

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 5th November 2015
at 6.00pm

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick, Chahal, Dunn, Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor and Wilkins.

CL/62 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Wyatt (Conservative Group) and Tilley (Labour Group).

CL/63 **PRESENTATION**

The Chairman welcomed Ms Kerry Bailey from Digital Derbyshire to the meeting. Ms Bailey gave a presentation to Members about the Digital Derbyshire programme, its roll-out and a progress update on Phase 1. Fibre broadband is now available to close to 70,000 premises in the District, South Derbyshire recording the highest take-up rate in the County. The contract for Phase 2 was signed earlier this year, accessing more funding, the aim being to extend coverage to 98% of Derbyshire. Members were encouraged to extol the benefits of fibre broadband to both home users and businesses.

Queries and comments raised by Members relating to areas in the District with no current provision, funding, capacity issues, commercial partnerships, alternative provision, escalation of provision and cable materials were noted and responded to.

The Chairman and Members thanked Ms Bailey for her presentation.

CL/64 **OPEN MINUTES OF THE COUNCIL**

The Open Minutes of the Council Meeting held on 24th September 2015 (Minute Nos. CL/45-CL/58) were approved as a true record.

Councillor Rhind referred to Minute No.CL/53 and asked whether the cost to the Council was known. The Chief Executive advised that the full sum was yet

to be established and Council would be notified once all the information was available.

CL/65 **DECLARATIONS OF INTEREST**

Council was informed no declarations of interest had been received.

CL/66 **ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER AND HEAD OF PAID SERVICE**

The Chairman of the Council outlined the various engagements he had attended since the last Council on 24th September 2015, namely at the Scropton Riding School for the Disabled, celebrating its 50th Anniversary, at Elmbridge Tyres, to a seminar dealing with the migrant situation on the invitation of the Bishop of Derby, at the International Food, Drink and Craft Fair in Swadlincote, the Royal British Legion Bikers annual ride, at the High Sherriff's legal service in Derby Cathedral, to a Royal Logistical Corps reception at Chatsworth House, to the National Arboretum in Alrewas, to the Civic Service in Ticknall, to the South Derbyshire Sports Awards, to the Burton Mail Business Awards, to the 35th Anniversary Burton Hospital League of Friends dinner, to a production of the 'Pirates of Penzance' at Buxton Opera House in support of the charities Age UK and Foundation Derbyshire and to Coton-in-the-Elms to unveil and dedicate a memorial to armed forces personnel who lost their lives during the First World War.

The Leader of the Council updated Council with the latest position relating to Syrian refugees. He informed Council that Derbyshire County Council are the lead authority for the area and held a meeting on 4th November 2015, which the Director of Housing and Environmental Services attended. The County Council is to arrange a meeting in the coming weeks, also involving other parties such as Health, Police and Social Services, to discuss a coordinated programme across Derbyshire. Further details will be reported to Council at the appropriate time.

The Leader also thanked the Officers and Members who assisted Councillor Mrs Wyatt at the last Planning Committee on 27th October 2015, drawing particular attention to Vicky Smith.

The Head of Paid Service thanked Members for their assistance in the recent Corporate Plan Workshop process. A further meeting, to commence at 6.00pm, was proposed, to cater for those Members unable to attend the daytime events, allowing them to also actively contribute to the process. Members thanked the Chief Executive for this additional opportunity for all Members to participate.

The Head of Paid Service also confirmed that the Agenda order had been amended to better accommodate the open and exempt reports relating to the Devolution Deal.

CL/67 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council was informed that no questions had been received.

CL/68 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The following question has been received, on notice, from Councillor Richards to the Chairman of the Council;

"The government recently brought forward the date to December 2015 for transferring to the new system of "Individual Electoral Registration" - one year earlier than previously planned, it is estimated that nearly two million people could drop off the register for no good reason.

I believe that's unnecessary, and wrong, what is this Council doing to persuade residents in South Derbyshire to register in order that they are not deprived of their democratic right to vote in future elections?"

The Chief Executive, as Electoral Registration Officer, emphasised that the Council was endeavouring to address the matter. The Legal and Democratic Services Manager referred to press releases that had been issued, leaflets and posters displayed in Council buildings and distributed to other organisations. She emphasised the use of social media and the retention of a member of staff in the Elections office until December 2015 to assist with this project. A briefing paper was also made available for Members.

Members debated the matter, asking questions relating to action being taken to reach all individuals and national coverage. The Chief Executive stressed that nationally it was the responsibility of the Electoral Commission, but that at a local level, the Council was progressing matters.

