

MINUTES of the ANNUAL MEETING of the
SOUTH DERBYSHIRE DISTRICT COUNCIL
held at Civic Offices, Civic Way, Swadlincote
on 20th May 2010
at 6.00 p.m.

PRESENT:-

Conservative Group

Councillor Murray (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Bale, Bladen, Mrs. Brown, Mrs. Coyle, Mrs. Farrington, Ford, Grant, Harrison, Hewlett, Jones, Lemmon, Mrs. Patten, Mrs. Plenderleith, Roberts, Stanton, Watson, Mrs. Wheeler, M.P. and Wheeler.

Labour Group

Councillors Bambrick, Dunn, Mrs. Gillespie, Mrs. Lane, Lane, Mrs. Mead, Rhind, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins.

Independent / Non-Grouped Member

Councillor Pabla.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Mrs. Hood and Timms (Conservative Group).

CL/1. **MINUTES**

The Open Minutes of the Meeting of the Council held on 8th April 2010 (Minutes Nos. CL/116 – CL/127) were taken as read, approved as a true record and signed by the Chairman.

CL/2. **DECLARATIONS OF INTEREST**

Personal interests were declared on behalf of all Members, who were also Members of Derbyshire County Council in respect of the item on Swadlincote Conservation Area Partnership Scheme, in view of the County Council's contribution to the scheme.

CL/3. **APPOINTMENT OF THE LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Wheeler was the Leader of the Conservative Group and a proposal was submitted that he be appointed Leader of the Council. An amendment was submitted that Councillor Lemmon be appointed Leader of the Council. The amendment was put to a vote and defeated.

It was proposed, duly seconded and,

RESOLVED:-

That Councillor Wheeler be appointed Leader of the Council for the ensuing year.

CL/4. **APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Harrison was the Deputy Leader of the Conservative Group.

It was proposed, duly seconded and,

RESOLVED:-

That Councillor Harrison be appointed Deputy Leader of the Council for the ensuing year.

CL/5. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had circulated extracts from his diary, giving details of recent events attended. He thanked Councillor Lane, who had recently completed the London Marathon in support of his Charity Appeal. The Chairman also announced provisionally that a Special Meeting of the Council would be held on 28th June 2010, to consider Government proposals for self-financing in council housing.

CL/6. **LEADER'S ANNOUNCEMENTS**

The Leader of the Council congratulated those involved in Liberation Day, which had taken place earlier in the day. He paid tribute to Councillor Murray, as this would be his last full meeting as Chairman of the Council. He also paid tribute to Mark Todd, following his retirement as the Member of Parliament for South Derbyshire and it was agreed that a letter of thanks be sent from the Council, wishing him well for the future. The Leader paid tribute to his predecessor, Councillor Mrs. Wheeler for her dedication and hard work over her three years as Leader and to Councillor Harrison for his period as Acting Leader. Final thanks were recorded to the Chief Executive in his role as Returning Officer and to his staff, for the smooth and efficient running of the recent General Election.

CL/7. **HEAD OF PAID SERVICE ANNOUNCEMENTS**

The Chief Executive responded on the Election, thanking Members for their support. He confirmed that the required documents had been received regarding the appointment of the Leader and Deputy Leader of the Council. Plans were then displayed at the Meeting showing the proposed improvements to the Delph area of Swadlincote Town Centre and the Chief Executive spoke of the interest from investors. He then referred to recent problems with travellers in the area and the wish to be proactive and advise the public of the legislative limits and requirements placed upon the Council in dealing with

travellers. A public meeting was proposed to seek residents' feedback and it was hoped that all authorities, particularly Derbyshire County Council would participate in that Meeting.

The Leader of the Opposition Group congratulated Councillor Mrs. Wheeler, M.P., following her recent election as Member of Parliament. She responded and offered to assist with the reported problems on travellers.

