

## MINUTES OF COUNCIL MEETING HELD ON 17 SEPTEMBER 2018

### I N D E X

<b>Page No</b>	<b>Minute No</b>	<b>Heading</b>
1	227	Apologies for Absence
2	228	Declarations of Interest
2	229	Minutes of Council Meeting held on 9 July 2018
2	230	Chair's Announcements
3	231	Public Participation
3	232	Questions asked under Council Procedure Rule No 9.2
3	233	Motions considered under Council Procedure Rule No 10
8	234	Taxi Licensing Policy Review
8	235	Councillor Complaints Procedure
9	236	Strategic Alliance Joint Committee – Terms of Reference
9	237	Appointments to Outside Bodies – Sheffield City Region Combined Authority Audit Committee and Scrutiny Committee

**NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

**MINUTES OF THE MEETING OF THE COUNCIL**

**HELD ON 17 SEPTEMBER 2018**

**Present:**

Councillor J Ridgway ..... Chair

Councillor P Antcliff

“ W Armitage  
“ J Austen  
“ N Barker  
“ B Barnes  
“ G Baxter MBE  
“ G Butler  
“ A Cooper  
“ S Cornwell  
“ C Cupit  
“ A Dale  
“ S Ellis  
“ M Emmens  
“ A Foster  
“ M Foster  
“ M Gordon  
“ R Hall  
“ P A Holmes  
“ C D Huckerby

Councillor C Hunt

“ P R Kerry  
“ H Laws  
“ J Lilley  
“ T Mansbridge  
“ R Marriott  
“ G Morley  
“ S Peters  
“ T Reader  
“ B Rice  
“ B Ridgway  
“ K Rouse  
“ D Skinner  
“ R Smith  
“ L Stone  
“ K Tait  
“ M E Thacker MBE  
“ J Windle  
“ B Wright

Also in attendance:-

D Swaine - Chief Executive  
K Hanson - Strategic Director (Place)  
L Hickin - Strategic Director (People)  
S Sternberg - Head of Corporate Governance & Monitoring Officer  
D Clarke - Head of Finance & Resources  
K Shillitto - Solicitor  
N Calver - Governance Manager  
A Maher - Governance & Civic Officer

**227 Apologies for Absence**

Apologies for absence had been received from Councillors J Barry, L Blanshard, S Boyle, P Elliott, A Garrett, D Hancock, E A Hill, G Hopkinson, B Lewis, A Powell, C A Smith, C Tite and R Welton.

**228 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.

There were no declarations of interest at the meeting.

**229 Minutes of the Council Meeting held on 9 July 2018**

RESOLVED – That the Minutes of the meeting of the Council held on 9 July 2018 be approved as a correct record and signed by the Chair.

**230 Chair's Announcements**

The Chair of the Council thanked all those present for their kind thoughts and support over the previous months in regard to her on-going problems with her ankle.

She spoke in support of raising money for her charity – Chesterfield Royal Hospital – and the excellent services they provide to people with mental health problems. The Chair reported that she had spent considerable time at the hospital in learning about and promoting her charity and she was incredibly impressed with the services provided. The Chair introduced Glyn Wildman, who was the Matron with responsibility for delivering mental health services to people with dementia at the hospital, and invited him to address Council.

Mr Wildman advised Council that he had been in the nursing profession for 27 years in differing roles and throughout that time dementia had always been a subject less discussed. Mr Wildman's main aim was to encourage people to talk about it more and invite conversation about the differing types of dementia, which he confirmed was not always about memory loss but also about differences in judgement, space and differing physical symptoms.

As the Matron in charge of the Enhanced Support Team comprising of 20 health care assistances he was responsible for providing a higher level of care to those patients in hospital suffering from dementia, delirium, withdrawal from alcohol or with general frailty due to the differing behaviours they may demonstrate. The 'Person-centred care' focused on providing patients with activity, stimulation and company through jigsaws, music and books, and managing individual health needs.

In order to enhance this level of care the 'Reminiscence Interactive Therapy Activities' (RITA) system had been investigated and the aspiration was to bring this into Chesterfield Royal Hospital. The Chair's charity this year was specifically raising money to purchase a 'distraction unit' for Chesterfield Royal Hospital which was a smart screen that could be personalised for each patient to create life stories and provide person centre distraction such as favourite TV shows, music or memories. Members were hugely supportive of

the work undertaken at Chesterfield Royal Hospital and whole heartedly supported the focus for this year's charity fund raising.

