

**MINUTES OF COUNCIL MEETING HELD ON 21 MAY 2018**

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# **NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

## **MINUTES OF THE MEETING OF THE COUNCIL**

**HELD ON 21 MAY 2018**

### **Present:**

Councillor R Smith ..... Chairman in the Chair  
Councillor J Ridgway ..... Vice Chair

#### Councillor P Antcliff

“ J Austen  
“ N Barker  
“ B Barnes  
“ J Barry  
“ G Baxter MBE  
“ L Blanshard  
“ S Boyle  
“ G Butler  
“ A Cooper  
“ S Cornwell  
“ C Cupit  
“ A Dale  
“ S Ellis  
“ M Emmens  
“ A Foster  
“ M Foster  
“ A Garrett  
“ M Gordon  
“ R Hall  
“ D Hancock

#### Councillor P A Holmes

“ G Hopkinson  
“ C Hunt  
“ P R Kerry  
“ H Laws  
“ J Lilley  
“ T Mansbridge  
“ R Marriott  
“ G Morley  
“ S Peters  
“ T Reader  
“ B Ridgway  
“ L Robinson  
“ K Rouse  
“ D Skinner  
“ C A Smith  
“ L Stone  
“ K Tait  
“ C Tite  
“ R Welton  
“ B Wright

### Also in attendance:-

D Swaine	-	Chief Executive
K Hanson	-	Strategic Director (Place)
L Hickin	-	Strategic Director (People)
S Sternberg	-	Head of Service – Corporate Governance and Solicitor to the Council & Monitoring Officer
D Clarke	-	Head of Service – Finance & Resources
N Calver	-	Governance Manager
D Cairns	-	Senior Governance Officer
A Maher	-	Governance Officer

*As a token of the Council's appreciation the Chief Executive presented the Chair with a commemorative photo album chronicling her year in office and paid tribute to the way she had conducted herself over the past year, both in the chair and during her fund raising campaign.*

**735 Apologies for Absence**

Apologies for absence had been received from Councillors W Armitage, P Elliott, E A Hill, C D Huckerby, B Lewis, A Powell, B Rice, M E Thacker MBE and J Windle.

**736 Declarations of Interest**

Members were requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No declarations of interest were declared at this meeting.

**737 Minutes of the Council Meeting held on 5 March 2018**

RESOLVED – That the Minutes of the meeting of the Council held on 5 March 2018 be approved as a correct record and signed by the Chair.

**738 Chair's Announcements**

The Chairman updated Council on her recent attendance at The Royal Garden Party at Buckingham Palace, accompanied by her sister as her consort.

The Chairman was delighted to return to the Chair following a successful operation on her leg as a result of a recent accident. She expressed her thanks to Members for the support they had shown during this time. Despite her recent incapacity the Chairman had organised a charity abseil event from the Millers Dale Bridge in the Peak District which has raised £725.00 for her chosen charities, which took the grand total for her appeal to £5,514.70.

At the commencement of the meeting the Chairman had made presentations for half the funds raised to The Elm Foundation and would be making a formal presentation to the Spinal Injuries Unit at a later date.

**739 Public Participation**

In accordance with Council Procedure Rule No 8 members of the public were allowed to ask questions about the Council's activities for a period of up to 15 minutes. The replies to any such questions will be given by the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12 noon seven clear working days before the meeting.

The following questions had been submitted:-

- (a) Question submitted to Councillor G Baxter MBE, Leader of the Council from Mr Ross Shipman:-

*Given that the District Council has the ways and means to audio record Council meetings as we saw at the one held on 5 March 2018 – can the Council give an explanation why it will not continue audio recording and publish them on the website for the benefit of North East Derbyshire residents, many of who are unable to attend these meetings due to work commitments.*

Councillor G Baxter MBE, Leader of the Council advised that arrangements had been made to live stream an audio recording of the meeting of Council on 5 March 2018 due to the wide spread public interest in the questions that were put to that meeting during public question time. For this one off instance, equipment was borrowed from a specialist provider to enhance the accessibility to this meeting alone.

At its meeting on 15 May 2017 The Council had received a Motion from a Member in relation to exploring options for live streaming Committee meetings, which did not receive any support within the Chamber.

The Leader advised that in the future should the Council wish to look at options for accessibility to meetings at the District Council, they would be fully considered against budget implications.

#### SUPPLEMENTARY QUESTION

Mr Shipman asked a supplementary question of the Leader of the Council to ask whether the Council were considering recording meetings of the authority in the future in order to become more transparent and provide a greater access to meetings for those members of the public who attended work during the day.