CL/8. **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:-

Standards Committee, 14th April 2010 (Minutes Nos. SC/41 -SC/48)

Environmental and Development Services Committee, 15th April 2010 (Minutes Nos. EDS/51 - EDS/56)

Development Control Committee, 20th April 2010 (Minutes Nos. DC/148 - DC/158)

***Housing and Community Services Committee, 22nd April 2010 (Minutes Nos. HCS/67 – HCS/73)
(Minute No. HCS/71 – A local Member reported problems in the Windsor Close area of Newhall and sought information on the number of times the Police had been called to this area. The Chairman of the Committee agreed to respond, once this had been researched.)***

(Minute No. HCS/69(b) – A Member referred to a question given under notice at the Housing and Community Services Committee on travellers. An update and further question were submitted regarding the use of Section 61 powers by the Derbyshire Constabulary, together with recent problems experienced and it was requested that the Authority pursue the Police to use the Section 61 powers to address the current problems being experienced.)

Finance and Management Committee, 29th April 2010 (Minutes Nos. FM/112 - FM/121)

(Minute No. FM/121 – It was questioned why the Corporate Services Partnership, considered in Exempt at this Meeting had subsequently been publicised by press release. Officers confirmed that the matter was confidential at the time of the meeting, but once the decision had been made and the call-in period expired, a simultaneous press release had been given by the Council and Northgate. The Member was concerned that some Councillors might not have been aware of the decision before the press release was issued. He also expressed concern on a statement made by a Member at an earlier meeting, which was duly clarified by that Member.)

Development Control Committee, 11th May 2010 (Minutes Nos. DC/161 – DC/173)

Overview and Scrutiny Committee, 12th May 2010 (Minutes Nos. OS/31 – OS/37)

(Minute No. OS/34 – A Member gave notice of an amendment to the Minutes for accuracy, which would be submitted at the next Committee Meeting.)

(Minute No. OS/37 – It was questioned whether the Overview and Scrutiny Committee could consider the traveller situation, as part of its work programme. The Chairman of the Committee reported plans for a focus session and suggested review areas were welcomed.)

Area Forum

Repton, 7th April 2010 (Minutes Nos. RA/27 – RA/33)

(Minute No. RA/30 – A question was submitted regarding County Council Officers attending the Area Forum Meetings. The Chief Executive responded that a detailed response had been received from Derbyshire County Council on this matter, which would be reported to the next Area Forum. A Member confirmed that the appropriate Officer would also attend the next Swadlincote Area Forum.)

CL/9. **SWADLINCOTE CONSERVATION AREA PARTNERSHIP SCHEME**

A report was submitted to inform Members of the offer from English Heritage to continue to provide funding for the Swadlincote Conservation Area Partnership Scheme (PSiCA) without match funding from the District Council and to seek approval to continue the scheme on that basis.

Background was provided on the partnership funding scheme and the excellent track record of success in protecting and enhancing premises in conservation areas. In Swadlincote, the Partnership funding started in June 2001 and it was estimated that the grant schemes had generated £1.75million of investment in the historic building stock. In June 2009, the Council received the East Midlands English Heritage Award and it was encouraged to continue the PSiCA for a further three-year period. The future of the scheme was considered by the Environmental and Development Services Committee in October 2009. Whilst Members acknowledged the positive impact the Partnership had on the historic environment of the Town Centre, it was recognised that current finances did not permit continuing with the scheme. The last three-year PSiCA agreement between the funding partners of the District and County Councils and English Heritage technically came to an end in March 2010.

However, in February 2010, Officers put together a bid to English Heritage in the form of a delivery plan, This set out what could be achieved with a notional annual budget of £50,000, without a direct grant contribution from the District Council. In support of the Council's case, the delivery plan also set out proposed District Council investment of £1.1million in public realm improvements, centred on The Delph. The English Heritage approval was based on an unusually low annual budget of £30,000, being £20,000 from English Heritage and £10,000 from Derbyshire County Council. This was due

to the low local direct grant input, the level of demand on funds and in the knowledge that the impact on the Swadlincote Conservation Area would be substantial, as a result of the Council's investment in the public realm works. If it was possible, over the three-year period to increase the local contribution to the grant budget, it would be possible in principle and subject to the availability of funding, for this to be matched with English Heritage funding. The report then set out the conditions of the English Heritage grant-funding offer and it provided information on the operation of the PSiCA scheme. The February 2010 delivery plan proposed that the aims and objectives of the scheme and grant levels should remain as set out in the past. However, given the modest level of funding now available, the Heritage Grants Sub-Committee might need to consider whether the operation of the scheme should be adjusted.

