

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 28th February 2011
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

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

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Mrs. Brown, Mrs. Coyle, Mrs. Hood and Mrs. Patten (Conservative Group), Councillors Mrs. Lane and Lane (Labour Group) and Councillor Pabla (Independent/Non-Grouped Member).

CL/93. **MINUTES**

The Open Minutes of the Meeting of the Council held on 20th January 2011 (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**

Councillors Atkin and Stanton declared a personal interest in the report on the Role of the Chairman. On behalf of all Members, the Chairman declared a personal interest in the items on the Council Tax setting and in accordance with Clause 10(2)(c)(iv) of the Members' Code of Conduct, Members could regard themselves as not having a prejudicial interest as the matter related to a function of the Authority.

CL/95. **PRESENTATIONS TO VOLUNTARY ORGANISATIONS**

The Chairman made presentations on behalf of the South Derbyshire Partnership and the Council to representatives of voluntary groups. This was to recognise their contribution to life in South Derbyshire. Certificates were presented to Findern Footpaths, Dove Valley Community Project, Get Active in the Forest, National Trust, Friends of Elvaston Castle and the Derbyshire Wildlife Trust. Certificates would also be forwarded to the Derbyshire Bat Group, South Derbyshire Badger Group, Rosliston in Bloom, Friends of Rosliston Wood, Rolls Royce and BTCV.

CL/96. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the recent death of former District Councillor Bill Lythgoe and Members observed a minute's silence in his memory. Personal tributes were paid by a number of Members and details were given of Mr. Lythgoe's funeral arrangements.

The Chairman also publicised the Civic Dinner, plans for a classical concert and a charity golf event.

CL/97. LEADER'S ANNOUNCEMENTS

The Leader announced that Derbyshire County Council had decided that use of the Willington Marina car park would remain free of charge and he thanked all Councillors for their support on this. He reported that Toyota would be taking on a number of apprentices from September and congratulated the Old Talbot public house in Hilton, which had been recognised by the Derby Campaign for Real Ale, as the runner-up Country Pub of the Year.

CL/98. HEAD OF PAID SERVICE ANNOUNCEMENTS

The Chief Executive advised that the top 100 companies award results would be published in the Sunday Times this weekend. He referred to the closure of the Bretby Conference Centre and arrangements for Liberation Day this year to be held at the Green Bank Leisure Centre. An approach had been received from Burton Albion to host such events in future, for which thanks were recorded. The Chief Executive also advised of a letter from a Swadlincote child asking for crazy golf facilities as part of the new golf course plans. He referred to the plans for a golf academy and had invited the child, her family and school to have a walk around the site of the golf course.

CL/99. 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), 4th January 2011 (Minutes Nos. EDS/34 - EDS/37)

Housing and Community Services Committee (Special), 6th January 2011 (Minutes Nos. HCS/45 – HCS/48)

Finance and Management Committee (Special), 13th January 2011 (Minutes Nos. FM/62 - FM/65)

Planning Committee, 18th January 2011 (Minutes Nos. PL/95 - PL/101)

Overview and Scrutiny Committee (Special), 19th January 2011 (Minutes Nos. OS/25 – OS/26)

Overview and Scrutiny Committee, 19th January 2011 (Minutes Nos. (OS/27 – OS/28)

Finance and Management Committee (Special), 24th January 2011 (Minutes Nos. FM/68 - FM/69)

Environmental and Development Services Committee, 27th January 2011 (Minutes Nos. EDS/39 - EDS/46)

(Minute No. EDS/43 – Concern was reported about the condition of the Bretby Art Pottery premises in Woodville and the Chairman of the Committee was asked to investigate what could be done to safeguard the buildings. The Chairman offered to respond through the Policy Committee in the next month or so. It was understood that there was a mural of great value on the wall within the premises and this aspect would also be investigated.)

Housing and Community Services Committee, 3rd February 2011 (Minutes Nos. HCS/51 - HCS/63)

Planning Committee, 8th February 2011 (Minutes Nos. PL/102 - PL/108) (Thanks were recorded to the Head of Planning for her service to the Council. A question was submitted on how Members could record their thanks to other Officers that were leaving the Authority, due to a restructure and details were provided. Councillor Dunn thanked Members for the kind wishes extended to him following his recent illness.)

Overview and Scrutiny Committee, 9th February 2011 (Minutes Nos. OS/29 – OS/34)

Finance and Management Committee, 15th February 2011 (Minutes Nos. FM/71 – FM/82)

Area Forums

Repton, 25th January 2011 (Minutes Nos. RA/21 – RA/29)

Linton, 26th January 2011 (Minutes Nos. LA/19– LA/26)

Etwall, 31st January 2011 (Minutes Nos. EA/18 – EA/26)

Swadlincote, 1st February 2011 (Minutes Nos. SA/16 – SA/23)

Newhall, 2nd February 2011 (Minutes Nos. NA/17 – NA/24)

Melbourne, 7th February 2011 (Minutes Nos. MA/20 – MA/28)

CL/100. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

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

CL/101. **COMPOSITION OF SUBSTITUTE PANELS**

There were no amendments to the compositions of Substitute Panels.

