

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Wednesday 27th February 2019
at 6.00pm

PRESENT:-

Conservative Group

Councillor Stanton (Chairman), Councillor Muller (Vice-Chairman) and Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Mrs Patten, Pegg, Roberts, Smith, Swann Watson and Wyatt

Labour Group

Councillors Bambrick, Dunn, Rhind, Richards, Dr Pearson, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley and Wilkins

CL/119 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Dr Coyle, Mrs Hall, Murray (Conservative Group), Councillor Chahal, (Labour Group) and Councillors Coe and Tipping (Independent Non-Grouped Members).

CL/120 **PRESENTATION: CHIEF SUPERINTENDENT JIM ALLEN**

The Chief Executive welcomed Chief Superintendent Jim Allen who was attending Council prior to retirement. The Chief Executive expressed his appreciation of the Chief Superintendent's hard work and dedication.

Chief Superintendent Jim Allen thanked Members and Officers for their support during his time and continued to provide an update on key policing issues for the District including; commercial burglaries, anti-social behaviour and tackling the issue of County Lines through continued joint training. The Chief Superintendent thanked this Council for their support in the Police and Crime Panel's decision to raise the policing precept on Council Tax, advising that this would allow for more police officers in South Derbyshire including officers dedicated to neighbourhood enquiries and rural crime. The Chief Superintendent introduced David Cox to Council advising that he would be appointed as Chief Superintendent in the coming month. In closing, the Chief Superintendent noted that he had enjoyed working with South Derbyshire and thanked Members and Officers for their continued support.

The Leader thanked the Chief Superintendent on behalf of the Council and wished him well in his retirement.

CL/121 **MINUTES OF COUNCIL**

The Open Minutes of the Council Meeting held on the (CL/95-CL/115) held on the 17th January 2019 were approved as a true record.

CL/123 **DECLARATIONS OF INTEREST**

On behalf of all Members, the Chairman declared a pecuniary interest in relation to Item 11, Council Tax Setting 2019/20, in accordance with Clause 14(4)(vi) of the Members' Code of Conduct.

Councillor Ford declared a personal interest in Item 10, Derbyshire Care Leavers: Council Tax Exemption Scheme, by virtue of being a County Councillor, advising he would not participate in the debate.

Councillor Mrs Patten declared a personal interest in Item 10, Derbyshire Care Leavers: Council Tax Exemption Scheme, by virtue of being a County Councillor, advising she would not participate in the debate.

Councillor Atkin declared a personal interest in Item 10, Derbyshire Care Leavers: Council Tax Exemption Scheme, by virtue of being a County Councillor, advising he would not participate in the debate.

Councillor Swann declared a personal interest in Item 10, Derbyshire Care Leavers: Council Tax Exemption Scheme, by virtue of being a County Councillor, advising he would not participate in the debate.

Councillor Bambrick declared a personal interest in Item 10, Derbyshire Care Leavers: Council Tax Exemption Scheme, by virtue of being a County Councillor, advising he would not participate in the debate.

CL/124 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined a summary of events attended since the last Council Meeting; including the Showman's Guild lunch in Nottingham, celebration of the St. Giles' Hospice shop in Swadlincote at its hospice based in Lichfield, the Air Training Cadets' parade in Netherseal, a performance by William Allitt School at Burton Town Hall and the Holocaust Memorial Dedication in Rosliston. The Chairman invited Members to attend forthcoming events including Shrovetide Pancake Races and the 1211 (Swadlincote & District) Squadron Air Training Corps exercising their awarded Freedom of the District by marching through Swadlincote with their bands playing and bayonets fixed.

CL/125 **ANNOUNCEMENTS FROM THE LEADER**

The Leader advised Council of the Keep Britain Tidy: Watching You scheme which would be launching in South Derbyshire and noted its success in other areas in addressing dog fouling.

CL/126 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive updated Council on the success of the 'Starting a business in Swadlincote' event, where just under fifty entrepreneurs attended. The Chief Executive further advised that an application for a drought permit had been made by Severn Trent to the Environment Agency to take out 77,200,000 cubic metres of water from Foremarke and Staunton Harold.

CL/127 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed that no questions had been received.

CL/128 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed that no questions had been received.

CL/129 **CORPORATE PLAN 2019/20**

The Strategic Director (Corporate Resources) presented the report to Council.

RESOLVED:

Council approved the updated Corporate Action Plan for Quarters 1 & 2 of 2019/20 attached to the Report.

