

MINUTES of the MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at Civic Offices, Civic Way, Swadlincote  
on 29th September 2011  
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, Pearson, Rhind, Richards, Shepherd, Southerd, Stuart, Tilley and Wilkins.

**APOLOGY**

An apology for absence from the Meeting was received from Councillor Taylor (Labour Group).

CL/39. **MINUTES**

The Open Minutes of the Extraordinary Meeting of the Council held on 7th July 2011 (Minutes Nos. CL/21 - CL/22) and the Open Minutes of the Meeting of the Council held on 7th July 2011 (Minutes Nos. CL/23 - CL/36) were taken as read, approved as true records and signed by the Chairman. With regard to Minute No. CL/26, a Member reported planned changes to the 50+ Forum and questioned whether this would impact on the District Council's area forums. The Leader of the Council agreed to investigate this further.

CL/40. **PRESENTATION OF SPORTS AWARDS**

Presentations were made to the following individuals, recognising their sporting achievements:-

- Matthew Dalley – Junior Disabled Sportsperson of the Year
- Darren Greenfield – Disabled Sportsperson of the Year
- Thomas Taylor – Junior Sportsman of the Year
- Sarah Walters – Junior Sportswoman of the Year
- Maxine Harlow – Service to Sport

A presentation would also be made to Les Pearson, the Sportsperson of the Year who sadly was unable to attend on this occasion due to ill-health.

**CL/41. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to his civic diary, which was circulated separately and gave details of the events attended. He highlighted a number of events, particularly the recent opening of a supermarket on the Pipeworks development in Swadlincote and the Proms in the Park event. He referred to the Derbyshire County Council Young Achiever Awards and urged Members to support the nomination of South Derbyshire children. Finally, the Chairman publicised the Civic Service, which would be held on 23rd October 2011.

**CL/42. LEADER'S ANNOUNCEMENTS**

The Leader of the Opposition was asked to pass on best wishes to Councillor Taylor for a speedy recovery, following his recent heart attack. Congratulations were recorded to Officers in respect of the RoSPA awards received. With regard to the Pipeworks development, the Leader looked forward to the completion of the cinema and restaurant, also noting the recent unveiling of a Miner's statue on the development. The Leader also congratulated those involved in helping Rosliston to achieve the Gold Award for East Midlands in Bloom and the Silver National Award, particularly thanking District Council staff for their assistance.

**CL/43. HEAD OF PAID SERVICE ANNOUNCEMENTS**

The Chief Executive introduced to Members, Ardip Kaur, the Council's Senior Legal Officer. He reported on the progress with the golf course at the edge of Swadlincote and was diarying site visits every few weeks so that Members could visit the site.

**CL/44. NOTICE OF MOTION**

It was reported that under Council Procedure Rule No. 13(s), Councillor Richards had proposed an urgent motion. The Member explained the grounds for urgency and Council approved these reasons for urgency. Councillor Richards then spoke to and moved the following motion:

"South Derbyshire District Council recognises the disastrous consequences in Derbyshire and particularly its impact on South Derbyshire residents of the decision to award the Thameslink rolling stock contract to the German Company Siemens, instead of our own leading Industry based in Derbyshire "Bombardier".

We also understand that many families not only in Derbyshire but also within South Derbyshire will feel the implications of the loss of this contract. Especially in areas such as the immediate reduction in workforce and lost jobs, the knock on effect of service and supply industries connected to Bombardier, the reduced spending and economic growth within the District.

We applaud the present cross party support for Bombardier in Derbyshire, the decisions made unanimously by all political parties in Derby City Council to contribute to the costs of the feasibility to launch a judicial review of the decision made.

We call on all Members of Parliament in Derbyshire irrespective of Political party to support the Early Day Motion 2059 as below:

That this House notes the commitment given by the Prime Minister in Derby earlier in 2011 that his administration would support local manufacturing jobs; is therefore dismayed and appalled at the implications for UK manufacturing of the Government's decision to make Siemens of Germany the preferred bidder for the 1.4 billion Thameslink rolling stock contract and to reject the bid from Bombardier of Derby; is alarmed that this decision has already led to the announcement of over 1,400 job losses at Bombardier and also threatens at least a further 12,000 jobs in the UK supply chain; is further concerned that the decision could adversely impact on the prospect of a UK-based train manufacturer bidding to supply trains for Crossrail or for high speed rail; supports Bombardier's rejection of the Department for Transport's claim that jobs at the company were under threat irrespective of the destination of the Thameslink contract; acknowledges that EU competition law has not dissuaded the German or French administrations from awarding 100 per cent. of their lucrative domestic rail contracts to domestic bidders; further notes that the contract is still at preferred bidder stage; and calls on the Government immediately to review this decision to take into account the value for money implications of the loss of tens of thousands of UK jobs”.

The motion was duly seconded and debated. Councillor Wheeler proposed the following amendment to the motion:

“South Derbyshire District Council recognises the consequences in Derbyshire, and particularly on South Derbyshire businesses and residents of the tender specification process, and hence the decision, to award the Thameslink Rolling Stock contract to the German company Siemens rather than our own leading company, Bombardier, based in Derby.