Several Members recognised the terrific improvements made in Swadlincote Town Centre as a result of this Heritage Grants Scheme. A Member was saddened that the District Council could not make a financial contribution and repeated an earlier plea for such funding, when it was possible. An assurance was given that once capital funding was available it would be dedicated to this area, if it was the wish of Members.

RESOLVED:-

- (1) That Council notes the willingness of English Heritage to continue to make contributions towards the Swadlincote Conservation Area Partnership Scheme (PSiCA), without match funding from the District Council.***
- (2) That in light of resolution (1) above, the PSiCA continues for a further three-year period, with applications determined by the Heritage Grants Sub-Committee, which includes representatives from English Heritage and Derbyshire County Council.***
- (3) That the District Council's ability to contribute to the grant fund budget be kept under review.***
- (4) That the Heritage Grants Sub-Committee consider whether the operation of the scheme should be adjusted in light of the reduced level of the budget.***

CL/10. **POLITICAL COMPOSITION**

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by The Local Government (Committees and Political Groups) Regulations 1990. A report was submitted, which confirmed the political composition of the Council and the requirements to review representation of the different political groups.

RESOLVED:-

- (1) That in accordance with Council Procedure Rule No. 1.1(e) the Council appoints the Committees and Sub-Committees as set out at Annexe 'A' to these Minutes, together with the six Area Forums detailed in Article 9 of the Council's Constitution.***
- (2) That the Council approves and adopts the recommended allocation of seats to the Political Groups and the Independent/Non-Grouped Member for the municipal year 2010/11.***
- (3) That the Council allocates seats between the Political Groups and the Independent/Non-Grouped Member, as set out at Annexe 'A' to these Minutes and invites the two Groups to make nominations to fill the seats.***

CL/11. **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2010/11**

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2010/11. The Leader confirmed the review of certain appointments and paid tribute to Councillors Grant and Atkin who were standing down from Vice-Chairman positions.

The Leader of the Opposition Group noted that Councillor Mrs. Wheeler, M.P. was not on any committees or sub-committees. The Member responded, explaining how she would manage the two roles and confirming her intention to use her District Council allowance for charitable donations.

RESOLVED:-

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the ensuing year, as set out at Annexe 'B' to these Minutes, be received and noted.***
- (2) That the appointments of Chairmen and Vice-Chairmen be approved as indicated.***

CL/12. **COMPOSITION OF SUBSTITUTE PANELS**

RESOLVED:-

That the Group nominations of Members to serve on Substitute Panels, as set out at Annexe 'C' to these Minutes, be received and noted.

CL/13. **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2010/11**

The Leader of the Council, in moving the Schedule of persons nominated to serve on outside bodies requested Officers to undertake a review of the bodies which were appointed to.

RESOLVED:-

That Council approves the schedule of persons nominated to serve on Outside Bodies for 2010/11, as set out at Annexe 'D' to these Minutes.

CL/14. **APPOINTMENT OF CHAIRMEN OF AREA FORUMS**

RESOLVED:-

That the following Chairmen be appointed the Area Forums indicated below:-

***Etwall Area Forum – Councillor Lemmon
Linton Area Forum – Councillor Wheeler
Melbourne Area Forum – Councillor Harrison
Newhall Area Forum – Councillor Mrs. Farrington
Repton Area Forum – Councillor Bladen
Swadlincote Area Forum – Councillor Taylor***

CL/15. **SCHEME OF DELEGATION**

It was reported that Council Procedure Rule No. 1.1(f) provided that the Annual Meeting of the Council should agree the Scheme of Delegation, as set out in Part 3 of the Constitution. An amended copy of the document was submitted for Members' consideration.