CL/130 **COUNCIL TAX REDUCTION SCHEME 2019/20**

The Strategic Director (Corporate Resources) presented the report to Council, informing that the Scheme was considered by the Finance and Management Committee where it was resolved that the two child limit be removed and referred for recommendation to Council.

Councillor Harrison, as Chairman of Finance and Management Committee, recommended the report to Council for approval.

RESOLVED:

1.1 Council approved that 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 1 April 2019.

1.2 Regulations be approved and cited as the Council Tax Reduction Scheme Regulations (South Derbyshire District Council Local Scheme 2019) and come into force on 28 February 2019.

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 are uprated in accordance with the 2013 Regulations in 1.3 above as set out in Housing Benefit Circular HB A8/2018

CL/131 **DERBYSHIRE CARE LEAVERS: COUNCIL TAX EXEMPTION SCHEME 2019-20**

The Strategic Director (Corporate Resources) presented the report for Council advising that it had been considered, in detail, by Finance and Management Committee.

RESOLVED:

1.1 That in accordance with discretionary powers under Section 13A (1) C of the Local Government Act 1992, an exemption from Council Tax, by way of a discount, be awarded to Derbyshire County Council Care Leavers in accordance with the following criteria:

- i) A Care Leaver is defined as a young person aged 18 to 25 who was formerly a child in the care of Derbyshire County Council and who then became a ‘care leaver’ as defined by The Children (Leaving Care) Act 2000 and is liable for Council Tax on a dwelling within the South Derbyshire District Council area. No reduction will be made for care leavers of other authorities living within the area.***
- ii) Applications must be made by the Leaving Care Team, or equivalent, for and on behalf of the care leaver previously***

registered with Derbyshire County Council in the financial year immediately preceding their 18th birthday.

- iii) Applications may be backdated to 1 April in the year of application if the 18th birthday fell in the previous year.***
- iv) Council Tax Discount will be awarded on a single property occupied as the sole or main residence in the District Council's area, from the date of the care leavers 18th birthday until the day immediately preceding their 25th birthday, as follows:***
 - a. Sole occupation by a care leaver of 100% of residual balance of Council Tax payable after the award of any other discount relief or exemption.***
 - b. Where a care leaver is jointly liable a proportionate award will be made according to their individual circumstances, e.g. if there's one other occupier then a 50% discount will apply.***
 - c. Where the care leaver is not liable for Council Tax no discount will apply.***
- v) Discounts will be subject to annual review of eligibility which will include financial circumstances.***

1.2 That the above Scheme would apply to the financial year 2019/20.

1.3 That the Scheme be kept under review and monitored by the Finance and Management Committee.

CL/132 **COUNCIL TAX SETTING 2019/20**

The Leader moved the resolutions contained in the report, commenting on the Council's budget, its financial position and the proposed level of Council Tax for 2019/20. The Leader stated that during the last year, the Council's financial position had strengthened, with a good level of reserves and a balanced budget, but emphasised that in such uncertain times for the UK economy and the future funding of local government, it would be vital for the Council to continue to manage its finances prudently whilst providing resources to meet the service needs of an expanding population. Whilst noting no short term financial issue, the Leader referred to the potential budget deficits from 2020/21 and the projected increase in the council's spending from additional demand being placed on its services.

The Leader referred to the financial benefits resulting from the inclusion of this Council in the government's pilot for the 100% retention of business rates and noted that the additional resources generated, would allow future capital investment in the local economy. The Leader welcomed the government's proposal not to change any further the allocation of the New Homes Bonus for 2019/20. Whilst noting growth of the District, the Leader noted that the

financial plan would continue to set-aside annual sums in readiness for further investment in the council's services such as waste collection and recreational facilities. The Leader noted the increase in contributions to Parish Councils and the Voluntary and Community Sector and highlighted the Council's continued commitment to support.

Turning to the Council Tax setting for 2019/20, the Leader emphasised the desire to keep any rises as low as possible, proposing an increase of 1.95% for South Derbyshire District Council services, an increase of £3 on Band D for the year. This, the Leader felt, represented good value for money and thanked the staff for their work during these challenging times for the Council.

Councillor Richards responded, commenting that he felt that the Council's current reserves and strengthening financial position did not justify the proposed increase in Council Tax and raised concerns relating to its impact on residents of South Derbyshire. Councillor Richards stated that the Labour Group would not support the report's recommendations.

