

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way,
Swadlincote on 2nd March 2006
at 6.00 p.m.

PRESENT:-

Labour Group

Councillor Jones (Chair), Councillor Lauro (Vice Chair) and Councillors Bell, Carroll, Dunn, Harrington, Isham, Lane, Mrs. Mead, Murphy, Pabla, Richards, Shepherd, Southerd, Southern, Taylor, Whyman, M.B.E. and Wilkins.

Conservative Group

Councillors Atkin, Bale, Bladen, Ford, Harrison, Mrs. Hood, Hood, Mrs. Littlejohn, Mrs. Renwick, Shaw and Mrs. Wheeler.

Independent Member

Councillor Mrs. Walton.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bambrick and Mulgrew (Labour Group) and Councillors Mrs. Hall, Lemmon and Nalty (Conservative Group).

CL/138. **MINUTES**

The Open Minutes of the Meeting of the Council held on 26th January 2006 (Minutes Nos. CL/117-CL/135) were taken as read, approved as a true record and signed by the Chair.

CL/139. **CHAIR'S ANNOUNCEMENTS**

The Chair played a tape of Mrs. Steele reciting a poem about old age. This was recorded shortly after Mrs. Steele's 107th birthday. The Chair reported on the funds raised as a result of the Gresley Male Voice Choir Concert and the joint charity country music concert with East Staffordshire Borough Council. He advised that tickets were still available for the Civic Dinner and publicised details for the charity golf competition on 19th May 2006. Finally, the Chair reported that His Royal Highness The Duke of York officially opened the JCB power plant at Dove Valley Park on 16th February.

CL/140. **ANNOUNCEMENTS BY THE HEAD OF PAID SERVICE**

The Chief Executive reported that an election petition had been received for the Swadlincote vacancy. An election would be held on Thursday 20th April 2006 and details were provided of the election timetable.

CL/141. **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:-

Environmental and Development Services Committee (Special), 10th January 2006 (Minutes Nos. EDS/39-EDS/41)

Housing and Community Services Committee (Special), 12th January 2006 (Minute Nos. HCS/69-HCS/74)

Finance and Management Committee (Special), 17th January 2006 (Minute Nos. FM/94-FM/99)

Corporate Scrutiny Committee (Special), 30th January 2006 (Minute No. COS/22)

Finance and Management Committee (Special), 30th January 2006 (Minute Nos. FM/102-FM/103)

Environmental and Development Services Committee, 2nd February 2006 (Minute Nos. EDS/44-EDS/56)

Licensing and Appeals Sub Committee, 7th February 2006 (Minute Nos. LA/52-LA/53)

Housing and Community Services Committee, 9th February 2006 (Minute Nos. HCS/77-HCS/86)

Overview Committee (Special), 13th February 2006 (Minute Nos. OV/22-OV/23)

Corporate Scrutiny Committee, 13th February 2006 (Minute Nos. COS/23-COS/25)

Development Control Committee, 14th February 2006 (Minute Nos. DC/94-DC/100)

Community Scrutiny Committee, 20th February 2006 (Minute Nos. CYS/26-CYS/28)

Finance and Management Committee, 21st February 2006 (Minute Nos. FM/104-FM/116)

Finance and Management Committee (Special), 23rd February 2006 (Minute Nos. FM/124-FM/127)

(Councillor Harrison referred to a table within these Minutes concerning the probable yield and estimates for 2006/07. He sought an explanation of the difference between figures included in the table. The Chair of the Finance and Management Committee confirmed that the increased Council Tax base was the main reason for the difference

in these figures. This was confirmed by the Head of Finance and Property Services, who gave further details of the reasons behind the variance in this table.)

Overview Committee, 27th February 2006 (Minute Nos. OV/24-OV/25)

Area Meetings

Swadlincote, 23rd January 2006 (Minute Nos. SA/15-SA/21)

Etwall, 24th January 2006 (Minute Nos. EA/16-EA/23)

Linton, 25th January 2006 (Minute Nos. LA/17-LA/24)

Melbourne, 31st January 2006 (Minute Nos. MA/18-MA/23)

Repton, 1st February 2006 (Minute Nos. RA/16-RA/22)

Newhall, 7th February 2006 (Minute Nos. NA/17-NA/23)

CL/142. **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/143. **BUDGET REQUIREMENT AND COUNCIL TAX LEVELS 2006/2007**

Note: At 6.20 p.m. Councillor Shaw joined the Meeting.