RESOLVED:-

That in accordance with Council Procedure Rule No. 1, the amended Scheme of Delegation, a copy of which is incorporated in the Signed Minute at Annexe 'SMB1' be approved.

CL/16. **CHANGE OF COMMITTEE TITLE FROM DEVELOPMENT CONTROL COMMITTEE TO PLANNING COMMITTEE**

It was reported that local planning authorities were required to determine planning applications in accordance with the statutory development plan, unless material considerations indicated otherwise. Since 2004, the Local Development Framework had replaced the old style Local Plan and plans now had to provide a strategic vision and objectives for the future of an area over time.

The traditional "development control" approach had focused on processing planning applications and enforcing contraventions, often taking a reactive and cautious approach. In order to enable local authorities to fulfil their place-shaping role and promote sustainable development, a number of measures were being encouraged. Many local authorities, including South Derbyshire had already adopted aspects of development management in their planning services. Members had acknowledged that getting the right decision was of higher value than merely meeting performance targets. The Planning service met top quartile performance for determining "minor" and "other" categories of

planning applications and the target for major applications was set lower, to reflect the negotiation and problem solving requirements.

Changing the title of the Committee would be consistent with this approach and use of the more generic title “Planning Committee” would be more meaningful to the general public. A Member was concerned over the re-titling of this committee, comparing the role of the Environmental and Development Services Committee and that of the quasi-judicial Development Control Committee. He did not think the term Planning Committee was appropriate.

RESOLVED:-

That Council agrees to change the name “Development Control Committee” to “Planning Committee” and to approve any consequential amendments to the Constitution.

CL/17. **PETITION SCHEME**

It was reported that the Local Democracy, Economic Development and Construction Act 2009 required every local authority to adopt a petition scheme, which set out how it would handle petitions. By December of this year, every local authority must have an online petition facility. The Act defined different categories of petitions, being petitions for debate, petitions to hold an Officer to account, exempted petitions and ordinary petitions. Authorities were allowed to define the number of signatures required for each of these categories.

The Department for Communities and Local Government had issued statutory guidance on petition schemes, which suggested that authorities should set the number of signatures required to encourage, rather than discourage petitions. The scheme would only apply for petitions that related to matters for which the authority had responsibility or which it was able to influence. A draft petition scheme was submitted for Council’s consideration and key features of the scheme were reported.

RESOLVED:-

- (1) That the Draft Petition Scheme be approved.***
- (2) That the Head of Legal and Democratic Services be designated as the Petitions Officer.***
- (3) That the Monitoring Officer be instructed to incorporate the Petition Scheme in the Council’s Constitution and make any necessary consequential amendments.***
- (4) That the Head of Legal and Democratic Services and the Head of Information Technology and Business Improvement be instructed to undertake the procurement and implementation of an online petition facility in due course and be authorised to make any minor consequential amendments to the scheme, in consultation with the Group Leaders.***

CL/18. **ANNUAL REPORT OF THE STANDARDS COMMITTEE 2009/10**

The Independent Chairman of the Standards Committee presented its Annual Report for 2009/10. On behalf of all Members, the Leader of the Council thanked Mr. Williams and the Standards Committee for their hard work throughout the year. A Member referred to the section of the Annual Report on dispensations and commented on a particular decision made by the Committee. Officers responded, providing clarification on this matter.

RESOLVED:-

That the Annual Report of the Standards Committee for 2009/10, a copy of which is incorporated in the Signed Minute Book at Annexe 'SMB2' be noted.

CL/19. **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The Chairman of the Overview and Scrutiny Committee presented its Annual Report. A Member commented on an omission relating to the Broadband Review.

RESOLVED:-

That the Annual Report of the Overview and Scrutiny Committee for 2009/10, a copy of which is incorporated in the Signed Minute Book at Annexe 'SMB3' be noted.

CL/20. **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 8th April 2010 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:-

Standards Committee, 14th April 2010

Environmental and Development Services Committee, 15th April 2010

Development Control Committee, 20th April 2010

Housing and Community Services Committee, 22nd April 2010

Finance and Management Committee, 29th April 2010

P. MURRAY

CHAIRMAN