RESOLVED:

1. ***It be noted that on 10th January 2019, the Finance and Management Committee calculated the Council Tax Base 2019/20:***
 - (a) ***For the whole area as 33,302 (Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended by the Localism Act 2011).***
 - (b) ***For dwellings in those parts of its area to which a Parish Precept relates as 22,810.***
2. ***Calculate that the Council Tax Requirement for the Council's own purpose for 2019/20 (excluding Parish Precepts) is £5,405,248.***
3. ***That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 and 36 of the Localism Act 2011:***
 - (a) ***£46,387,886***

Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) ***£40,184,214***

Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
 - (c) ***£6,203,672***

Being the amount by which the aggregate of 3(a) above exceeds the aggregate of 3(b) above, calculated by the Council in accordance

with Section 31A (4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).

(d) £186.29

Being the amount at 3(c) above (Item R) all divided by Item T (1a above) calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts).

(e) £798,424

Being the aggregate amount of all Parish Precepts referred to in Section 34 (1) of the Act.

(f) £162.31

Being the amount at 3 (d) above less the result given by dividing the amount at 3 (e) above by Item T (1a 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 Parish Precept relates.

- 4. To note that Parish Councils have issued precepts to the Council in accordance with Section 41 of Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in Schedule A**
- 5. To note that the County Council, the Police and Crime Commissioner and the Fire and Rescue Service for Derbyshire, have issued Precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in Schedule B.**
- 6. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in Schedule C, as the amounts of Council Tax for 2019/20 for each part of its area and for each of the categories of dwellings, this being the aggregate of Schedules A and B.**
- 7. That in accordance with Section 52 (ZB) of the Local Government Finance Act 1992, the Council determines that the amount of council tax shown at 3 (f) of £162.31 is not excessive compared to 2018/19 and therefore there is no requirement for a local referendum.**

As required by the Council's Procedure Rules a recorded vote was taken:

The Members who voted for the resolutions were:

Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Ford, Grant, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Pegg, Roberts, Smith, Stanton, Swann, Watson and Mrs Wyatt.

The Members who voted against the above resolutions were:

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

CL/133 **ARMED FORCES COVENANT**

The Chief Executive presented the report to Council.

Councillor Shepherd welcomed the report and referred to paragraph 3.1 of the report advising that developers, within his ward, had been contacted in relation to adapting new properties. The Councillor sought support from Members to contact the Mercian Regiment to assist in identifying any servicemen in the area who could be assisted.

Councillor Atkin addressed Council as the Armed Forces Member Champion, welcoming the report and supporting its implementation. The Councillor advised Council that the Chair of the Covenant Committee has been handed to the Lord Lieutenant's Office with plans to invite Members to be involved in the covenant process. The Councillor advised that Council would be updated of progress and noted that the next step would be to identify members of the Armed Forces within South Derbyshire.

RESOLVED:

- 1.1 Council noted and agreed the revised content of the Armed Forces Covenant and agreed to this being re-signed.***
- 1.2 Council agreed to allow delegated authority to the Chief Executive of the Council to agree any future changes to the draft Armed Forces Covenant prior to it being re-signed on 7 March 2019.***

CL/134 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees and Area Forum meetings were approved as a true record:-

<u>Committee</u>	<u>Date</u>	<u>Minutes No's</u>
Overview and Scrutiny	28.11.18	OS/31-OS/39
Planning	18.12.18	PL/127-PL/140
Environmental and Development Services: Special – Budget	03.01.19	EDS/71-EDS/79
Housing and Community Services: Special –	08.01.19	HCS/64-HCS/71

Budget		
Finance and Management: Special – Budget	10.01.19	FM/113-FM/123
Planning	15.01.19	PL/141-PL150
Overview and Scrutiny	16.01.19	OS/40-OS/48
Housing and Community Services	31.01.19	HCS/72-HCS/84

CL/135 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

RESOLVED:

Council were informed that no amendments were to be made.

CL/136 **COMPOSITION OF SUBSTITUTE PANELS**

RESOLVED:

Council were informed that no amendments were to be made.

CL/136 **REPRESENTATION ON OUTSIDE BODIES**

RESOLVED:

Council were informed that no amendments were to be made.

CL/137 **MEMBER CHAMPIONS**

RESOLVED:

Council were informed that no amendments were to be made.

CL/138 **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 17th January 2019 (CL/116-CL/118) were approved as a true record.

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

Council was 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>Committee</i>	<i>Date</i>	<i>Minute No.'s</i>
<i>Finance and Management: Special – Budget</i>	<i>10.01.19</i>	<i>FM/124-FM/125</i>
<i>Housing and Community Services</i>	<i>31.01.19</i>	<i>HCS/85-HCS/87</i>

The meeting terminated at 7.00pm.

COUNCILLOR M STANTON

CHAIRMAN OF THE DISTRICT COUNCIL