

MINUTES of the MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at the Civic Offices, Civic Way, Swadlincote
on Wednesday 1st March 2017
at 6.00pm

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick, Chahal, Dunn, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins

CL/124 **COUNCILLOR MRS FARRINGTON**

At the behest of the Chairman all present stood for a minute's silence in memory of Councillor Mrs Farrington. Individual tributes were made by Councillors Wheeler, Richards, Mrs Coe, Mrs Wyatt and Swann. The Chief Executive also added condolences on behalf of Council staff.

CL/125 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Roberts (Conservative Group) and Dr Pearson and Rhind (Labour Group)

CL/126 **PRESENTATION**

The Chairman welcomed Mr Jim Allen, Chief Superintendent, Derbyshire Constabulary to the Meeting. The Chief Superintendent gave a presentation to Members, confirming his commitment to local policing and the Community Safety Partnerships, Safer Neighbourhood Teams and the retention of Swadlincote police station, also outlining the challenges facing the police. Members were assured that South Derbyshire, and the county itself, is a low crime environment, but invited Members to contact him with any issues.

The Chief Executive and Leader thanked Mr Allen for his attendance and the information imparted.

CL/127 **MINUTES OF ANNUAL COUNCIL**

The Open Minutes of the Council held on 19th January 2017 (Minute Nos. CL/102-CL/120) were approved as a true record.

Councillor Shepherd, in relation to Minute No.CL/103, queried the absence of planning appeal figures. The Chief Executive made reference to the

requirement to provide the figures at a future Council meeting and duly provided them:-

| | Appeal site | Reference | Appeal | Council costs incurred at appeal (£) | Appeal result | Appellant costs awarded against council (£) |
|---|---|-------------|------------------------------------|--------------------------------------|---------------|---|
| Delegated Refusals | | | | | | |
| A | Newton Road, Winshill | 9/2014/1039 | Inquiry | 13,795 | Allowed | Nil |
| B | Acresford Road, Overseal | 9/2015/0496 | Hearing | 2,250 | Withdrawn | Nil |
| C | Cauldwell Road, Linton | 9/2015/0129 | Inquiry | 9,950 | Dismissed | Nil |
| | Total | | | £25,995 | | Nil |
| Committee Decisions (as per recommendation) | | | | | | |
| D | New House Farm, Mickleover | 9/2014/0249 | Inquiry | | Allowed | |
| E | Ticknall Road, Hartshorne | 9/2014/1140 | Inquiry | 14,740 | Dismissed | Nil |
| F | Main Street, Etwall | 9/2015/0215 | Written | | Dismissed | Nil |
| G | Jawbone Lane, Melbourne (Bond Elm) | 9/2014/1141 | Inquiry | 10,845 e | Allowed | Nil |
| | Total | | | £25,585 e | | Nil |
| Committee Decisions (contrary to recommendation) | | | | | | |
| H | New House Farm, Mickleover | 9/2014/1136 | Conjoined Inquiry with 9/2014/0249 | 38,000 | Allowed | 99,950 |
| I | High Street, Linton | 9/2013/0689 | Inquiry | 20,105 | Allowed | Nil |
| J | Rosliston Road, Drakelow | 9/2014/0948 | Hearing | 11,000 | Allowed | Nil |
| K | Valley Road, Overseal | 9/2014/0431 | Hearing | 16,049 | Allowed | Nil |
| L | Linton Heath, Linton | 9/2015/0426 | Written | | Allowed | 14,995 |
| M | Jawbone Lane, Melbourne (Linden) | 9/2014/1145 | Hearing | 8,632 | Dismissed | Nil |
| | Total | | | £93,786 | | 114,945 |
| | Grand Totals – all categories | | | £145,366 e | | £114,945 |
| | Total cost of committee decisions made contrary to recommendation and subsequently allowed at appeal (Cases H-L) | | £200,099 | Grand Total All Appeal Costs | | £260,311 e |

e = estimate

Councillor Shepherd referred to Minute No.CL/110 and Councillor Wilkins' request for information relating to council house sales. The Chief Executive provided the requested information:-

| | |
|-----------------------------|----|
| Council house sales 2015/16 | 17 |
| Council new builds 2015/16 | 64 |

Councillor Wilkins queried the number sold in 2016/17 to date. The Chief Executive confirmed that a further 22 houses had been sold since April 2016.