The Leader addressed Members on the budget and proposed a motion relating to an increase of 3.9% on this Council's level of Council Tax, which was duly seconded. Councillor Mrs. Wheeler proposed an amendment relating to an increase of 2.95% on this Council's level of Council Tax, which was duly seconded. A vote was taken on the amendment, which was lost.

RESOLVED:-

- (1) That the revised General Fund revenue estimates (net expenditure) for the financial year commencing 1 April 2005 is approved in the sum of £10,004,520 (as approved by Finance & Management Committee on 23rd February 2006).***
- (2) That the General Fund revenue estimates (net expenditure) for the financial year commencing 1 April 2006 are approved in the sum of £11,304,420 (as approved by Finance & Management Committee on 23rd February 2006).***
- (3) That it be noted that at its Meeting held on 26th January 2006 the Council calculated the following amounts for the financial year commencing 1 April 2006 in accordance with Regulations made under Section 33 (5) of the Local Government Finance Act 1992.***

(a) **29,645.9 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	24.2
Aston-on-Trent	667.2
Barrow-on-Trent	233.4
Barton Blount	30.1
Bearwardcote	11.5
Bretby	383.6
Burnaston	666.3
Calke	10.1
Castle Gresley	500.5
Catton	19.8
Cauldwell	45.5
Church Broughton	218.4
Coton-in-the-Elms	281.3
Dalbury Lees	107.9
Drakelow	62.6
Egginton	260.1
Elvaston	708.3
Etwall	944.0
Findern	634.9
Foremark	33.3
Foston & Scropton	229.7
Hartshorne	1,133.6
Hatton	879.0
Hilton	2,032.4
Hoon	22.4
Ingleby	45.4
Linton	673.1
Lullington	60.9
Marston-on-Dove	15.2
Melbourne	1,791.7
Netherseal	330.8
Newton Solney	278.5
Osleston and Thurvaston	118.4
Overseal	795.3
Radbourne	52.2
Repton	983.9
Rosliston	267.5
Shardlow and Great Wilne	383.8
Smisby	117.8
Stanton-by-Bridge	110.6
Stenson Fields	1,197.9
Sutton-on-the-Hill	61.1
Swadlincote	8,769.0
Swarkestone	86.2
Ticknall	296.4
Trusley	41.2

Twyford and Stenson	61.7
Walton-on-Trent	317.9
Weston-on-Trent	459.7
Willington	897.0
Woodville	1,292.8

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 2006 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:*
- (a) *£40,998,164 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) *£30,114,755 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) *£10,883,409 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) *£6,448,952 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) *£149.58 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) *£363,394 being the aggregate amount of all special items referred to in Section 34(1) of the Act.*
 - (g) *£137.32 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:

	£:p
Aston on Trent	26.98
Barrow-on-Trent	28.28
Bretby	6.00
Burnaston	9.00
Castle Gresley	18.58
Church Broughton	15.71
Coton-in-the-Elms	19.78
Dalbury Lees	17.61
Egginton	25.82
Elvaston	8.47
Etwall	38.52
Findern	12.92
Foston and Scropton	39.18
Hartshorne	7.06
Hatton	21.05
Hilton	18.45
Linton	37.14
Melbourne	7.73
Netherseal	19.65
Newton Solney	14.00
Overseal	28.12
Repton	12.20
Rosliston	20.56
Shardlow and Great Wilne	28.36
Smisby	19.52
Stenson Fields	10.21
Ticknall	37.11
Walton-on-Trent	16.04
Weston-on-Trent	13.05
Willington	29.71
Woodville	12.96

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 2006 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 2006 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 2006 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 2006 for each of the categories of dwellings shown.*

Note: At 7:05pm Councillor Wilkins left the Meeting.