CL/69 **SEALED DOCUMENTS**

09.09.15 11177 Transfer – 12 Elmsdale Road, Hartshorne
21.09.15 11194 Transfer – 101 Elmsleigh Drive, Midway
21.09.15 11199 Transfer – 143 Salisbury Drive, Midway

RESOLVED:

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

CL/70 **THE ANNUAL AUDIT LETTER FOR SOUTH DERBYSHIRE DISTRICT COUNCIL**

The representative of the Council's external auditors, Grant Thornton, presented the report to Council. Reference was made to the thriving nature of the area, the good financial health of the Council and the clean opinions given against the statutory audit provisions. Particular attention was drawn to the Efficiency Dividend, in terms of governance, value for money, proportionality

and affordability, requesting that the Council give due consideration to such matters if it was looking to repeat the process in the future.

Councillor Richards submitted a question regarding the legality of the Efficiency Dividend. The auditor emphasised legality was not being questioned in his report, given that the Council had taken appropriate legal advice. He advised that the Council should give the matter thorough consideration if it was to be repeated at a future time.

RESOLVED:-

***That the Annual Audit Letter for 2014/15 be considered and approved.
(Abstentions: Councillors Dunn and Shepherd).***

CL/71 **REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Dr Hall introduced the Report to Council and outlined the background to the Panel's meetings and its recommendations. Dr Hall confirmed that Members retain the right to determine remuneration and the requirement to consider the Panel's findings in doing so. He also commented that whilst some hold the view that the level of allowances should make being a councillor attractive, the guidance states that the allowances should only ensure that councillors do not incur financial disadvantage as a result of undertaking this role.

Councillor Wheeler noted the Review of Members' Allowances and thanked the Panel for its work. He did, however, express a view that the Panel had had insufficient data to work with, the outcomes not truly reflective of the work undertaken by Members. Councillor Wheeler therefore proposed that Council resolve the following:-

- a) That a further Independent Remuneration Panel be convened to sit in Autumn 2016 and report to Council before the end of October 2016.
- b) In order to inform that Panel, Council to review, update and, where necessary, create role profiles for Chairman and Vice-Chairman of Council, Leader and Deputy Leader, Chairmen and Vice-Chairmen of Committees and Sub-Committees, Leader and Deputy Leader of the Opposition Group, and Elected Members, including their responsibilities as members of Committees and Sub-Committees. These profiles to be agreed by Council by the end of July 2016.
- c) Council to review the report of the 2016 Independent Remuneration Panel before the end of 2016 with any resulting amendments to the Scheme for Member Remuneration to be implemented on 1st January 2017 unless Council agrees any Panel recommendation to the contrary.
- d) Pending c) above, all Members' Allowances, including Special Responsibility Allowances and Civic Allowances remain at their current level up to 1st January 2017, subject to indexation at the same percentage applied annually to the pay of local government staff, implemented in April 2016 (linked to spinal column point 49 of the NJC Scheme), backdated to the date of the Annual Council meeting on 21st May 2015.
- e) Council accepts the recommendations of the October 2015 Panel regarding Travel and Subsistence.

Councillor Richards sought and received clarification on the reference to the Chair of the Licensing and Appeals Sub-Committee in the report. Similarly, the Chief Executive queried the proposals regarding the telephone allowance, it being confirmed that it was proposed that it continue at the current rate until 1st January 2017.

RESOLVED:-

That the proposals outlined above be approved.

(Abstentions: Councillors Rhind and Richards).

CL/72 **LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY**

The Senior Licensing Officer presented the Report to Council.

RESOLVED:-

That the Council's Licensing Act 2003 Statement of Licensing Policy ("the Policy") be approved and adopted.

CL/73 **GAMBLING ACT 2005 – STATEMENT OF LICENSING POLICY**

The Senior Licensing Officer delivered the Report to Council.

RESOLVED:-

That the Council's Gambling Act 2005 Statement of Licensing Policy ("the Policy") be approved and adopted.

CL/74 **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER 2015 AND UPDATE ON RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE**

The Chief Executive presented the Report to Council.

RESOLVED:-

That the Local Government Ombudsman's Annual Review Letter 2015 be accepted.

CL/75 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

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

<i>Etwall Joint Management Committee</i>	<i>13.07.15</i>	<i>EL/26-EL/30</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>03.09.15</i>	<i>LAS/12-LAS/14</i>
<i>Finance and Management</i>	<i>03.09.15</i>	<i>FM/32-FM/42</i>
<i>Planning</i>	<i>15.09.15</i>	<i>PL/66-PL/81</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>24.09.15</i>	<i>LAS/17-LAS/19</i>
<i>Finance and Management-Special</i>	<i>24.09.15</i>	<i>FM/48</i>
<i>Etwall Joint Management Committee</i>	<i>28.09.15</i>	<i>EL/31-EL/36</i>
<i>Finance and Management-Special</i>	<i>30.09.15</i>	<i>FM/49-FM/57</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>01.10.15</i>	<i>LAS/21-LAS/23</i>
<i>Environmental & Development Services</i>	<i>01.10.15</i>	<i>EDS/39-EDS/48</i>
<i>Planning</i>	<i>06.10.15</i>	<i>PL/82-PL/91</i>
<i>Housing and Community Services</i>	<i>08.10.15</i>	<i>HCS/31-HCS/39</i>
<i>Finance and Management</i>	<i>15.10.15</i>	<i>FM/58-FM/67</i>