CL/102. **REPRESENTATION ON OUTSIDE BODIES**

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

CL/103. **BUDGET REQUIREMENT AND COUNCIL TAX LEVELS 2011/12**

The Leader of the Council addressed Members on the budget and proposed a Motion relating to there being no increase in this Council's level of Council Tax, which was duly seconded. The Leader of the Opposition responded and contributions were made by other Members.

RESOLVED:-

- (1) *That the revised general fund revenue estimates (net expenditure) for the financial year commencing 1 April 2010 is approved in the sum of £12,539,372 (as approved by Finance & Management Committee on 15 February 2011).*
- (2) *That the general fund revenue estimates (net expenditure) for the financial year commencing 1 April 2011 are approved in the sum of £11,879,144 (as approved by Finance & Management Committee on 15 February 2011).*
- (3) *That it be noted that at a meeting of the Finance and Management Committee held on 13 January 2011 the Council calculated the following amounts for the financial year commencing 1 April 2010 in accordance with Regulations made under Section 33 (5) of the Local Government Finance Act 1992.*
 - (a) *31,855 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*

Ash	24
Aston-on-Trent	695
Barrow-on-Trent	242
Barton Blount	32
Bearwardcote	13
Bretby	410
Burnaston	674
Calke	10

Castle Gresley	537
Catton	21
Cauldwell	48
Church Broughton	234
Coton-in-the-Elms	293
Dalbury Lees	122
Drakelow	63
Egginton	259
Elvaston	715
Etwall	1,010
Findern	653
Foremark	35
Foston & Scropton	243
Hartshorne	1,220
Hatton	905
Hilton	2,597
Hoon	23
Ingleby	49
Linton	700
Lullington	65
Marston-on-Dove	16
Melbourne	1,851
Netherseal	343
Newton Solney	281
Osleston and Thurvaston	123
Overseal	840
Radbourne	50
Repton	1,022
Rosliston	270
Shardlow and Great Wilne	437
Smisby	124
Stanton-by-Bridge	118
Sinfin Moor (Stenson Fields)	1,195
Sutton-on-the-Hill	63
Swadlincote	9,378
Swarkestone	92
Ticknall	315
Trusley	42
Twyford and Stenson	68

Walton-on-Trent	326
Weston-on-Trent	484
Willington	920
Woodville	1,605

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 1 April 2011 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:**
- (a) £33,919,323 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) £22,568,250 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) £11,351,073 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) £6,564,971 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) £168.08 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) £568,211 being the aggregate amount of all special items referred to in Section 34(1) of the Act.**

(g) £150.25 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	41.73
Barrow-on-Trent	37.19
Bretby	6.67
Burnaston	18.90
Castle Gresley	38.95
Church Broughton	19.23
Coton-in-the-Elms	21.56
Dalbury Lees	18.85
Egginton	35.14
Elvaston	9.09
Etwall	38.52
Findern	27.57
Foston & Scropton	37.04
Hartshorne	7.87
Hatton	22.54
Hilton	38.51
Linton	42.53
Melbourne	13.87
Netherseal	28.57
Newton Solney	15.66
Overseal	33.33
Repton	14.09
Rosliston	22.04
Shardlow and Great Wilne	37.54
Smisby	29.79
Sinfin Moor (Stenson Fields)	10.46
Ticknall	36.51
Walton-on-Trent	19.02
Weston-on-Trent	27.89
Willington	59.14
Woodville	20.56

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 1 April 2011 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 1 April 2011 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 1 April 2011 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 1 April 2011 for each of the categories of dwellings shown.*

CL/104. **ADOPTION OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY THE POLICING AND CRIME ACT 2009**

A report was submitted proposing the adoption of legislation to allow communities and Members greater powers over the numbers and locations of sex establishments within the District, should an application be received. It also reaffirmed the adoption of legislation in relation to sex shops and sex cinemas, approved previously in 1982/3.

The detail of the report explained the powers and limitations of existing legislation and those available through the Policing and Crime Act of 2009, which could be adopted. It was additionally proposed to undertake a period of

consultation on the Council's policy and conditions on sex establishments licensing. Officers clarified how this would be reported back to Members.

RESOLVED:-

- (1) That Council approves the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.**
- (2) That Members reaffirm the adoption of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, which relates to sex shops and sex cinemas, which was previously adopted in 1982/3.**
- (3) That the date of adoption is 1st April 2011.**
- (4) That consultation on the Policy on Sex Establishments Licensing and Conditions commences and once completed, a report on the results and possible adoption of the Policy and Conditions is brought before the Environmental and Development Services Committee.**
- (5) That all applications received for sex establishment Licences will only be approved after consideration by the Licensing and Appeals Sub-Committee.**

CL/105. **CYCLE OF MEETINGS 2011/12**

A report was submitted on the proposed cycle of Committee and Council Meetings for 2011/12.

RESOLVED:-

That the cycle of Meetings for 2011/12, shown at "Annexe A" to these Minutes, be approved.