When questioned, Mr Wildman confirmed that the changes in the way that support was now provided to patients with these needs was not supported by Government funding.

Members queried the correlation between isolation and sensory impairment and dementia and it was confirmed that dementia, delirium and depression (the three Ds) were very closely linked and could impact of the level of severity of each other.

The Chair gave her personal thanks to Mr Wildman and reminded Council of the newly set up Just Giving page on the Council's website through which donations to the charity could be made.

The Chair reminded Members that the 60<sup>th</sup> Annual Brass Band Festival would be taking place on Saturday, 22 September 2018 at Dronfield Sports Centre. Tickets were available through the Governance Team.

**231 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.

No questions from the public had been submitted.

**232 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.

No questions had been submitted under Procedure Rule No 9.2 for this meeting.

**233 Motions from Members under Procedure Rule No 10**

To consider the following motion from Councillor Alex Dale and seconded by Councillor Martin Thacker MBE:-

- (a) *Council notes the serious concern with which the recent changes to its constitution have been met from opposition Councillors and local residents.*

*Council acknowledges the wider concerns of some Councillors and residents that the authority is suffering from a democratic deficit.*

*In response to this, Council will take the following steps:-*

- *Reverse the recent changes to the petition scheme which block petitions from being debated by Council if on a matter subject to consultation, or about to be.*
- *Undertake an urgent review of the way Scrutiny is conducted at North East Derbyshire District Council to enhance its powers as a critical friend and ensure it is focused on services under the responsibility of the Council, rather than matters beyond its remit.*
- *Agree in principle to publishing audio visual recordings of all meetings and explore options for how this can be delivered at the earliest opportunity.*

Councillor A Dale presented his Motion which requested consideration of three areas of “democratic deficits”. He believed that the Administration had refused to record meetings of Council and had been obstructive in developing transparency for meetings of Committees and Council.

In regard to changes to the Petitions Scheme he read a letter out to the meeting from a Dronfield resident and cited page 102 of the Constitution which stated that the Council welcomed petitions, however, the amendments made to the Petitions Scheme contradicted this allowing petitions to be rejected in every circumstance.

Councillor M Thacker MBE addressed Council when seconding the Motion in regard to steps that could be taken to improve transparency for North East Derbyshire District Council. Examples were given of methods of transparency used by neighbouring authorities, including verbatim Minutes and webcasting. He was passionate that introducing recording of Council meetings would help the public to see and hear about local democracy.

The Leader of the Council confirmed that the changes to the Petitions Scheme were agreed at the meeting of Council on 21 May 2018 as part of the Annual Review of the Constitution and no formal Motion was put to that meeting changing the recommendations proposed. The review of the Constitution had been undertaken by Members of the Standards Committee on which three Conservative Members sat, participated and voted.

For clarity, it was confirmed that changes to the Petition Scheme made as part of the Constitution Review ensured statutory consultation periods were not undermined. If the Council were to debate a petition about the Local Plan during a consultation period it would do so outside the formal structured consultation process and would therefore be unfair to those who sent in representations. North East Derbyshire were not alone in implementing changes of this kind.

The Leader further clarified that at the meeting of Council on 21 May 2018 the Minutes of Scrutiny Meetings were considered without comment and Council were not aware of any concerns raised by the Chairs or Vice Chairs or other Scrutiny Members to support this request. The Leader stated that Scrutiny was not an Executive function and was clearly separate to act as a critical friend and help develop policy.

In response to the request to publish audio/visual recordings, the Leader of the Council referred Members to a Motion that was put to the meeting of Council on 15 May 2017 which called for a resolution for all public meetings and sub-committees to be live streamed through all supported media outlets that it currently managed, as well as any future social media platforms that it may use. This Motion did not receive a seconder and was not discussed at the meeting which led to the conclusion that all Members of Council did not wish to consider this at that time.

Councillor M Foster provided some clarity around the request for a review of Scrutiny. He explained that whilst Scrutiny had given consideration to a number of important overarching topics, which were very worthwhile, it was clear that it was not looking inwardly at services that North East Derbyshire provided.