The Leader reiterated that previously Council had heard a Motion on this subject matter which had not received support in the Chamber. This decision was based upon the Council's priorities for funding other services delivered to the residents of North East Derbyshire.

- (b) Question submitted to Councillor M Gordon, Portfolio Holder for Environment from Mrs Carol Hutchinson, North East Derbyshire Local Communities Mineral Planning Group/Eckington Against Fracking

*The LCMPG has been formed to work with our local elected members and officers of PC, NEDDC and DCC, on the development of the new Mineral Plan and specifically on the section on the new industry that is Unconventional Gas Extraction. We represent the communities of Bolsover, Creswell, Eckington Marsh Lane, Barlborough et al.*

*Over the last year:*

*Eckington Against Fracking (EAG) have been actively lobbying the Housing Communities & Local Government Select Committee that has culminated in an Inquiry into fracking planning guidance.*

*EAF have been in support of Frack Free Rydale on the development of the NYCC Mineral & Waste Plan. This has been a long but worthwhile experience, culminating in some positive outcomes. The plan has recently been EiP with some positive outcomes that sets national precedent. Ends need to be tied up there but we are hopeful of maintained positive outcomes. The work with the Authorities has been helpful to all and productive.*

*The Inspector (Elizabeth Ord) was minded to accept:-*

- 500 metres set back from residential buildings except in exceptional circumstances;*
- Definitions of extraction processes that defines Conventional Gas Extraction, Exploratory Wells and Unconventional Gas Extraction (UGE).*

*New research is being published at a pace, and we wish to keep abreast of this to ensure best practice is considered and practiced, e.g. a Paper has been published by Professor Peter Styles of Keele University in April 2018 in respect of dangers developing UGE in mining areas and indicates the dangers of faults generally. He recommends a set back of 850 metres from fault lines.*

*We have actively responded to the HC&LGSC Inquiry the NPPF consultation (response in development) and any planning applications locally and nationally.*

*We would like to ask the NEDDC:-*

- (i) For their acceptance of our voice in the community and support in our aim and to ask*
- (ii) How in their view can this be best achieved?*

Councillor M Gordon, Portfolio Holder for Environment and Asset Management advised that the Council accepted and welcomed voices from the community and any support that could be provided to help the District Council to tackle fracking within the District.

The Council as a whole were opposed to fracking activity in North East Derbyshire and the question was welcomed by Members.

Councillor M Gordon requested that the Action Group make known to Members the dates of any future meetings and representative members would endeavour to attend.

No supplementary question was asked.

**740 Minutes of Meetings held between 19 February and 26 April 2018**

Council considered the following Minutes of meetings held between 19 February and 26 April 2018:-

	<b>MEETING</b>	<b>DATE</b>
(a)	Communities Scrutiny Committee	23 February 2018 13 April 2018
(b)	Standards Committee	15 March 2018
(c)	Planning Committee	20 March 2018 10 April 2018
(d)	Cabinet	21 March 2018 11 April 2018
(e)	Licensing Committee Licensing Sub-Committee (Premises) Licensing Sub-Committee (Taxis)	22 March 2018 27 March 2018 26 April 2018
(f)	Strategic Alliance Joint Committee	3 April 2018
(g)	Growth Scrutiny Committee	5 April 2018
(h)	Joint ICT Committee	9 April 2018
(i)	Audit & Corporate Governance Scrutiny Committee	12 April 2018
(j)	Organisation Scrutiny Committee	4 April 2018 18 April 2018

**RESOLVED** – That the Minutes of the meetings held between 19 February and 26 April 2018 as set out above be noted.

**741 Questions from Members under Procedure Rule No 9.2**

In accordance with Council Procedure Rule No 9.2 Members were permitted to ask the Chair of the Council or relevant Committee or the appropriate Cabinet Member questions about Council activities.

Question submitted to Councillor G Baxter MBE, Leader of the Council from Councillor D Hancock:-

*I am rather concerned to see that North East Derbyshire District Council has allocated public resource to designing Chesterfield's official May Day Rally leaflet.*

*Whilst I do not have an issue in principle with promoting an event (although I would prefer to see style, money and time invested in drawing visitors to our District rather than to a neighboring authority), I am very concerned that North East Derbyshire Council Tax payers have been funding the Labour Party (or indeed any political party) propaganda. The leaflet contains a two page spread unashamedly promoting Labour Party PPC Christine Peace's Parliamentary bid. This is unacceptable. There is no value to the residents or businesses of North East Derbyshire in resourcing that.*

*Can Council confirm exactly how much, in terms of financial cost and hours, North East Derbyshire District Council has contributed to this item of political propaganda?*

Councillor G Baxter MBE advised that no public money had been contributed towards the design and printing of the official May Day Rally leaflet. The Leader gave praise to the Council's Print and Design section who had won contracts from various successful organisations. It was noted that since 2008 the income from this service and other entrepreneurial activities of the Council had been used to keep Council Tax down for the residents of North East Derbyshire.

