

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Thursday 21st January 2016
at 6.00pm

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick, Chahal, Dr. Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley, Wilkins and Mrs. Wyatt.

CL/85 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Mrs Farrington, Councillor Smith (Conservative Group) and Councillor Dunn (Labour Group).

CL/86 **PRESENTATION**

The Chairman welcomed Mr. John Everitt, the Chief Executive of The National Forest, to the meeting. Mr. Everitt gave a presentation to Members and spoke in particular about the Regeneration Scheme, which has been at the heart of the National Forest since 1996.

Queries and comments raised by Members were noted and responded to.

The Chairman thanked Mr. Everitt on behalf of Members, for his presentation.

CL/87 **PRESENTATION**

The Chairman welcomed Miss. Debbie Clark, the Corporate Affairs Manager at Sainsbury's, to the meeting. Miss Clarke outlined the background of the £10 million pledge by Sainsbury's to 'Waste Less Save More', where South Derbyshire had been successful, out of 189 applicants, to secure a £1 million grant. The target for the pledge is to help reduce household food waste by 50% in Swadlincote, thus becoming the first place to achieve the Global Sustainability Goal set by the UN by 2030.

Councillor Watson thanked Miss Clarke on behalf of Members, for the presentation.

CL/88 **OPEN MINUTES OF THE COUNCIL**

The Open Minutes of the Council Meeting held on 5th November 2015 (Minute Nos. CL/62-CL/80) were approved as a true record.

CL/89 **DECLARATIONS OF INTEREST**

No declarations of interest were made.

CL/90 **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 meeting on 5th November 2015, highlighting in particular the two school visits by students from Belmont Academy and Pennine Way Primary school, the visit by the Chinese Trade delegation, the Christmas Light's Switch on, his meeting with 7-year old Mia Parnell and his visit to the Royal Mail sorting office. The Chairman had also attended the service at Melbourne Church conducted by Reverend Dr. M Powell, who had, in October 2015, been appointed by HM The Queen, as Cannon at St. Georges Chapel at Windsor Castle. He extended his best wishes for Christmas and the New Year and congratulated South Derbyshire District staff for their work winning the £1 million Sainsbury's recycling bid 'Waste Less Save More'.

The Leader of the Council extended his thanks to Members for the support shown to Councillor Mrs. Farrington during her difficult time.

The Leader gave an update of the progression of the Devolution deal stating that shortly before Christmas D2N2 leaders agreed that the last draft of the proposals should go forward for discussion, which the Leader agreed with in line with the most recent Motion by Council. Since then there had been a number of statements sent from the Leaders of the two counties and cities, and communication from Nottinghamshire County Council, on behalf of the Core Group (the two cities and counties) to all our Parish Councils. The Leader clarified that not all of the 19 Local Authorities had agreed to the proposals and he was disappointed that the Core Group persisted in referring to them as an agreement since this is not the case. At the pre-Christmas D2N2 Leader's meeting, three Local Authorities were unrepresented and expressed no opinion, and Bassetlaw rejected the proposals outright, opposing them going forward to Government. The Leader was aware of only one Local Authority, namely Gedling, which had had early draft proposals agreed by their Council. The Leader made it clear that he could not commit South Derbyshire even if he had wished to do so. He hoped that this update added clarity to the current situation, and looked forward to the day when a final set of proposals could be put to Council.

The Head of Paid Service extended his thanks to the dedicated team at Sainsbury's, and especially Officers Gillian Coates, Business and Recycling Manager, Kate Allies, Environmental Development Manager and Nicola Lees,

Economic Development Officer for their work securing the £1 million grant to be invested in Swadlincote, which had sparked national media interests.

The Head of Paid Service informed Council the Budget meetings held for staff had been successfully delivered, and met with positive feedback.

CL/91 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed that no questions had been received.

CL/92 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The following question had been received, on notice, from Councillor Taylor to the Leader of the Council;

“Is the Leader satisfied with the current allocation and process for the distribution and laying of Remembrance Day wreaths on behalf of South Derbyshire District Council?”

For the benefit of recently Elected Members, the Leader of the Council explained the current allocation and process for the distribution and laying of Remembrance Day wreaths on behalf of the Council. He explained that they were laid by the Chairman or Vice-Chairman at Swadlincote, Melbourne and Overseal and by an Elected Member from whichever party had the majority in the unparished wards of the urban core, namely, Church Gresley, Newhall and Stanton and Woodville. In November 2015, therefore, the wreaths were laid by Councillors Southerd, Bambrick and Mrs Coe, respectively.