CL/106. **FUTURE OF LOCAL STANDARDS FRAMEWORK**

A report was submitted to enable consideration of the Government's proposals on the future of the local standards framework. The report set out changes to the standards regime and the abolition of Standards for England. It included sections on high standards of conduct, duty/codes of conduct, alleged breaches of codes of conduct and Members' interests. It also covered Standards Committees, predetermination and conclusions, including recommendations made by this Council's Standards Committee.

Members were mindful that the current standards regime remained in force until the Localism Bill was enacted. It was felt this matter should be considered by the new Council, following the District Elections in May. It was requested that the Standards Committee look at the adjudication process and there was discussion about the potential sanctions that could be imposed.

The Independent Chairman of the Standards Committee addressed Members, explaining the need to prepare for the revised arrangements and he stated that in future, standards issues could result in criminal convictions. Mr. Williams also paid tribute to the service of Mrs. McCaskie, the Monitoring Officer who was leaving the Council. It was questioned whether Overview and Scrutiny Committee could look at the future standards framework and this would need to be researched.

RESOLVED:-

- (1) ***That the Standards Committee consults with Councillors and others on a proposed voluntary Code of Conduct, including an open, transparent and fair process of adjudication and sanctions to be imposed and put substantive proposals before the new Council, to be elected in May.***
- (2) ***That the Standards Committee and Officers investigate the possibilities of joint working with other authorities on a new Standards regime.***

CL/107. RE-APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE

Council was asked to consider the re-appointment of independent members to the Standards Committee, together with a vacant position. It was reported that the terms of office of Mr. P. Purnell and Mr. P. Dawn would expire in May and June this year respectively. In addition, there was a current vacancy created by the resignation of Mr. R. Pearson. Guidance had been issued by Standards for England recently, in light of the uncertain future of the standards framework, regarding extensions to the terms of office for independent members. The Standards Committee had considered this matter at its last Meeting and had made recommendations to the Council.

RESOLVED:-

That the terms of office of Mr. P. Purnell and Mr. P. Dawn be extended until the end of the current standards regime and that the position held previously by Mr. Pearson be left vacant.

CL/108. PROTOCOL FOR LOCAL AUTHORITY PARTNERSHIP WORKING

The Council was asked to consider the adoption of a partnership behaviour protocol. Partnership working was an increasingly important aspect of public service delivery. Good governance of partnership arrangements enabled an authority to work more effectively and to manage risk. Standards for England had developed a partnership behaviour protocol. The report explained the contributors and consultation undertaken in preparing the protocol. The report included sections on the purpose of the partnership behaviour protocol, suggestions for its use and the role for the Standards Committee in maintaining and overseeing adherence to the protocol.

Members felt that this matter should be considered by the new Council following the District Elections in May. Further tributes were paid to the Head of Legal and Democratic Services who was leaving the Authority. It was agreed to reflect the good wishes of Members to Mrs. McCaskie in a letter.

RESOLVED:-

That consideration of a protocol for local authority partnership working be deferred to the new Council, after the May elections.

CL/109. **ROLE OF CHAIRMAN OF THE COUNCIL**

It was reported that a review of the service provided by the Civic Office had been undertaken, to help improve efficiency and effectiveness, particularly in view of the local government modernising agenda. The priority was to assist the Chairman in promoting the Council's Vision and core values.

The report included sections on the role of the Chairman, linked to the overall aims and objectives of the Council, together with staffing support. Details were provided on the civic car and the additional use made of this vehicle, together with the Civic Calendar of events hosted by the Authority. Further sections covered efficiency savings, the Chairman's Charity and proposals on future arrangements, together with reducing administrative costs.

It was questioned whether any previous Chairmen had been consulted on this paper. A Member referred to the ambassadorial role of the Chairman and questioned how this would be fulfilled if the majority of time was spent within the District. It was requested that this matter be deferred to enable further consultation.

RESOLVED:-

That Council defers consideration of this item until the Annual Council Meeting, to enable consultation and the matter to be concluded prior to commencement of the new Civic Year.

CL/110. **DESIGNATION OF MONITORING OFFICER AND SECTION 151 OFFICER**

It was reported that Article 11 of the Constitution provided that the Council would designate the statutory roles of Monitoring Officer and Section 151 Officer. These were currently held by the Head of Legal and Democratic Services and Director of Corporate Services respectively. As a result of the Senior Management Review, the statutory roles of Monitoring Officer and Section 151 Officer were designated to the new posts of Director of Operations and Head of Corporate Services respectively, with effect from 1st March 2011. Council's approval was sought to these designations, together with the necessary amendments to the Constitution.

RESOLVED:-

That, pursuant to Article 11 of the Council's Constitution, the following posts be designated as indicated with effect from 1st March 2011:-

<u>Post</u>	<u>Designation</u>
Director of Operations	Monitoring Officer
Head of Corporate Services	Section 151 Officer

CL/111. 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 20th January 2011 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), 4th January 2011

Housing and Community Services Committee (Special), 6th January 2011

Finance and Management Committee (Special), 13th January 2011

Finance and Management Committee (Special), 24th January 2011

Environmental and Development Services Committee, 27th January 2011

Housing and Community Services Committee, 3rd February 2011

Finance and Management Committee, 15th February 2011

N. ATKIN

CHAIRMAN