#### **SUPPLEMENTARY QUESTION**

Councillor D Hancock exercised his right to ask a supplementary question of the Leader of the Council and he questioned whether it was appropriate for a service provided by the authority to be associated with any political party.

The Leader of the Council confirmed that the production of this leaflet was purely a commercial process to bring in income to the authority. Councillor D Hancock formally requested a written response to his supplementary question.

#### **742 Motions from Members under Procedure Rule No 10**

In accordance with Council Procedure Rule No 10 to consider motions on notice from members. Motions must be received in writing or by email to the Monitoring Officer by 12 noon seven clear working days before the meeting.

To consider the following Motion from Councillor N Barker:-

*North East Derbyshire District Council calls on the Secretary of State for Housing, Communities and Local Government to introduce legislation to ensure that training for regulatory functions, such as Planning and Licensing, and for statutory legal guidance like Data Protection and Information Security is mandatory for all elected Councillors.*

*The Council also request that this resolution be forwarded to the four leaders of the LGA Groups and the District Council network.*

Councillor N Barker prior to moving his Motion reiterated the lack of legal provision to enforce training for local councillors. He believed that training within areas of Planning and Licensing, as well as IT Security and Data Protection was paramount to safeguarding the Council against making ill informed decisions and believed that the electorate had an expectation that all Members chosen to represent them were expected to undertake a basic level of training.

Councillor B Ridgway, Chairman of the Standards Committee, duly seconded the Motion highlighting the many legal implications of the decisions taken by local councillors.

Some Members were fully supportive of the Motion put to Council and requested more options for accessing training for Members with consideration given to those Members who were in full time employment by providing training sessions during the evening or at weekends.

Councillor A Dale spoke on behalf of all Conservative Members to express that the Motion could not be supported by their Group and concerns were raised by other Conservative Members in regard to attendance at training provided by the authority across the political parties, as well as questioning the quality of the training sessions provided.

Councillor J Austen updated Members on some research that she had undertaken in to this matter and highlighted recommendations made by the LGA in a publication for training on the Code of Conduct Planning Matters. Further, a handbook on Licensing had stated that no Councillor should be permitted to sit on a Committee if not formally trained. Through her research she had identified that many authorities had taken steps to incorporate mandatory training within their Constitutions and pledged a Labour Party support to ensure that all Members within the Labour Group would be encouraged to attend training sessions hosted by the Council.

The Conservative Group confirmed that their position was not to attend training.

Councillor N Barker, as Chairman of the Member Development Working Group, pledged to revisit times of training and assess the viability of providing evening and weekend training sessions. He further welcomed suggestions from Members on subject matters for training and any preferred trainers.

**RESOLVED** – That:-

- (1) North East Derbyshire District Council call upon the Secretary of State for Housing, Communities and Local Government to introduce legislation to ensure that training for regulatory functions, such as Planning and Licensing, and for statutory legal guidance like data protection and information security become mandatory for all elected Councillors.



- (2) That the above resolution be forwarded to the four Leaders of the LGA Groups and the District Council network.

**743 Review of the Council's Constitution**

Members gave consideration to the proposed amendments to the Council's Constitution as part of the annual review considered by the Standards Committee and recommended to Council for adoption.

The Standards Committee had considered the review of the Constitution at its meetings throughout the 2017/18 civic year and had given targeted scrutiny to areas raised by Members and officers as part of the review process. These areas included:-

- Scheme of Delegation to Officers;
- Functions Scheme;
- Protocol on Councillor-Officer relations;
- Procurement Rules/Contract Procedure Rules;
- Petition Scheme;
- Article 9 – Joint Arrangements;
- Joint Employment Committee and Joint Appeals Committee;
- Inclusion of reference to training for Members on Licensing, Standards and Scrutiny Committees and other mandatory training;
- Appointment to Outside Bodies;
- Access to Minutes and Minute Book submission to Council;
- Procedure Rules for Questions from the Public and by Councillors and Motions;
- Correction of numbering in the Council Procedure Rules;
- Licensing Sub-Committee Members 'Housekeeping';
- Approval of Disabled Facilities Grants;
- Nominations for Committee Seats.

Appendix 1 to the report set out all the suggested amendments which had been considered by the Standards Committee and were proposed to Council for approval with details of each change set out in Appendices 2 to 11. A tracked changes version of the Constitution had been made available for Members to view and consider each of the proposals prior to the meeting.

