

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 13th November 2008
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

Councillor Bambrick, Dunn, Mrs. Gillespie, Mrs. Lane, Lane, Mrs. Mead, Pabla, Rhind, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins.

Independent Member

Councillor Mrs. Brown.

APOLOGY

An apology for absence from the Meeting was received from Councillor Atkin (Conservative Group).

CL/62. **MINUTES**

The Open Minutes of the Meeting of the Council held on 2nd October 2008 (Minutes Nos. CL/47 - CL/59) were taken as read, approved as a true record and signed by the Chairman.

With regard to Minute No. CL/47 concerning BT payphones, a Member queried progress and it was advised that the Council had registered an interest in all of the payphones proposed for removal, without any commitment. Further advice was now awaited from BT.

With regard to Minute No. CL/49 regarding flood alleviation measures, a Member queried the location of a property used in media coverage on this matter, as he understood that there was no flood risk in that particular vicinity. The Leader of the Council confirmed that the property had been used purely for demonstration purposes as an example of the facility.

With regard to Minute No. CL/51 concerning the proposed major development off Coppice Side, Swadlincote, a Member queried progress and the Chief Executive advised that he would inform the Member accordingly.

CL/63. **DECLARATIONS OF INTEREST**

Councillors Bambrick, Ford, Harrison and Southerd declared prejudicial interests in respect of the item regarding Parking Order and Consultation (Minute No. CL/73), as Members of Derbyshire County Council. Councillor

Richards declared a personal interest in the same matter, as an employee of Derbyshire County Council.

CL/64. **PRESENTATION ON LOCAL AREA AGREEMENTS**

David Lowe, Strategic Director – Policy and Community Safety at Derbyshire County Council attended the Meeting and made a presentation to Members on Local Area Agreements. The implementation period was from July 2008 to March 2011 and there were 198 national indicators, of which 35 priority indicators related to the Derbyshire Local Area Agreement 2008-2011 in addition to two local indicators. There was a duty on the County Council to produce the Local Area Agreement (LAA) along with a duty on partners to co-operate.

LAAs were introduced in 2005 with the promise of less red tape, fewer targets, greater freedom and flexibility. A three-year partnership agreement had been established setting local targets, jointly agreed with Central Government. Targets were tied to Government grant and although there were no new funds, fewer strings were attached. Derbyshire had been chosen as one of 21 pilots in 2005 and the agreements were introduced in the remainder of the country in 2006 and 2007. Authorities were expected to demonstrate how they were planning for the implementation of their contribution to the achievement of the targets.

The new LAA was central to mainstream business and the new performance framework. It was developed from the Sustainable Community Strategy and there was a three-year contract with the Government to deliver the Sustainable Community Strategy. The new funding arrangements were outlined together with governance arrangements. LAAs were the only place where central government would agree targets with local government and the agreement was managed through the Derbyshire Partnership Forum Boards. It was crucial to Comprehensive Area Assessments.

Details of the 35 Derbyshire priority indicators, together with the two local indicators were circulated and Members thanked Mr. Lowe for his informative presentation.

CL/65. **CHAIRMAN'S ANNOUNCEMENTS**

It was noted that prior to the Meeting, the Chairman had made a presentation to Joe Jarvis, who had started work with the Authority in September 2006 as the Council's first ever modern apprentice in Amenity Horticulture. Joe was now part of the Council's permanent establishment and had also been short-listed for the APSE Local Authority Apprentice and Trainee Awards 2008/09.

The Chairman reported on her attendance at CSV day organised by the ATC, which was donating 50% of the monies to her charity. She had also supported Remembrance Sunday and the Royal British Legion 11/11/11 Campaign, which commemorated the 90th Anniversary since the end of hostilities.

As part of the Decennial celebrations, the Chairman had recently returned from a Civic visit to Japan along with representatives from Derbyshire County Council and Derby City Council. There would be a visit by Mayor

Suzuki and the various delegations to Derbyshire from 13th-19th November and the Cultural Delegation would be in South Derbyshire on 18th November. Following this, the Chairman would report to Members on the whole exchange.

CL/66. **LEADER'S ANNOUNCEMENTS**

The Leader reported on her attendance at the first Meeting of the Council of Governors of Burton Hospitals NHS Foundation Trust. She would keep Members informed of future developments.

