/79. **NOTICE OF MOTION**

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

"This Council commends the introduction of the Farmers' Market in Swadlincote and will continue to give its full support to local food producers throughout the District in an attempt to reduce food miles."

Councillor Mrs. Walton proposed the motion, which was duly seconded. The motion was debated and put to a vote.

RESOLVED:-

That the motion be carried.

CL/80. **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/81. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

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

CL/82. **SUBSTITUTE PANELS**

Councillor Mrs. Wheeler advised of an amendment to the Development Control Substitute Panel in respect of the Conservative Group.

RESOLVED:-

That the Groups' current nominations of Members to serve on Substitute Panels for the remainder of the municipal year, as set out at Annexe 'A' to these Minutes, be received and noted.

CL/83. **REPRESENTATION ON OUTSIDE BODIES**

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

CL/84. **STATEMENT OF COMMUNITY INVOLVEMENT**

It was reported that formal consultation on the Statement of Community Involvement (SCI) took place during a period of six weeks commencing on 30th June 2005. Approximately 58 individuals, groups, organisations and companies had responded and the consultation was structured by specific questions relating to the different sections of the document, although general comments could also be made. Whilst there was an element of cynicism from some respondents, the responses were generally positive. Many contained comments that would relate to the preparation of future Local Development Documents and therefore did not require changes to the SCI itself. A recurring comment stated that the document contained too many acronyms and official jargon. Whilst the Council had attempted to keep the document as simple and easy to understand as possible, it was necessary to ensure that the wording conformed to statutory regulations if a legal challenge was to be avoided. However, it was accepted that for other newly-styled documents, a non-technical summary of the key points could be provided on a single sheet.

Various periods had been submitted relating to the review of the document, varying from six months to five years. However, as a review would have to be the subject of formal consultation, it was likely that anything less than two years would be unrealistic, as insufficient time would have passed to monitor

the methods used properly. The Government expected the need to review any of the new-style documents to be indicated first in the Annual Monitoring Report. The dates for review would also have to be identified in the Local Development Scheme, which currently ran to September 2007 and had only recently been agreed with the Secretary of State.

With regard to the appearance of the document and the necessity for any change to be subject to a formal process, it was considered expedient not to include the full list of consultees in the final document so that formal consultation would not have to be undertaken when an additional body or organisation was added to the list.

The cost of the consultants working on the draft SCI was covered by the approved implementation plan for the spending of the 2004/05 Planning Delivery Grant. Further detailed financial information regarding consultation exercises relating to the milestones set out in the Local Development Scheme had been reported to the Environmental and Development Services Committee on 2nd June 2005. Additional work regarding proposed public speaking at the Development Control Committee would cost approximately £6,000 and this could be covered by existing budgets.

The purpose of the SCI was to inform Members of the community on how and when they would be consulted on planning issues. A separate report would provide best practice for other departments undertaking consultation with a view to avoiding overload.

With regard to proposed public speaking at the Development Control Committee, Councillor Mrs. Wheeler expressed a view that the Council should first agree to adopt public speaking prior to agreeing any Best Practice.

RESOLVED:-

- (1) That the representations received during the recent consultation on the Statement of Community Involvement be welcomed and the comments and changes set out in Appendix 'A' to the report be approved.***
- (2) That no late responses to the next round of consultation be accepted.***
- (3) That the contract with the existing consultants be extended to include research on behalf of the Council into public speaking at the Development Control Committee together with the preparation of a Best Practice document to guide the introduction of such a scheme.***

CL/85. **MEMBER REPRESENTATION ON SOUTH DERBYSHIRE LSP WORKING GROUPS**

It was reported that the South Derbyshire Local Strategic Partnership (SDLSP) was established in 2003 and had now produced the first Community Strategy for South Derbyshire from 2005 - 2010. The SDLSP was configured around a Board of 24 individuals who represented organisations operating in the local government sector, other public sector, private and business sector

and the voluntary and community sector. A recently established Strategic Co-ordination Group (SCG) supported the Board's activity, particularly in terms of performance management, and six thematic Working Groups based on the themes set out in the Strategy were responsible for the practical aspects of delivering the action plan. These six Working Groups related to Creating Opportunities for All; Safer Communities; Sustainable Environment; Healthier Communities; Vibrant Economy; and Lifelong Learning and Culture. The Council currently provided the Secretariat to the SDLSP for both the Board and the SCG. Officers within the Policy and Economic Regeneration Division had also been organised to support the six Working Groups to monitor progress with targets.