We also understand that many families, in Derbyshire and South Derbyshire, will feel the consequences of the loss of this contract, especially in the immediate reduction in workforce and lost jobs, the knock-on effect on service and supply industries connected to Bombardier, reduced spending and economic growth within the District.

We applaud the present cross-party support for Bombardier from Derbyshire County Council, Derby City Council and Derbyshire Districts and Boroughs, Local Members of Parliament and trade unions.

We call on all Members of Parliament in Derbyshire, irrespective of political party, to support the campaign to review the awarding of the Thameslink contract, bring forward other contracts to give a breathing space to Derbyshire industry and ensure that all future tenders are on the basis of a level playing field, recognising, in particular, the need for investment in UK jobs and skills.”

The amendment was duly seconded and debated, with a number of Members contributing, particularly about whether text relating to the Early Day Motion should be included. Councillor Richards exercised the right of reply and the amendment was put to a vote. In accordance with Council Procedure Rule

No. 16.5, a recorded vote was demanded that the names for and against the amendment be entered into the Minutes as follows:-

For

Councillors Atkin, Bale, Mrs. Brown, Ford, Mrs. Hall, Harrison, Hewlett, Mrs. Hood, Jones, Lemmon, Murray, Mrs. Patten, Mrs. Plenderleith, Roberts, Smith, Stanton, Mrs. Watson, Watson and Wheeler.

Against

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

The amendment was carried and became the substantive motion, which was then read by the Chairman and put to a vote.

**RESOLVED:-**

***That Council approves the substantive motion, as set out above.***

CL/45. **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:-***

***Licensing and Appeals Sub-Committee, 5th July 2011 (Minute No. LAS/24)***

***Planning Committee, 12th July 2011 (Minutes Nos. PL/24 – PL/34)  
(Minute No. PL/27 – A Member submitted a further question on this matter following a response from Officers, seeking more general information. The Chief Executive gave an outline to Members and would submit a formal response shortly.)***

***Planning Committee, 2nd August 2011 (Minutes Nos. PL/35 – PL/40)***

***Planning Committee, 23rd August 2011 (Minutes Nos. PL/41 – PL/51)  
(Minute No. PL/41 – The Opposition Leader thanked Members and Officers for the good wishes extended to Councillor Taylor, following his recent illness.)***

***Environmental and Development Services Committee, 25th August 2011  
(Minutes Nos. EDS/12 – EDS/19)***

***Housing and Community Services Committee, 1st September 2011  
(Minutes Nos. HCS/13 – HCS/20)  
(A Member confirmed that she had been present at this Committee, and had not submitted apologies.)***

**Finance and Management Committee, 8th September 2011 (Minutes Nos. FM/25 – FM/37)**

**(Minute No. FM/32 – It was questioned when the Member consultation on ICT needs would be undertaken. The appropriate Officer would be asked to respond to Members.)**

**Standards Committee, 13th September 2011 (Minutes Nos. SC/1 – SC/8)**

**Overview and Scrutiny Committee, 14th September 2011 (Minutes Nos. OS/3 – OS/10)**

**(Minute No. OS/8 – It was confirmed that Councillors Bambrick and Pearson had been appointed to the Task Group for the Committee's review of Mobile Telephone Services and that Councillor Mrs. Mead had been appointed to the Task Group on Early Years Provision.**

**Planning Committee, 20th September 2011 (Minutes Nos. PL/53 – PL/61)**

**Area Forums**

**Linton, 5th July 2011 (Minutes Nos. LA/1– LA/8)**

**Repton, 14th July 2011 (Minutes Nos. RA/1 – RA/10)**

**Melbourne, 19th July 2011 (Minutes Nos. MA/1 – MA/8)**

**Etwall, 26th July 2011 (Minutes Nos. EA/1 – EA/11)**

**Newhall, 27th July 2011 (Minutes Nos. NA/1 – NA/10)**

**Swadlincote, 28th July 2011 (Minutes Nos. SA/1 – SA/10)**

CL/46. **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/47. **COMPOSITION OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS**

**RESOLVED:-**

***That Councillor Mrs. Hood replaces Councillor Mrs. Brown as a Member of the Overview and Scrutiny Committee.***

CL/48. **COMPOSITION OF SUBSTITUTE PANELS**

**RESOLVED:-**

***That Councillor Wheeler is added to the Substitute Panel for the Housing and Community Services Committee.***

CL/49. **REPRESENTATION ON OUTSIDE BODIES****RESOLVED:-**

***That Councillor Mulgrew is appointed as an additional representative on the Swadlincote Town Centre Cultural Partnership.***

CL/50. **MEMBER CHAMPIONS****RESOLVED:-**

***That Councillor Mrs. Watson replaces Councillor Roberts as the Controlling Group's IT Champion and that Councillor Frost is appointed as the Opposition Group's IT Champion.***