CL/67. **QUESTION BY MEMBER PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

It was reported that pursuant to Council Procedure Rule No. 11, a question had been received from Councillor Mrs. Brown to the Chairman of the Finance and Management Committee, as follows:-

“I have noticed on a number of occasions, particularly at Finance and Management Committee meetings, that matters that relate to the salaries of staff are always placed in Exempt. Could I please be informed why this is so when I would have thought that the way the District Council's resources are spent, particularly on salaries, is of direct relevance and interest to the taxpayers of South Derbyshire and, presumably, such details can be obtained under the Freedom of Information Act. That being the case, why are such considerations placed continually in Exempt?”

Councillor Harrison, Chairman of the Finance and Management Committee, responded as follows:-

“When deciding whether a report is to be placed in Exempt, officers rely on the Access to Information Procedure Rules set out in the Constitution. Exempt information means information falling within the categories as set out in Part 1 of Schedule 12A of the Local Government Act 1972. Reports on staffing issues are placed in Exempt under Paragraph 1, 2 or 3. These paragraphs relate to (1) information relating to any individual; (2) information which is likely to reveal the identity of an individual; and (3) information relating to the financial or business affairs of any particular person. Such reports are marked 'Not for Publication', together with the category of information likely to be disclosed.

Obviously, if a Freedom of Information request is received, then it will be considered under the necessary regulations and, if asked, we would release employee salary bands. However, individual specific salary figures are exempt under Data Protection and, therefore, an exemption would apply. It should be noted that this authority's senior management salary bands are already available and published in our annual accounts, which are on the Council's website. These detail the number of employees whose remuneration, excluding pension contributions, exceeded £50,000.”

Councillor Mrs. Brown asked a supplementary question and Councillor Harrison again responded, reiterating his initial response.

CL/68. **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:-

Standards Committee, 26th August 2008 (Minutes Nos. SC/10 – SC/12)

Licensing and Appeals Committee, 3rd October 2008 (Minute No. LAS/7)

Licensing and Appeals Committee, 3rd October 2008 (Minute No. LAS/9)

Environmental and Development Services Committee, 9th October 2008 (Minutes Nos. EDS/20 – EDS/22)

Development Control Committee, 14th October 2008 (Minutes Nos. DC/35 - DC/42)

(Councillor Mrs. Plenderleith left the Meeting at 7.05 p.m.)

Housing and Community Services Committee, 16th October 2008 (Minutes Nos. HCS/27 - HCS/35)

(Minute No. HCS/33, Site of Willoughby House/Granville Court, Swadlincote – Members welcomed this initiative. However, concern was expressed by some Members that only one option had been presented, particularly for an audit trail purpose. Evidence was requested as to the other options available and the reasons why they were discounted. The Chairman of the Committee advised that this issue had been ongoing for a considerable period and other options had been considered previously.

Minute No. HCS/34, Stock Option Appraisal – A Member queried the ongoing costs of formal consultation with tenants and the associated impact on the Housing Revenue Account. The Director of Community Services advised that this matter was currently in process and a report would be submitted to Members in March 2009 following meetings of the Review Group established to consider the matter.)

Finance and Management Committee, 23rd October 2008 (Minutes Nos. FM/42 - FM/58)

Standards Committee, 28th October 2008 (Minutes Nos. SC/14 – SC/21)

Overview and Scrutiny Committee, 29th October 2008 (Minutes Nos. OS/14 – OS/21)

Development Control Committee, 4th November 2008 (Minutes Nos. DC/44 – DC/51)

Area Forums

Etwall, 8th October 2008 (Minutes Nos. EA/1 – EA/11)

(Following a query from a Member, it was advised that the Full Council received and noted the Area Forum Minutes. Any comments and questions may be raised but it was not within the Council's remit to approve the Minutes as a true record. In this regard, the Minutes would be considered at the next Area Forum Meeting, when any potential discrepancies could be discussed.)

Newhall, 15th October 2008 (Minutes Nos. NA/1 - NA/11)

Linton, 22nd October 2008 (Minutes Nos. LA/10 – LA/18)

Melbourne, 30th October 2008 (Minutes Nos. MA/13 – MA/22)

CL/69. **REPRESENTATION ON OUTSIDE BODIES**

The Leader of the Council advised of the following amendments to the Council's representatives on outside bodies:-

Community Transport (Swadlincote) Management Committee – Councillor P. Murray replaces Councillor M. Ford.
Sharpe's Pottery Heritage & Arts Trust – Councillor J. Lemmon replaces Councillor M. Ford.