Under Part 1 of the Local Government Act 2000, a Local Authority had to ensure that a Community Strategy which promoted economic, social and environmental well-being for its local communities was developed and implemented. To provide greater support to this duty, it was felt that Members' involvement in the wider aspect of the LSP (i.e. the thematic Working Groups) should be pursued. Accordingly, it was considered that six individual Members should be appointed across the Working Groups to champion the objectives of the forums within the decision-making arena of the Council and strengthen the Council's role in ensuring that the LSP remained focussed on achieving tangible outcomes for the local communities, through the implementation of the Community Strategy.

The focal point now with the Community Strategy related to the delivery of the action plan. Each of the six Working Groups had a clear remit from the Board to work to achieve the actions for which they were responsible. Both the SDLSP Board and the officers from the Policy and Economic Regeneration Division would be working closely with each of the Working Groups to help to secure and maintain strong membership and resource basis in order to fulfil these tasks.

The Leader advised that discussions were necessary between himself and the Leader of the Conservative Group regarding the appointment of Members to the Working Groups.

RESOLVED:-

That, following the discussions referred to above, the Leaders of the two political groups be authorised to nominate Members to serve on the six Working Groups and all Members of the Council be advised of the nominees in due course.

CL/86. **RACE EQUALITY SCHEME ACTION PLAN 2005/06**

It was reported that the Council had a statutory obligation to meet the 'General Duty' to promote Race Equality, as set out by the Race Relations Act 1976. The general duty required a public authority to have due regard to eliminating unlawful racial discrimination, promoting equal opportunities and promoting good relations between people from different racial groups. A specific requirement of the general duty was the need for a three-year Race Equality Scheme (RES) which should be reviewed regularly. A public authority's RES must encompass detailed Action Plans and/or procedures for the assessment, monitoring and stakeholder consultation of its plans, policies and practices in relation to their impact on the general duty. It

should also detail how the findings of assessments would be published, how monitoring for adverse impact on the duty would be undertaken, continuous improvement in ensuring the public had full access to its information and services and how Members and officers would be trained on an ongoing basis in terms of their activities for meeting the general duty.

At its Meeting held on 25th November 2004, the Council's Finance and Management Committee had considered and approved various items relating to the development of the RES and its Action Plans from 2005 to 2008. The key themes approved as part of a project brief for RES Action Plans had been followed to develop the 2005/06 Plan. These themes related to leadership, service delivery and standards, communication, Members and employees, and performance management. Consultation on this project brief had been held with the Values and Attitudes Group on 9th December 2004, which comprised representatives from the Council's partners, key interest groups and other stakeholders. Both the Values and Attitudes Group and the Council's Corporate Equal Opportunities and Diversity Action Group had considered and contributed to the development of the Action Plan 2005/06. The Action Group would mainly be co-ordinating the implementation of the RES Action Plan across the Council.

Councillor Isham, the Council's Equalities and Diversities Member representative, welcomed the Plan and hoped that Members would assist in its implementation and raise awareness of the issues involved.

RESOLVED:-

That the Action Plan 2005/06, as submitted, be approved for the implementation of the adopted Race Equality Scheme.

CL/87. **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 11th August 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:-

Licensing and Appeals Sub-Committee, 11th August 2005

Environmental and Development Services Committee, 18th August 2005

Housing and Community Services Committee, 25th August 2005

Finance and Management Committee, 1st September 2005

PROVISION OF INSURANCE 2005 – 2010 (Paragraphs 8 and 9)

The Council agreed to renew its insurance cover on a package arrangement and review the Agreement on a yearly basis, dependent on renewal terms.

R. JONES

CHAIR