

MINUTES of the ANNUAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 17th May 2012
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Stanton (Chairman), Councillor Bale (Vice-Chairman) and Councillors Atkin, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Mrs. Hood, Jones, Lemmon, Murray, Mrs. Patten, Mrs. Plenderleith, Roberts, Smith, Mrs. Watson, Watson and Wheeler.

Labour Group

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mrs. Heath, Mrs. Mead, Mulgrew, Rhind, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins.

CL/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Pearson and Stuart (Labour Group).

CL/2. **MINUTES**

The Open Minutes of the Meeting of the Council held on 5th April 2012 (Minutes Nos. CL/103 - CL/114) were taken as read, approved as a true record and signed by the Chairman.

CL/3. **PRESENTATION ON EMERGENCY PLANNING**

The Chairman welcomed Ian Shuttleworth and Rob Brittain of Derbyshire County Council, who made a PowerPoint presentation to Members. This set out the duties stemming from the Civil Contingencies Act of 2004 and the progress made to date in implementing the requirements of this legislation. Information was provided about capability assessments, the emergency plans in place within the County and the role of emergency planners during incidents. The presentation also covered the Elected Member's role before, during and after emergencies took place.

Reference was made to a recent incident in Willington and there was praise for the way that authorities and emergency services had responded. It was requested that Members' thanks be taken back to colleagues at the County Council. Further information would be circulated to Members on emergency planning, together with a copy of the presentation slides. Mr. Shuttleworth and Mr. Brittain were thanked for the presentation.

CL/4. **APPOINTMENT OF THE LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Wheeler was Leader of the Conservative Group and Councillor Richards was Leader of the Labour Group.

It was proposed, duly seconded and,

RESOLVED:-

That Councillor Wheeler be appointed Leader of the Council for the ensuing year.

CL/5. **APPOINTMENT OF THE DEPUTY LEADER**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Harrison was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

It was proposed, duly seconded and.

RESOLVED:-

That Councillor Harrison be appointed Deputy Leader of the Council for the ensuing year.

CL/6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the Investment Gazette, which had recently been circulated to Members. He advised that the charity golf event had raised the sum of £1,310 for his charity appeal and reminded Members of the charity concert the following evening.

CL/7. **LEADER'S ANNOUNCEMENTS**

The Leader of the Council again thanked officers for their assistance in responding to the emergency at Willington. He referred to recent discussions between Members and officers of this Authority and North West Leicestershire District Council. Given the infrastructure and other links, the Authorities had held discussions to explore opportunities to work together as good neighbours. Any proposals would come forward for further Member consideration. An update was given about the Woodville regeneration route and the Leader recorded his thanks to officers for the considerable work that had taken place to date. The Leader also congratulated former Councillor Ron Lane who had again completed the London Marathon to raise funds for charity, despite a recent illness. On a personal note, he recorded thanks to the Chairman of the Council as his year in office drew to a close.

CL/8. **HEAD OF PAID SERVICE ANNOUNCEMENTS**

The Chief Executive provided further information regarding the Woodville regeneration route. He then referred to the significant investment in the Nestlé

factory at Hatton. A planned public exhibition would be followed by a Member briefing. The Chief Executive referred to the Olympic and Jubilee themed events that were planned and a booklet had been produced containing a calendar of events. An update was also provided on the golf course and a site meeting involving the press had been held earlier in the day. He updated on the course preparation and facilities that would be provided. A question was submitted about the provision of Member headscarves to which the Chief Executive responded.

CL/9. **NOTICE OF MOTION**

It was reported that in accordance with Council Procedure Rule No. 12, Councillor Wheeler had given notice of a motion. The motion was seconded and debated with a number of Members contributing. An amendment was proposed which was duly seconded, put to the vote and carried. The substantive motion, as set out below was then put to a vote.

“The Council recognises that at this time of unprecedented change in local Government, it is logical that Councils seize the opportunities for information sharing and collaboration to ensure they are best placed to deal with the challenges ahead.

It further recognises that the Derbyshire LGA is no longer an active organisation. The Council therefore endorses the disbandment of the Derbyshire LGA and the formation in its place of a new group, the Derby and Derbyshire Strategic Leadership Forum, which will be focused on working collaboratively to share information in the interest of all member authorities.