(Councillor Pabla left the Meeting at 7.20 p.m.)

CL/70. **CONSULTATION PAPER – COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER: CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES**

Members considered a consultation paper issued by the Department of Communities and Local Government which invited views on proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. Responses had been requested by 24th December 2008 and it was intended, subject to responses to this consultation, to implement any proposals to come into effect in line with the Local Government Elections in 2009. A Meeting of the Standards Committee would be held shortly to consider a response to the Consultation Paper.

Members requested appropriate training on any revisions to the Code of Conduct in due course.

RESOLVED:-

- (1) That any comments which Members may have be forwarded to the Standards Committee for consideration.***
- (2) That the Standards Committee be authorised to respond to the Consultation Paper on behalf of the Council.***

CL/71. MONITORING OFFICER PROTOCOL

Members considered a proposed Monitoring Officer Protocol, which had been recommended by the Standards Committee for approval and incorporation in the Council's Constitution.

Members requested appropriate training on the protocol in due course.

RESOLVED:-

That the Monitoring Officer Protocol be approved and adopted for incorporation in the Council's Constitution.

CL/72. ARTICLE 8 OF CONSTITUTION – ROLES AND FUNCTIONS OF STANDARDS COMMITTEE

It was reported that Article 8.02 of the Council's Constitution set out the roles and functions of the Standards Committee. At the Council Meeting on 22nd May 2008, Members received a report on the Local Assessment Regulations and approved Terms of Reference for three Sub-Committees to be established as part of this new process. Several Meetings of the Sub-Committees had been held and it was considered appropriate for the Standards Committee, as the parent body, to receive reports from them on their activities. Accordingly, the Standards Committee had recommended that the following role should also be included in Article 8.02:-

“To receive reports from the Sub-Committees in relation to the Assessment, Review and Consideration hearings and determination of any allegations and to consider whether any further recommendations need to be made to the District or Parish Council.”

RESOLVED:-

That the roles and functions of the Standards Committee set out in Article 8.02 of the Council's Constitution be extended, as outlined above.

CL/73. PARKING ORDER AND CONSULTATION

It was reported that there had been a need for an Off-Street Parking Places Order to coincide with the granting of civil parking enforcement powers. The Council was required to undertake consultation and publish general details of the proposed Order, taking into consideration any resultant objections. The consultation process had commenced on 10th September 2008 and a press notice had indicated public car parks in South Derbyshire that were to be included in the Order. The consultation had closed on 26th October 2008 and no adverse comments or official objections had been received with regard to the proposals. However, numerous telephone calls had been received, all of which were of a positive nature.

It had previously been stated that the effective date was 24th November 2008. However, Derbyshire County Council had now advised that this had been delayed by the Department of Transport and no revised date had yet been provided. All District Councils would be informed when a new date had been announced. When the new date was confirmed, the Order could be

signed by the Chairman of the Council and the Chief Executive, following which a further press notice would be placed together with a separate notice regarding penalty charges.

A Member queried the possibility of enforcement in other areas outside of the official Order.

RESOLVED:-

- (1) That the South Derbyshire District Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2008 be approved.***
- (2) That the Head of Legal and Democratic Services be authorised to negotiate and enter into various legal agreements with Derbyshire County Council and other authorities, as appropriate, to facilitate the enforcement of on-street and off-street parking in South Derbyshire.***
- (3) That the Department of Transport be requested to expedite this matter as soon as possible.***
- (4) That investigations be made into other areas outside of the Order for possible enforcement measures.***

Councillors Bambrick, Ford, Harrison and Southerd declared prejudicial interests in this matter as Members of Derbyshire County Council and withdrew from the Meeting during the consideration and determination thereof. Councillor Richards declared a personal interest in the matter as an employee of Derbyshire County Council.

CL/74. **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 2nd October 2008 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:-

Standards Committee, 26th August 2008

Licensing and Appeals Committee, 3rd October 2008

Development Control Committee, 14th October 2008

Housing and Community Services Committee, 16th October 2008

Finance and Management Committee, 23rd October 2008

Standards Committee, 28th October 2008

Development Control Committee, 4th November 2008

MRS. A. HOOD

CHAIRMAN