CL/128 **DECLARATIONS OF INTEREST**

Councillor Atkin declared a pecuniary interest in relation to Item 10 Community Governance Review – Barrow upon Trent, Twyford & Stenson and Stenson Fields: Final Proposals, by virtue of his family owning farm land in the parished area of Barrow upon Trent, informing Council that he would leave the Chamber whilst this item was discussed.

On behalf of all Members, the Chairman declared a pecuniary interest in relation to Item 9) Council Tax Setting 2017/18, in accordance with Clause 14(4)(vi) of the Members' Code of Conduct.

Councillor Wilkins left the Meeting at 6.35pm.

CL/129 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined a summary of events attended since the last meeting, including his latest Men United charity bike ride, tree planting at Rosliston Forestry Centre to mark Holocaust Day and at the Swadlincote golf centre, the Jack Bodell exhibition, the 100th anniversary celebrations at Woodville school and the Shrove Tuesday pancake races in Swadlincote.

CL/130 **ANNOUNCEMENTS FROM THE LEADER**

The Leader noted Councillor Rhind's continued absence and wished him a speedy recovery.

CL/131 **ANNOUNCEMENTS FROM HEAD OF PAID SERVICE**

The Chief Executive made reference to a letters received from the Burton Hospitals Trust and the local MP thanking the Council for its support following the Motion raised at the last Council Meeting.

CL/132 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed that no questions had been received.

CL/133 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed that no questions had been received.

CL/134 **SEALED DOCUMENTS**

27.01.17 11606 Transfer – 1 Council Houses, Main Street, Scropton
08.02.17 11634 Transfer – 10 New Road, Hilton
08.02.17 11636 Transfer – 29 Cleveland Close, Swadlincote

RESOLVED:

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

CL/135 COUNCIL TAX SETTING 2017/18

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 2017/18. The Leader stated that the Council's financial position is sustainable, with a good level of reserves and maintained services. The known reductions in core funding have been planned for in 2018/19, its impacts clear and presenting no imminent issues. However, the Leader emphasised the ongoing need to make savings and further efficiencies.

The Leader noted the revised criteria now applied to the New Homes Bonus, but given the continued growth and commitment to new homes in the District, the Council would be looking for improved Business Rates retention and enhanced regional funding to further improve facilities in South Derbyshire. Spending had been planned within the context of balanced budgets, allowing for the maintenance of assets as well as setting some resources aside for growth.

Turning to the Council Tax setting for 2017/18, 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 on the services the Council provides over and above its statutory responsibilities and its duty towards the elderly and vulnerable in the community. Councillor Richards also noted the need for adequate funding, the revisions to the New Homes Bonus in favour of social care funding, that funds were being withdrawn when most needed, with the impact this may have on the provision of services. Councillor Richards therefore felt there was no alternative to the proposed increase and stated that the labour Group would support the report's recommendations.

RESOLVED:-

- 1. It be noted that on 12th January 2017, the Finance and Management Committee calculated the Council Tax Base 2017/18:***
 - (a) For the whole area as 31,647 (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 21,296.***
- 2. Calculate that the Council Tax Requirement for the Council's own purpose for 2017/18 (excluding Parish Precepts) is £4,942,312.***

3. ***That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 and 36 of the Localism Act 2011:***

(a) £47,839,416

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) £42,141,023

Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.

(c) £5,698,393

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) £180.06

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) £756,081

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

(f) £156.17

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 2017/18 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 £156.17 is not excessive compared to 2015/16 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 were: Councillors Atkin, Bambrick, Billings, Mrs Brown, Chahal, Mrs Coe, Coe, Mrs Coyle, Dunn, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Murray, Mrs Patten, Mrs Plenderleith, Richards, Shepherd, Smith, Southerd, Stanton, Mrs Stuart, Swann, Taylor, Tilley, Watson, Wheeler and Mrs Wyatt.

No Members voted against the above resolutions.

Councillor Atkin left the Chamber at 7.00pm.

CL/136 **COMMUNITY GOVERNANCE REVIEW – BARROW UPON TRENT, TWYFORD & STENSON AND STENSON FIELDS: FINAL PROPOSALS**

The Chief Executive presented the report to Council, detailing the options available to Members, namely Option 1) To take no action or Option 2) To determine the Final Proposals, as detailed at 3.11 to the report.