The Council agrees with the disbanding of the Derbyshire LGA, but retains a group with the Leaders of each local authority as Members, with each Chief Executive attending in a non-voting capacity.

The Council hereby appoints the following representatives to the Derby and Derbyshire Strategic Leadership Forum, which are also reflected in the schedule of appointments to outside bodies under Agenda Item No. 16.

- The Leader of the Council, as a voting representative with the Deputy Leader as the substitute representative.
- The Chief Executive, as a non-voting co-opted representative with a Deputy Monitoring Officer as the substitute representative,

However, in appointing these representatives, it is noted that at the inaugural meeting of the Forum, members have been mandated to consider the feasibility of a wider and more balanced member representation.”

RESOLVED:-

That the substantive motion, as set out above, is carried.

CL/10. **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, 12th April 2012 (Minutes Nos. EDS/79 – EDS/88)

(Minute No. EDS/85 – It was agreed that a copy of the statutory controls summarised in an Appendix to this Minute be circulated to Members of the Council).

Licensing and Appeals Sub-Committee, 17th April 2012 (Minute No. LAS/21)

Housing and Community Services Committee, 19th April 2012 (Minutes Nos. HCS/74 – HCS/84)

Overview and Scrutiny Committee (Special), 25th April 2012 (Minutes Nos. OS/37 – OS/38)

Finance and Management Committee, 26th April 2012 (Minutes Nos. FM/111 – FM/119)

(Minute No. FM/114 – In response to questions raised under the Customer Access Strategy about the services delivered by Northgate, the Chairman of the Committee offered to investigate these matters and respond to the Member who raised them.)

Overview and Scrutiny Committee (Special), 2nd May 2012 (Minute No. OS/39)

(Minute No. OS/39 – In response to a question, further information was provided about the Police and Crime Commissioner and associated Police and Crime Panel. A copy of the supporting literature was provided to the Member who asked the question.)

Overview and Scrutiny Committee, 2nd May 2012 (Minutes Nos. OS/40 – OS/47)

Planning Committee, 8th May 2012 (Minutes Nos. PL/141 – PL/152)

(Minute No. PL/146 – It was questioned whether the Council had a policy on the installation of wind turbines and was understood that this would form part of the Local Development Framework.)

(Minute No. PL/148 – A question was submitted with regard to the failure of the Forestry Commission to consult the Council before overriding a

Tree Preservation Order with a felling licence and the Chief Executive was asked to investigate what retrospective legal action could be taken.)

CL/11. **POLITICAL PROPORTIONALITY**

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by the Local Government (Committees and Political Groups) Regulations 1990.

A report was submitted which confirmed the political composition of the Council. It also set out the requirements to review representation of the different political groups at, or as soon as practicable after, the Annual Meeting of the Council.

RESOLVED:-

- (1) That in accordance with Council Procedure Rule No. 1.1(e) the Council appoints the Committees and Sub-Committees as set out at Annexe "A" to these Minutes, together with the six Area Forums detailed in Article 9 of the Council's Constitution.***
- (2) That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2012/13.***
- (3) That the Council allocates seats between the Political Groups as set out at Annexe "A" to these Minutes, and invites the two Groups to make nominations to fill these seats.***

CL/12. **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2012/13**

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2012/13.

RESOLVED:-

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the ensuing year, as set out at Annexe "B" to these Minutes be received and noted.***
- (2) That the appointments of Chairmen and Vice-Chairmen be approved as indicated.***

CL/13. **COMPOSITION OF SUBSTITUTE PANELS**

RESOLVED:-

That the nominations of Members to serve on Substitute Panels, as set out at Annexe "C" to these Minutes, be received and noted.

CL/14. **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2012/13**

RESOLVED:-

That Council approves the schedule of persons nominated to serve on Outside Bodies for 2012/13, as set out at Annexe “D” to these Minutes.

