

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 26th September 2013
at 6.00 p.m.

PRESENT:-

Conservative Group

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

Labour Group

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

CL/31. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Bale, Jones and Smith (Conservative Group).

CL/32. **MINUTES**

The Open Minutes of the Meeting of Civic Council held on 30th May 2013 (Minute Nos. CC/1 – CC/6) were taken as read, approved as a true record and signed by the Chairman. The Open Minutes of the Meeting of the Council held on 4th July 2013 (Minutes Nos. CL/20 – CL/28) were taken as read, approved as a true record and signed by the Chairman, subject to Councillor Stuart being recorded as present.

CL/33. **PRESENTATION FROM THE DERBY AND SANDIACRE CANAL TRUST**

Chris Madge (Society Chairman and Trust Director) gave a presentation on the Derby and Sandiacre Canal Trust. He confirmed that the Trust was a registered charity, whose objective was to restore the canal as near to its original line as possible. There were currently 750 members.

The canal route was identified on a slide, and it was confirmed that to complete all proposed work, there would be a basic cost of £45m. Progress so far was identified, along with the next steps for the project.

The presentation was concluded with questions, and Members thanked Mr. Madge for his attendance at the Meeting.

CL/34. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported that she had recently been present at several 100th birthday celebrations. She had also visited the Proms in the Park, Woodville Methodist Church Barn Dance and the inauguration of a new Vicar at St John's Church, Newhall.

CL/35. **LEADER'S ANNOUNCEMENTS**

The Leader congratulated Rosliston Forestry Centre for their success in East Midlands in Bloom. He also requested that his congratulations be passed onto staff for their effort in this project.

He also reported that Councillor Bale was currently in hospital after having an infection in his arm. He had passed on the Council's best wishes to Councillor Bale.

The Leader also confirmed that he had written to the Secretary of State for Communities and Local Government on the proposals for grant and new homes bonus for 2015/16 onwards.

He added that, along with other Council Leaders in the country, he had been invited by the Leader of Derbyshire County Council, to sign a joint letter to the Secretary of State on this subject. However, he felt that it was too general to have any worthwhile effect on Ministers and felt that he would be better to follow the advice of the Local Government Association and write on the detailed circumstances of this Council. Much of the work drafting the letter was done by Councillor Harrison and the Director of Finance and Corporate Services, and he thanked them for the work they had carried out. The letter stated that large cuts in funding in a short timescale meant that continuing the Council's policy of cutting costs not services would be difficult. It also laid out the steps that this Council had already taken to increase efficiency and how South Derbyshire did not levy charges for car parking or domestic refuse. These charges were levied by most other authorities, and not charging was in line with the Secretary of State's declared policy, and South Derbyshire's lack of them should be reflected in Government funding. He added that he had received formal acknowledgement of this letter and was hopeful that further discussions would take place.

CL/36. **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:-

Planning Committee, 25th June 2013 (Minute Nos. PL/1 – PL/8)

Overview and Scrutiny Committee, 26th June 2013 (Minute Nos. OS/1 – OS/5)

Finance and Management Committee, 27th June 2013 (Minute Nos. FM/23 – FM/27)

Licensing and Appeals Sub-Committee, 1st July 2013 (Minute No. LAS/1)

Licensing and Appeals Sub-Committee, 1st July 2013 2013 (Minute No. LAS/6)

Planning Committee, 16th July 2013 (Minute Nos. PL/9 – PL/18)

Planning Committee, 6th August 2013 (Minute Nos. PL/20 – PL/27)

Licensing and Appeals Sub-Committee, 21st August 2013 (Minute Nos. LAS/7 – LAS/9)

Environmental and Development Services Committee, 22nd August 2013 (Minute Nos. EDS/1 – EDS/10)

Planning Committee, 27th August 2013 (Minute Nos. PL/28 – PL/34)

Licensing and Appeals Sub-Committee, 28th August 2013 (Minute Nos. LAS/10 – LAS//11)

(Minute No. LAS/11 - A Member asked if all evidence received had been presented at this Licensing Hearing. The Legal and Democratic Services Manager and Monitoring Officer responded that all evidence for Licensing Hearings was put together in accordance with regulations. In relation to this Hearing, as far as she was aware no other representatives had been received from any other responsible authorities.)

Housing and Community Services Committee, 29th August 2013 (Minute Nos. HCS/1 – HCS/7)

Finance and Management Services Committee, 5th September 2013 (Minute Nos. FM/28 – FM/36)

(Minute No. FM/31 – The Leader requested that the Minutes be amended to include the Statement he had made under Chairman's Announcement with reference to the letter he had sent to the Secretary of State. It was also requested that this letter be circulated to all Members.)

Etwall Area Forum, 18th June 2013 (Minute Nos. EA/1 – EA/8)

Swadlincote Area Forum, 2nd July 2013 (Minute Nos. SA/1 – SA/9)

Repton Area Forum, 3rd July 2013 (Minute Nos. RA/1 – RA/7)

Newhall Area Forum, 17th July 2013 (Minute Nos. NA/1 – NA/8)

Linton Area Forum, 24th July 2013 (Minute Nos. LA/1 – LA/8)

Melbourne Area Forum, 30th July 2013 (Minute Nos. MA/1 – MA/8)

CL/37. **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/38. **ANNUAL REPORT 2012/13**

A report was submitted which informed Members of the Council's Annual Report, together with the operational and priority actions for the current and financial performance of the Council in 2012/13.

The Annual Report captured the outcomes from the work that had been done by the Council and in partnership with other organisations over the past year.

RESOLVED:

That the draft Annual Report 2012/13 be noted.

CL/39. **SCHEME OF DELEGATION**

On 20th May 2010, Council approved and adopted a Scheme of Delegation to form part of the Council's Constitution. This Scheme no longer reflected the Council's present management structure and the opportunity had been taken by the Corporate Management Team to review the scheme and amend it accordingly. The revised Scheme of Delegation provided a clear and effective resource within the Council's Constitution to identified those powers delegated to officers and to provide clear guidance on how the exercise of those powers was to be limited or qualified to ensure Members were appropriately involved in the Council's decision-making process.

RESOLVED:

- (1) That the revised Scheme of Delegation be approved to form Part 3 of the Council's Constitution.***
- (2) That the Monitoring Officer be delegated the ability to make minor amendments to the Scheme of Delegation, for example, following restructures or changes in job titles.***

CL/40. **SCRAP METAL DEALERS ACT 2013**

A report was submitted which provided information regarding the implementation of the Scrap Metal Dealers Act 2013. This repealed the Scrap Metal Dealers Act 1964, and Part 1 of the Vehicles (Crime) Act 2001, and created a new regulatory regime for scrap metal recycling and vehicle dismantling.

The report provided background details on the Act and also on the two types of licence which was specified, Site Licence and Collectors Licence. A recommended fee structure was also included.

Questions were asked on the enforcement action that could be undertaken following the implementation of this Act.

RESOLVED:

- (1) That the fees as set out in the report be approved.**
- (2) That the requirement for a criminal records Basic Disclosure Certificate, or Police National Computer search certificate for each applicant and site manager to accompany all applications, be approved.**
- (3) That applicants be allowed to pay the application fee via an instalment plan, during the transitional period.**
- (4) That the amendments to the Council's Scheme of Delegation as set out in the report be approved.**

CL/41. **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 4th July 2013, 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:-

Licensing and Appeals Sub-Committee, 1st July 2013

Planning Committee, 16th July 2013

Housing and Community Services Committee, 29th August 2013

Finance and Management Committee, 5th September 2013

A. HOOD

CHAIRMAN