In relation to the changes proposed to the Petition Scheme opposition was expressed by some Members to the inclusion of "matters subject to consultation" in the list of issues excluded from the scheme. This amendment had been proposed following a review of practices across other authorities to ensure that statutory consultation procedures were not undermined. It was clarified that petitions submitted during or prior to consultation periods would be considered by the Council as part of a consultation response.

As part of the recommendations from the Standards Committee an amendment had been suggested to the Procedure Rules for questions from the public and by Councillors and Motions to introduce restrictions to ensure that a member of the public attending a meeting of Council to ask a question

was on the Register of Electors for the District or a non-domestic rate payer. This would effectively guarantee that anyone who wished to pose a question to the Council must live, work or invest in the District.

Councillor B Ridgway, Chairman of the Standards Committee, proposed a further amendment to point 10.5 and 10.6 of Article 10 to replace named substitutes with substitutes appointed by Members of the Committee.

In light of the opposition to amendments to the Petitions Scheme and questions from the public, and in accordance with Council Procedure Rule 14.4, a recorded vote was requested by Councillors A Foster, A Dale and D Hancock.

For the motion – 31

*(Councillors J Austen, N Barker, B Barnes, J Barry, G Baxter MBE, S Boyle, G Butler, A Cooper, S Cornwell, A Garrett, M Gordon, P A Holmes, C Hunt, P R Kerry, H Laws, J Lilley, T Mansbridge, R Marriott, G Morley, S Peters, T Reader, B Ridgway, J Ridgway, L Robinson, K Rouse, D Skinner, C A Smith, R Smith, L Stone, C Tite and B Wright).*

Against the motion – 13

*(Councillors P Antcliff, L Blanshard, C Cupit, A Dale, S Ellis, M Emmens, A Foster, M Foster, R Hall, D Hancock, G Hopkinson, K Tait and R Welton).*

Abstentions – 0

The Motion was carried.

**RESOLVED** – That:-

- (1) The amendments to the Constitution be approved.
- (2) Delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

#### **744 Scrutiny Annual Report 2017/18**

Council considered the Annual Report of Overview and Scrutiny for 2017/18, presented by Councillor D Skinner on behalf of the Scrutiny Chairs' and Vice Chairs'.

During the year three Scrutiny reviews had taken place considering Domestic Abuse, Job Evaluation & Associated Benefits, and Tourism & Growth.

The Audit & Corporate Governance Scrutiny Committee had continued to fulfil its role in overseeing the financial governance arrangements of the Council. In addition, the four Committees had monitored the delivery of action plans from previous Scrutiny reviews, such as the Impact of Town

Centre Environments on Community Safety, the A61 Corridor, and Health & Wellbeing and Morale.

Details of the rest of the work undertaken by Scrutiny throughout the year, including policy development work and Joint Scrutiny, were set out in the report. Suggestions for review topics for the 2018/19 work programme had been invited from a range of stakeholders and would be discussed at the first meeting of each Committee in the new municipal year.

**RESOLVED** – That the Annual Report of Overview and Scrutiny 2017/18 be noted.

**745 Annual Report of the Standards Committee 2017/18**

Council considered a report of Councillor B Ridgway, Chair of the Standards Committee, which set out the Committee's Annual Report for 2017/18.

During the year the Committee had met to consider a number of issues, including Disqualification Criteria for Councillors and Mayors, Parliamentary Committee Standards in Public Life Intimidation in Elections, as well as contributing to the Parliamentary Committee on Standards in Public Life Review of Local Government Ethical Standards.

The Committee had also undertaken in-depth reviews of the Constitution, the Whistleblowing Policy and the RIPA Policy.

During the 2017/18 municipal year the Council had received three complaints in total against Members, two of which had resulted in no further action with one complaint unresolved at the present time. All of the complaints had been determined following consultation with the Independent Person that there were no breaches of the Code of Conduct or they were deemed to be outside the scope of the Code of Conduct.

The reports of the two Independent Persons were attached to the report as Appendices.

The Chair of the Standards Committee thanked the Members of the Committee, including the Parish and Town Council representatives and the two Independent Persons, for their continued hard work and support of the Committee during the year. He also thanked officers for their continued support.

**RESOLVED** – That the Annual Report of the Standards Committee 2017/18 be noted.

**746 Review of the Whistleblowing Policy**

Councillor N Barker, Portfolio Holder for Human Resources, Training and Member Development, presented a review of the Whistleblowing Policy suggesting minor changes to amend various job titles and clarify the form of the Register.

The Whistleblowing Policy had been reviewed to ensure that it remained fit for purpose and current following the recent Strategic Alliance Management Team restructure.

**RESOLVED** – That the amended Whistleblowing Policy be approved.

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