He further clarified that wreaths were supplied by the Royal British Legion, for a donation of £20 each, and those laid on behalf of the Council were paid for by the Council. He also informed Members that they were free to purchase their own wreaths through the Council or directly from The Royal British Legion; these wreaths would, however, carry their own messages rather than the Council’s crest. He advised that this was a very long established custom and practice, which had been followed for many years.

By way of a supplementary question under Rule 11.6, Councillor Taylor asked the Leader of the Council why a wreath had been laid at the War Memorial in Woodville, and not at the Memorial site on Granville Estate as in previous years.

The Chief Executive advised the matter would be reported back to Members.

CL/93 **SEALED DOCUMENTS**

27.10.15 11238 Transfer – 17 Brookdale Road, Hartshorne
02.12.15 11253 Transfer – 8 Poplar Avenue, Midway
16.12.15 11268 Transfer – 10 Appletree Road, Hatton

RESOLVED:

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

CL/94 LOCAL PLAN PART 1 – MODIFICATIONS CONSULTATION

The Planning Policy Manager provided Members with an up to date position on the Local Plan Part 1, which sought endorsement on the 81 necessary main modifications resulting from consultation responses and hearing sessions. Two of the main modifications had already been considered by the Council, the increase in housing target to a maximum of 12,618 dwellings and the additional strategic housing site at Land West of Mickleover. The employment site policies also had suggested modifications relating to land at Sinfen Moor and Dove Valley Park, offering greater flexibility for new employment sites coming forward in the District. The next steps will be to consult on the modifications document for a period of six weeks, this will involve contacting those on the database to inform them of the consultation which will be on the Council's website with notices published in the local press. The key to the acceptance of the modifications will be if the report from the Inspector confirming that the Local Plan is sound, it is then for the Council to formally adopt the Plan.

Questions asked and comments made by Members relating to the proposed increase in the housing target, the number of dwellings that had been completed, developers not developing, the procurement of necessary building materials and the financial implications for the Council were responded to and noted.

RESOLVED:-

That Council agreed that the modifications to the Local Plan Part 1 were required in order to finalise the Plan (make 'sound') and that a consultation on the modifications could take place.

CL/95 COUNCIL TAX SCHEME REDUCTION REGULATION 2016

The Director of Finance and Corporate Services introduced the Report to Council which outlined the regulations for the proposed Local Council Tax Reduction Scheme for South Derbyshire for 2016/17. The report was based on the recommendation of the Finance and Management Committee of 15th October 2015, which recommended that the scheme in place for 2015/16 should be continued into 2016/17, with no changes.

RESOLVED:-

1.1 Under Section 10 of the Local Government Finance Act 2012, a Local Council Tax Support Scheme for South Derbyshire be adopted for the financial year commencing 1st April 2016.

1.2 Regulations be approved and cited as the Council Tax Reduction Scheme Regulations (South Derbyshire District Council Local Scheme 2016) and come into force on 21st January 2016.

1.3 These regulations amend the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013, as amended, set out in the Schedule to those Regulations for the purposes of paragraph 4 of Schedule 1A to the Local Government Finance Act 1992, by:

- **Continuing the insertion of Section 18a Class G: exempt persons who are not pensioners.**
- **Continuing the insertion of Section 18b Class H: persons who are not pensioners.**
- **Continuing the amendment to Regulation 32 to vary the maximum entitlement in prescribed cases, i.e. to give effect to the designation of war pensioners and the disabled as protected groups (in addition to pensioners under the Prescribed Requirements) and to reduce benefit entitlement in non-protected groups by 8.5% for persons on passported benefit and by 10% in all other cases.**
- **Continuing the amendment to Schedule 8 (20) to ensure the disregard of war pensions, to include other payments made under the Armed Forces Compensation Scheme.**
- **Continuing the insertion at Part 12 Chapter 6 the provision to increase the period of extended payments (as defined in the Regulations) from 4 to 8 weeks.**

1.4 That the amounts of pensions, tax credits, income related and non-income related social security benefits and allowances, component parts, applicable amounts, premiums and deductions be uprated in accordance with the 2013 Regulations in 1.3 above as set out in Circular A13/2015.

CL/96 COMMUNITY GOVERNANCE REVIEW – TERMS OF REFERENCE

The Chief Executive presented the Report to Council detailing the background of the review, which had been instigated following the submission of a valid petition from the Newhall and Stanton Parish Council Campaign Group requesting that a Parish Council be constituted for the area of Newhall and Stanton. Since the area does not already exist as a parish, the petition was treated to also include a request for a parish to be constituted.