CL/144. **COMPOSITION OF COMMITTEES, SUB COMMITTEES AND WORKING PANELS**

RESOLVED:-

- (1) *That Councillor Harrington be appointed as Chair of the Swadlincote Area Meeting, to replace the late Councillor John Stone.*
- (2) *That Councillor Mrs. Hood replaces Councillor Mrs. Hall as a Member of the Licensing and Appeals Committee.*

CL/145. **SUBSTITUTE PANELS**

There were no amendments to the compositions of Substitute Panels.

CL/146. **REPRESENTATION ON OUTSIDE BODIES**

There were no amendments to the representation on Outside Bodies.

CL/147. **STATEMENT OF COMMUNITY INVOLVEMENT**

Members were advised that a report had been received from the Inspector that undertook an examination of the Statement of Community Involvement

and the written representations received. The Inspector had accepted the changes to the document agreed at the Special Council Meeting on 15th December 2005 and made only one other recommended change that was considered necessary. The examination assessed the document against certain tests, set out in an Appendix to the report. The Inspector's report was binding.

Councillor Taylor congratulated Officers on the formulation and delivery of the Statement of Community Involvement and this view was supported by Councillor Southerd.

RESOLVED:-

That Council notes the content of the Inspector's report and adopts the Statement of Community Involvement, as amended, in accordance with the Inspector's recommendations.

CL/148. **LOCAL GOVERNMENT ACT 1972, SCHEDULE 12A – EXEMPT INFORMATION**

It was reported that the Local Government (Access to Information) (Variation) Order 2006 made amendments to Schedule 12A of the Local Government Act 1972. It altered Part One of the Schedule, which described the categories of information that might be considered exempt from the requirement to make available to the public papers relating to local authority meetings and access to those meetings. The amendments would have the effect of simplifying the exemption in the Schedule and harmonising them with the provisions of the Data Protection Act and the list of exemptions contained in the Freedom of Information Act. The revised descriptions of exempt information were set out within the report. The Order came into effect on 1st March 2006 and accordingly, amendments to the Access to Information Rules were required within the Constitution.

RESOLVED:-

That the Access to Information Rules within the Constitution be amended, as appropriate, to reflect the changes to the descriptions of exempt information.

CL/149. **REPORT ON THE CURRENT HEALTH OF SCRUTINY AT SOUTH DERBYSHIRE DISTRICT COUNCIL – IS IT FIT FOR PURPOSE?**

A report was presented by Councillor Harrington, on behalf of the Overview Committee. By way of introduction, the report outlined discussions which had taken place between Scrutiny Members and the conclusions reached. The conclusions were outlined in a series of bullet points and a context was provided. The report then posed the question whether Scrutiny was fulfilling its purpose. The report examined the role of Scrutiny, the Council's Constitution principles and particular reference was made to the work programme, policy review and development. The report then looked at the Scrutiny Committees' work plans and a lesson from an excellent authority. This section of the report highlighted potential areas of joint working with Derbyshire County Council and a subsequent section on development areas looked at the respective goals for Scrutiny within the County and District Councils.

The report then highlighted resources, Officer support, structure and budgets. Subsequent sections looked at efficiencies, cross authority and committee working, together with Gershon and budgetary issues.

Councillor Harrington confirmed the offer from Scrutiny to work closely with policy committees, to add value. Councillor Bladen supported the views expressed as the Vice Chair of the Overview Committee. He referred to the reorganisation of local government and the important role of Scrutiny. He touched on the operation of Scrutiny in fourth option Councils, as compared to those operating a cabinet structure. He hoped Members would read the conclusions of the report.

Councillor Carroll welcomed this thoughtful report and noted the serious implications, including budgetary issues which required discussion. It was proposed that this item be referred to the Finance and Management Committee. Councillor Southerd felt that this was an interesting and well researched report. There was a need to avoid duplication and to define the Scrutiny role in this fourth option Council. The report had some excellent recommendations, some of which had budgetary implications. He supported the proposal to refer this issue to the Finance and Management Committee, whilst recognising the need for this role to be independent. Councillor Harrington welcomed the comments and the opportunity to discuss this issue further.