RESOLVED:-

1.1 Members noted the results of the Draft Proposals consultation.

1.2 Members agreed to the publication of the results of the Draft Proposals consultation.

1.3 Members considered and determined the outcomes of the Community Governance Review for Barrow upon Trent, Twyford & Stenson and Stenson Fields, as outlined at 3.11 to the report, namely:

- a) Agree the boundaries of the parish council areas.**
- b) Determine whether an unparished area should be constituted as a parish and have a parish council (or other body) created.**
- c) Determine the name and style of any newly constituted parish.**
- d) Determine whether the number of parish councillors on an existing parish council should be changed.**
- e) Determine whether or not, as a result of the Review, the area of any other existing neighbouring parish should be retained, merged, altered or abolished.**

- f) Determine whether a parish council should be warded or whether existing parish wards should be altered to reflect changes in the local community.*
- g) Determine whether the name of a parish council should be changed.*
- h) Determine whether existing parish councils should be grouped.*

Members resolved that, in relation to a) above, the boundaries relating to the parishes of Barrow upon Trent and Stenson Fields and the unparished area of Twyford & Stenson be revised as requested.

With regard to all other proposals, as detailed at b) to h) above, Members resolved to take no action, as there was no or insufficient evidence to support such revisions or actions.

1.4 Members approved the publication of the Final Proposals.

1.5 Members delegated authority to the Chief Executive, in consultation with the Chairman of the Council, to make the necessary Reorganisation of Community Governance Order to implement the final recommendations from the Review.

Councillor Atkin returned to the Chamber at 7.15pm.

CL/137 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

RESOLVED:-

That the open minutes of the following Committees were approved as a true record:-

| | | |
|---|------------------------|-----------------------------|
| <i>Etwall Joint Management Committee</i> | <i>09.01.17</i> | <i>EL/59-EL/65</i> |
| <i>Housing and Community Services:</i> | | |
| <i>Special – Budget</i> | <i>10.01.17</i> | <i>HCS/67-HCS/72</i> |
| <i>Finance and Management:</i> | | |
| <i>Special – Budget</i> | <i>12.01.17</i> | <i>FM/105-FM/112</i> |
| <i>Planning</i> | <i>17.01.17</i> | <i>PL/140-PL/158</i> |
| <i>Overview and Scrutiny</i> | <i>18.01.17</i> | <i>OS/43-OS/50</i> |
| <i>Licensing and Appeals Sub-Committee</i> | <i>19.01.17</i> | <i>LAS/33-LAS/35</i> |
| <i>Housing and Community Services</i> | <i>02.02.17</i> | <i>HCS/73-HCS/86</i> |
| <i>Planning</i> | <i>07.02.17</i> | <i>PL/159-PL/175</i> |
| <i>Overview and Scrutiny</i> | <i>08.02.17</i> | <i>OS/51-OS/60</i> |
| <i>Finance and Management</i> | <i>16.02.17</i> | <i>FM/117-FM/126</i> |

CL/138 **THE COMPOSITION OF COMMITTEES, SUB-COMMITTEES & WORKING PANELS FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Council were informed that in relation to the Overview and Scrutiny Committee, Councillor Swann had been appointed as Chairman, Councillor

Billings as Vice-Chairman and that Councillor Atkin had also joined the committee.

With regard to Housing and Community Services Committee Council was also informed that Councillor MacPherson had replaced Councillor Swann.

CL/139 **COMPOSITION OF SUBSTITUTE PANELS**

The Leader confirmed the following change in substitute panel compositions:
Planning Committee: Councillor Mrs Patten to replace Councillor Wheeler

CL/140 **REPRESENTATION ON OUTSIDE BODIES**

Council were informed that no changes had been made to representations on outside bodies since its last meeting.

Councillor Richards informed Council that he had been appointed to the NHS Foundation Trust for South Derbyshire.

CL/141 **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 ANNUAL COUNCIL

The Exempt Minutes of the Council Meeting held on 19th January 2017 (Minute Nos. CL/121-CL/123) 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:-

*Finance and Management:
Special – Budget*

12.01.17 FM/113-FM/116

| | | |
|---|-----------------|----------------------|
| <i>Licensing and Appeals Sub-Committee</i> | 19.01.17 | LAS/36-LAS/37 |
| <i>Housing and Community Services</i> | 02.02.17 | HCS/87-HCS/88 |
| <i>Planning</i> | 07.02.17 | PL/176-PL/177 |
| <i>Finance and Management</i> | 16.02.17 | FM/127-FM/130 |

The meeting terminated at 7.30pm.

COUNCILLOR P MURRAY

CHAIRMAN OF THE DISTRICT COUNCIL