The Chief Executive informed Council of the strict 12 month timetable and that reports would be referred back to Council for approval over this period.

Members questioned whether the residents of Newhall and Stanton would be eligible to vote for the proposal and asked for details of how petitions received

would be considered. The Chief Executive advised there was no individual voting process and residents would receive letters which would detail how they could respond to the consultation..

RESOLVED:-

That Members approved the Community Governance Review Terms of Reference, as detailed at Appendix 1 to the Report.

CL/97 **CONSTITUTION – UPDATED DOCUMENTS**

The Monitoring Officer presented the Report to Council detailing the Codes, Protocols, Responsibilities for Functions and Management Structure proposed as part of the Council's Constitution.

The Leader thanked The Monitoring Officer on behalf of Council for the extensive work which had been undertaken in relation to this item.

RESOLVED:-

1.1 That Council approved and adopted the Codes and Protocols at Appendices A - E of the Council's Constitution.

1.2 That Council approved and adopted the Responsibilities for Functions (Committees) documents attached at Appendix F of the Council's Constitution.

1.3 That Council approved and adopted the current Management Structure document attached at Appendix G of the Council's Constitution.

CL/98 **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>Overview and Scrutiny</i>	<i>21.10.15</i>	<i>OS/17-OS/25</i>
<i>Planning</i>	<i>27.10.15</i>	<i>PL/94-PL/110</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>10.11.15</i>	<i>LAS/24-LAS/27</i>
<i>Planning</i>	<i>17.11.15</i>	<i>PL/111-PL/124</i>
<i>Environmental & Development Services</i>	<i>19.11.15</i>	<i>EDS/49-EDS/64</i>
<i>Housing and Community Services</i>	<i>26.11.15</i>	<i>HCS/44-HCS/55</i>
<i>Finance and Management</i>	<i>03.12.15</i>	<i>FM/72-FM/81</i>
<i>Standards</i>	<i>08.12.15</i>	<i>SC/1-SC/6</i>
<i>Overview and Scrutiny</i>	<i>09.12.15</i>	<i>OS/26-OS/35</i>
<i>Licensing and Appeals-Sub Committee</i>	<i>10.12.15</i>	<i>LAS/31-LAS/33</i>

Planning	15.12.15	PL/127-PL/143
Licensing and Appeals Sub-Committee	18.12.15	LAS/35-LAS/37
Environmental and Development Services: Special – Budget	07.01.16	EDS/67-EDS/76

Area Forums

Repton	13.10.15	RA/10-RA/18
Melbourne	29.01.15	MA/11-MA/19
Newhall	04.11.15	NA/11-NA/19
Etwall	11.11.15	EA/11-EA/19
Swadlincote	12.11.15	SA/11-SA/20
Linton	18.11.15	LA/11-LA/19

CL/99 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Council were informed that Councillor Watson would be the Member Champion for the Waste & Recycling Working Group. Councillor Wilkins would substitute Councillor Dr. Pearson on the Licensing and Appeals Committee.

CL/100 **COMPOSITION OF SUBSTITUTE PANELS**

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

CL/101 **REPRESENTATION ON OUTSIDE BODIES**

Council were informed that Councillor Mrs Wyatt and Councillor Tilley would be the Council's representatives on the Swadlincote Shopmobility Scheme.

CL/102 **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.

EXEMPT MINUTES OF THE COUNCIL

The Exempt Minutes of the Council Meeting held on 5th November 2015, (Minute Nos. CL/81-CL/84) were approved as a true record.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11

Council were 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>10.11.15</i>	<i>LAS/28-LAS/30</i>
<i>Planning</i>	<i>17.11.15</i>	<i>PL/125-PL/126</i>
<i>Environmental and Development Services</i>	<i>19.11.15</i>	<i>EDS/65-EDS/66</i>
<i>Housing and Community Services</i>	<i>26.11.15</i>	<i>HCS/56-HCS/57</i>
<i>Finance and Management</i>	<i>13.12.15</i>	<i>FM/82-FM/87</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>10.12.15</i>	<i>LAS/34</i>
<i>Licensing and Appeals Sub-Committee</i>	<i>18.12.15</i>	<i>LAS/38-LAS/39</i>
<i>Environmental and Development Services: Special – Budget</i>	<i>07.01.16</i>	<i>EDS/77-EDS/78</i>

The meeting terminated at 7:35.pm

COUNCILLOR N ATKIN

CHAIRMAN OF THE DISTRICT COUNCIL