RESOLVED:-

That the matter be referred for further consideration by the Finance and Management Committee.

Note: At 7:40pm Councillor Murphy left the Meeting.

CL/150. **ESTABLISHMENT OF AN AUDIT SUB COMMITTEE**

It was reported that the Comprehensive Performance Assessment (CPA) framework included a use of resources judgement. This assessed how well a Council managed and used its financial resources, to support its delivery of the Council's priorities. This new framework had been deemed 'the harder test'. Rather than focusing on whether a Council had robust frameworks in place, the test had moved to assess the impact of these frameworks. The Audit Commission required Councils to have an Audit Committee to gain a level four in the use of resources assessment. The report set out the guidance issued regarding Audit Committees.

CIPFA considered it good practice to establish an Audit Committee and had recently issued a guidance document in this regard. However, there was no statutory requirement for a local authority to have an Audit Committee. It was proposed to establish a sub-committee of the Finance and Management Committee, to undertake this function. The proposed terms of reference were detailed in an appendix to the report, together with the structural arrangements. These were based primarily on CIPFA's guidance and the Audit Commission's use of resources advice, although good practice adopted by fourth option district councils had been included.

The Leader of the Council highlighted certain sections of the report that appeared contradictory. He questioned when the Council should embrace this issue and sought guidance about the composition of the Audit Sub-Committee. It was proposed to defer this item, to enable further consideration of the arrangements for the new municipal year. Officers provided further information about the composition of the Audit Committee, confirming that it could not include Members of the Finance and Management Committee or Scrutiny Members.

RESOLVED:-

That consideration of this item be deferred.

CL/151. **ODPM CONSULTATION PAPER ‘LOCAL STRATEGIC PARTNERSHIP; SHAPING THEIR FUTURE’**

It was reported that the Office of the Deputy Prime Minister (ODPM) had issued this consultation paper as part of the Government’s local vision debate about the future of Local Government. It re-examined the role, governance and capacity of Local Strategic Partnerships (LSP’s), both in terms of short term changes and more radical longer term adjustments. The document had four main chapters covering :

- The role of LSP’s and sustainable community strategies
- Governance
- Accountability
- Capacity issues

A copy of the executive summary was submitted and the report set out the key messages in this consultation. It posed a series of questions designed to help the OPDM understand how LSP’s were operating and where changes could be made nationally, regionally and locally to help them operate more effectively. The Local Government Information Unit (LGIU) had drafted a response to the consultation paper, to help Councils finalise their views. The LGIU had produced a detailed response, covering all of the areas addressed in the consultation paper on a systematic basis. Board members of the South Derbyshire LSP had been encouraged to respond to the consultation paper on behalf of their respective organisations. The Strategic Co-ordination Group of the LSP had considered this issue at a meeting earlier in the day and suggested a response in line with that of the LGIU, as appended to the report.

Note: At 7:45 pm, Councillors Dunn and Mrs. Renwick left the Meeting.

A number of Members voiced their concerns at the proposals contained within this consultation document. Councillor Harrison took the opportunity to raise the Nottingham East Midlands Airport master plan and he hoped that the Council would respond to that consultation. Councillor Southerd was mindful of the short timescale for responses and commended the draft response from the LGIU. This was supported by Councillor Carroll, as the proposed response was comprehensive and the LGIU comprised local authorities across the Country. This view was also supported by Councillor Mrs. Wheeler who commented on the consultation, the imposition of Local Area Agreements and the likely reduction in Crime and Disorder Partnership funding for the area.

RESOLVED:-

That the Local Government Information Unit's draft response be adopted as the Council's response to the ODPM consultation paper on Local Strategic Partnerships.

CL/152. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

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 26th January 2006 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), 10th January 2006.

Housing and Community Services Committee (Special), 12th January 2006

Finance and Management Committee (Special), 17th January 2006

Environmental and Development Services Committee, 2nd February 2006

Licensing and Appeals Sub Committee, 7th February 2006

Housing and Community Services Committee (Special), 9th February 2006

Development Control Committee, 14th February 2006

Finance and Management Committee, 21st February 2006

R JONES

CHAIR