CL/15. **APPOINTMENT OF MEMBER CHAMPIONS**

RESOLVED:-

That the following Member Champions be appointed for 2012/13:-

<i>Arts and Culture</i>	<i>Councillor Hewlett</i>
<i>Consultation, Communication and Engagement</i>	<i>Councillor Murray</i>
<i>Design (Planning)</i>	<i>Councillor Bale</i>
<i>Equality and Diversity</i>	<i>Councillor Mrs. Patten</i>
<i>Health and Safety</i>	<i>Councillor Watson and Councillor Bell</i>
<i>Historic Environment</i>	<i>Councillor Watson</i>
<i>Information Technology</i>	<i>Councillor Mrs. Watson and Councillor Frost</i>
<i>Older People</i>	<i>Councillor Hewlett</i>
<i>Performance and Data Quality</i>	<i>Councillor Harrison</i>
<i>Procurement and Business Improvement</i>	<i>Councillor Mrs. Watson</i>
<i>Risk Management</i>	<i>Councillor Watson</i>
<i>Training</i>	<i>Councillor Lemmon and Councillor Southerd</i>
<i>Voluntary Sector</i>	<i>Councillor Hewlett</i>
<i>Young People</i>	<i>Councillor Bale</i>

CL/16. **APPOINTMENT OF CHAIRMEN AT AREA FORUMS**

RESOLVED:-

That the following Chairman be appointed to the Area Forums as indicated below:-

Etwell Area Forum – Councillor Mrs. Brown
Linton Area Forum – Councillor Wheeler
Melbourne Area Forum – Councillor Harrison
Newhall Area Forum – Councillor Dunn
Repton Area Forum – Councillor Smith
Swadlincote Area Forum – Councillor Tilley

CL/17. **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/18. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2011/12

The annual report of the Overview and Scrutiny Committee for 2011/12 was submitted. The Chairman of the Committee presented this document to Members, speaking of the depth and range of scrutiny reviews undertaken, the outcomes from the review work and in particular the recently completed review of funded voluntary organisations.

RESOLVED:-

That the Council receives the annual report of the Overview and Scrutiny Committee for 2011/12.

CL/19. ASSOCIATION OF RETAINED COUNCIL HOUSING

Further to Minute No. HCS/77 of the Housing and Community Services Committee held on 19th April 2012 and of Minute No. FM/116 of the Finance and Management Committee held on 26th April 2012, a copy of this report had been submitted for consideration at the Full Council Meeting.

RESOLVED:-

- (1) That the Council becomes a member of the Association of Retained Council Housing (ARCH) Limited.***
- (2) That the Chairman of the Housing and Community Services Committee and the Head of Housing and Environmental Services become Directors of ARCH Ltd.***
- (3) That in accordance with s.323(1) of the Companies Act 2006, the Council authorises the Chairman of the Housing and Community Services Committee and the Head of Housing and Environmental Services, or their substitutes, to be the Council's representatives at any Meeting of ARCH and execute voting rights on behalf of the Council.***
- (4) That Council notes the earlier recommendations of both the Housing and Community Services and Finance and Management Committees.***

CL/20. MEMBERSHIP OF EFFICIENCY EAST MIDLANDS LIMITED (PROCUREMENT CONSORTIUM)

Further to Minute No. HCS/79 of the Housing and Community Services Committee held on 19th April 2012 and to Minute No. FM/117 of the Finance and Management Committee held on 26th April 2012, this matter had also been referred for the Council's consideration.

RESOLVED:-

- (1) That the Council becomes a Member of Efficiency East Midlands Limited.***
- (2) That in accordance with s.323(1) of the Companies Act 2006, the Council authorises the Repairs and Improvements Manager or his substitute to be the Council's representative at any meeting of Efficiency East Midlands Limited, and execute voting rights on behalf of the Council.***
- (3) That Council notes the earlier recommendations of both the Housing and Community Services and Finance and Management Committees.***

CL/21. **COUNCIL PROCEDURE RULES – SUBSTITUTE MEMBERS**

It was reported that the Chief Executive had been requested to include this item on the Summons as Members might wish to review the Council Procedure Rules in respect of substitute Members. The report set out the current Council Procedure Rule relating to the appointment of substitute Members.

A proposal was submitted to vary Procedure Rule 4.4(c) to read "After notifying the Chief Executive no later than the commencement of the Meeting". This proposal was duly seconded and a debate ensued on the change proposed to this Procedural Rule.

RESOLVED:-

That Council Procedure Rule 4.4(c) be changed as set out above.

(Note: Members of the Labour Group wished it to be recorded that they had voted against this decision).

CL/22. **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 5th April 2012, 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, 12th April 2012

Licensing and Appeals Sub-Committee, 17th April 2012

Housing and Community Services Committee, 19th April 2012

Finance and Management Committee, 26th April 2012

Planning Committee, 8th May 2012

M. STANTON

CHAIRMAN