CL/51. **REVIEW OF AREA FORUMS AND SAFER NEIGHBOURHOODS**

The Council was asked to consider a review of area forum boundaries, together with arrangements for future Meetings. Following the Electoral Review of ward boundaries in South Derbyshire, the Council had recently consulted on proposed amendments to the Area Forum boundaries. The proposals provided that each ward was situated in one area only rather than the current arrangements where some wards were spread across up to three different areas. County Council electoral divisions were still divided across different areas, which could not be avoided as the boundaries were not co-terminus. Details were provided of the make-up of the new proposed six areas. These new boundaries would also apply to the Safer Neighbourhood Meetings, whereas different boundaries had applied previously. This meant that the Safer Neighbourhood and Area Forum Meetings could be held on the same evening at the same venue, with the Safer Neighbourhood Meeting held first, to deal with any police issues. It was felt this arrangement would avoid duplication and achieve savings in costs and Officer time. The proposed revised boundaries had been the subject of a consultation process and the comments received were set out within the report. Procedurally, Article 9 of the Council's Constitution covered arrangements for the Area Forums and a draft document reflecting the proposals was appended to the report.

Several Members spoke to this item, initially about the value of the current Safer Neighbourhood Meetings and the potential impact if they were followed immediately by the area forum. There was discussion about the consultation undertaken and the poor level of response received. It was suggested that a trial period of one cycle (4 meetings) should be included and that these meetings be used as a further opportunity for consultation on the review. Other points raised were the need for a radical review of how the Council engaged the public and whether the Area Forums should precede the Safer Neighbourhood Meetings. The need for liaison between Area Forum Chairmen and those for each Safer Neighbourhood Meeting, to provide flexibility was stated. Nominations were submitted for the Chairman of the new Area Forums.

**RESOLVED:-**

- (1) *That the proposed Area Forum boundaries be approved, based on the areas set out within the report.*
- (2) *That, with effect from 1st January 2012 the Area Forum and respective Safer Neighbourhood Meeting be held on the same evening at the same venue, with the Safer Neighbourhood Meeting held first, to deal with any police issues.*
- (3) *That the consequential amendments to Article 9 of the Constitution be approved as submitted.*
- (4) *That the Council appoints the Chairman of each Area Forum as set out below and that the Vice-Chairman be appointed by the individual area forums in due course:-*

<i>Etwall</i>	<i>Councillor Mrs. Brown</i>
<i>Linton</i>	<i>Councillor Wheeler</i>
<i>Melbourne</i>	<i>Councillor Harrison</i>
<i>Newhall</i>	<i>Councillor Richards</i>
<i>Repton</i>	<i>Councillor Ford</i>
<i>Swadlincote</i>	<i>Councillor Taylor</i>

- (5) *That the above arrangements are subject to a trial period of one year (four meetings) and that they be reviewed as appropriate in due course.*

CL/52. **BYE-LAW – URINATING IN A PUBLIC PLACE**

The Council was asked to consider a request from Derbyshire Constabulary, to introduce a bye-law relating to the offence of urinating or defecating in a public place. Details were provided of the current bye-law in place, dating from 1962. This carried a maximum penalty of £2 for such offences and was considered derisory. To rectify this issue, the Council had been asked to introduce an Order under Section 235 of the Local Government Act 1972 for good rule and government and the prevention and suppression of nuisance. Such a bye-law had been introduced by Amber Valley Borough Council for this offence, which was liable on summary conviction to a fine not exceeding Level 2 on the standard scale (£500). Accordingly, the Council had been requested to consider the introduction of the bye-law with a maximum penalty of Level 2 on the standard scale.

In response to Members' questions, additional clarification was provided on the need for the byelaw. A request was also submitted for a bye-law to prohibit spitting.

**RESOLVED:-**

*That the Council introduces a bye-law relating to the offence of urinating or defecating in a public place, on the basis outlined above.*

CL/53. **LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER 2010/11 AND UPDATE ON RECENT DEVELOPMENTS TO THE OMBUDSMAN SERVICE**

A report was submitted to give a summary of statistics on complaints made to the Local Government Ombudsman (LGO) against the Authority during the year 2010/11. It also updated on developments in the Ombudsman Service in relation to the introduction of statements of reasons and changes to complaint categories and decision descriptions.

The Council had received the annual review letter for 2010/11 from the LGO, together with statistics, which were appended to the report. Details were provided of the enquiries and complaints received, including the department to which each related and the complaint outcomes. During the year, there were four decisions of 'no maladministration', one local settlement and one matter that was outside the LGO's jurisdiction. Liaison with the LGO was reported, before turning to recent developments and the ways that LGO had changed they way they communicated decisions and reasons. Further detail was then provided under the headings "statement of reasons", "changes to complaint categories" and "decision descriptions".

In receiving the report, Members thanked staff for their work on this area.

**RESOLVED:-**

- (1) That Council accepts the Local Government Ombudsman's Annual Review 2010/11 and notes the further developments to the Ombudsman's Service.***
- (2) That it be noted that there were no decisions of maladministration against the Authority during 2010/11.***

CL/54. **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 7th July 2011 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, 5th July 2011***

***Planning Committee, 23rd August 2011***

***Environmental and Development Services Committee, 25th August 2011***

***Housing and Community Services Committee, 1st September 2011***

***Finance and Management Committee, 8th September 2011***

***Standards Committee, 13th September 2011***

M. STANTON

CHAIRMAN