Councillor Richards, in making reference to Minute No.HCS/37 of the 8th October 2015 Housing and Community Services Committee, raised a matter relating to the recent issue of a rent collection letter, the policy relating to these practices and his concerns regarding the level of customer service encountered. The Chief Executive, with the Director of Housing and Environmental Services, advised they would investigate the matter.

CL/76 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Council was informed that Councillor Mrs Wyatt would substitute Councillor Atkin on the Audit Sub-Committee.

CL/77 **COMPOSITION OF SUBSTITUTE PANELS**

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

CL/78 **REPRESENTATION ON OUTSIDE BODIES**

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

Councillor Taylor left the Meeting at 7.20pm.

CL/79 **DEVOLUTION DEAL**

The Chief Executive introduced the Report to Council, stressing that its contents were already somewhat out of date due to further communications received as recently as that afternoon, matters evolving very rapidly. Whilst the previously discussed Derby and Derbyshire (D2) Combined Authority is no longer an option, other options were being considered and authorisation was being sought for the Chief Executive and Leader to continue discussions.

The Leader expressed a view that a discussion on the Devolution Deal was overdue, but that South Derbyshire is the first authority in Derbyshire or Nottinghamshire to debate the subject in full Council. Such debate, he felt,

was hindered by two issues. Firstly, information on anything other than the ‘asks’ of government has been very limited or non-existent and secondly, papers relating to the subject are classed as privileged and cannot therefore be distributed to Members, although it would appear that some have been leaked to the press elsewhere in the country. The papers listed under exempt were only released by the County Council the previous day and these were expurgated versions of the originals. Whilst the Leader felt this situation was highly unsatisfactory, the Council was obliged to treat confidential or privileged papers accordingly. The Leader invited Members to book an appointment to read the documentation in his possession.

The Leader summarised the current situation as he saw it, emphasising that further detail was awaited. One combined authority, not two, for Derby, Derbyshire, Nottingham and Nottinghamshire, along with an elected mayor, was being proposed, but the governance arrangements of a combined authority and the powers of an elected mayor were not known. When further information was known, the Leader recommended discussion in full Council, preceded by a full briefing to Members.

The Leader stated that the County Council had proposed that authority be delegated to the Chief Executive and himself to agree a deal in principle, for later ratification by Council. The Leader explained why this proposal had been turned down. Firstly, he did not think it constitutionally proper to ask for delegated authority on a matter where Council could not be fairly clear on what might be agreed. Secondly, the Leader expressed concern with the words ‘in principle’, querying whether Council would have the power to reverse any decisions once any agreements in principle had been announced and perhaps acted upon. Thirdly, the Leader stressed that a devolution deal is a crucial issue for the Council and the communities it serves and as such, it should not be agreed by a small group, but openly and in public by all elected Members.

Councillor Richards acknowledged the fluidity of the situation and the need for greater detail, expressing concern that the devolution deal becomes ever bigger and agreeing with the Leader regarding adhering to the proper process. Councillor Southard emphasised that without more detail Members were unable to discuss the matter fully, expressing the view that caution be applied.

RESOLVED:-

That the Chief Executive, in consultation with the Leader, be authorised to continue to engage in discussions with the Government and to bring back to the Council any proposals put forward by the Government for a Combined Authority and Devolution Deal.

Councillor Ford left the Meeting at 7.50pm.

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.

DEVOLUTION DEAL

The two annexe documents, as received the day before, were discussed by Members.

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council Meeting held on 24th September 2015, (Minute Nos. CL/59-CL/61) were approved as a true record.

Councillor Bambrick left the Meeting at 7.55pm.

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>Licensing and Appeals Sub-Committee</i>	<i>03.09.15</i>	<i>LAS/15-LAS/16</i>
<i>Finance and Management</i>	<i>03.09.15</i>	<i>FM/43-FM/47</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>24.09.15</i>	<i>LAS/20</i>
<i>Planning</i>	<i>06.10.15</i>	<i>PL/92-PL/93</i>
<i>Housing and Community Services</i>	<i>08.10.15</i>	<i>HCS/40-HCS/43</i>
<i>Finance and Management</i>	<i>15.10.15</i>	<i>FM/68-FM/71</i>

The meeting terminated at 8.00pm.

COUNCILLOR N ATKIN

CHAIRMAN OF THE DISTRICT COUNCIL