The Chair invited Councillor R Smith to speak as Portfolio Holder for Corporate Governance. She confirmed that it was not the role of Council to dictate to Scrutiny the topics it should give consideration to. She referenced LGA guidance which stated that Scrutiny could review any topic which related to its local area and any services affecting residents. She gave an example of the work that had recently been undertaken by the Communities Scrutiny Committee giving consideration to homelessness and access to local services.

She confirmed that changes made to the Petitions Scheme ensured that consultation periods were not undermined and that the administration was not against receiving this petition and just wished to ensure that it was heard at the correct time.

Councillor R Smith also clarified that the administration were not against transparency at Council and Committee meetings but they did have a wish for any audio/visual enhancement to be cost effective and viable. Officers were looking into the procurement of a new software programme with the sole reason of improving transparency in meetings which would open avenues for audio/visual streaming and this would be considered through the proper channels.

It was noted that members of the public were free to film meetings of Council and there was certainly no objection to this right.

The Chair of each Scrutiny Committee addressed Council, not only expressing their disappointment to hear the view that Scrutiny was not looking inwardly at its services, but also to reinforce its political impartiality. They further discussed some of the important subjects that had been considered by Scrutiny within the last four years and how the overarching subjects had improved internal services.

In exercising his right of reply Councillor A Dale confirmed that consideration of the petition received in regard to the Local Plan would not undermine any process and he could see no logical reason why it could not be discussed by Council but also submitted as part of the consultation. He clarified that when changes to Petitions Scheme were put to Council that the opposition expressed their objections to the change and this was recorded in the Minutes. He wished that through inspiring this debate at a meeting of Council that Scrutiny Committees may consider their Work Plan to consider more inward facing issues such as Leisure and the Green Belt.

He welcomed the Administration's steps to look at development of transparency in meetings and looked forward to further information at the appropriate time.

In accordance with Council Procedure Rule 14.4 a recorded vote was requested by Councillors A Dale, M E Thacker MBE and S Ellis.

For the motion – 12

*(Councillors P Antcliff, W Armitage, C Cupit, A Dale, S Ellis, M Emmens, A Foster, M Foster, R Hall, C D Huckerby, K Tait and M E Thacker MBE).*

Against the motion – 28

*(Councillors J Austen, N Barker, B Barnes, G Baxter MBE, G Butler, A Cooper, S Cornwell, 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 Rice, B Ridgway, J Ridgway, L Robinsons, K Rouse, D Skinner, R Smith, L Stone, J Windle and B Wright).*

Abstentions – 0

The motion was defeated.

*At 2.53 pm Council entered a five minute recess, and reconvened at 2.58 pm.*

*Councillor C Cupit left the meeting at this point.*

To consider the following motion from Councillor Alex Dale and seconded by Councillor A Foster:-

*(b) Council notes and debates the recent 4000 strong petition:-*

- We, the undersigned residents of Dronfield, are opposed to plans to remove land from the Dronfield Greenbelt for development. We*

*call upon North East Derbyshire District Council to reject the proposed plan.*

On presenting the Motion Councillor A Dale confirmed that the Motion had been submitted on his own behest and not at the behest of the organisation or the Petition promoter. As one of the signatories on the 4,000 strong petition stating opposition to plans to remove land from the Dronfield Green Belt for development, he was aggrieved that the length that the administration had gone to to avoid consideration at a meeting of Council. He clarified that changes to the Petitions Scheme took place following receipt of the petition and that it should have been dealt with under the rules that were active at the time of receipt.

He believed that housing targets were inaccurate, over-inflated and unnecessary and did not include those approved through Planning and windfall housing.

When questioned it was confirmed that the Council was still in possession of the petition.

In response to the Motion the Leader of the Council confirmed that the petition referred to was considered when received during the Local Plan consultation period and dealt with in accordance with the Scheme and legal advice.

The Chair invited Councillor M Gordon, Portfolio Holder for Environment, to address Council. He confirmed that the Motion presented could not be supported as the Local Plan had already been submitted. All consultation responses were considered by the Authority and submitted to the Inspector, who in turn as part of the inspection process would hold a public hearing to further invite views.

The lead signatory on the petition was informed of the action that would be taken in regard to the petition, and made aware of their right to request for one of the Council's Scrutiny Committees' review the steps that the Council has taken in response to their petition. There was no option to reject the Plan for it had already been submitted and if the Council did not have a Local Plan Central Government could remove its planning powers.

There was some disagreement over the presentation of the petition at the Cabinet meeting on 21 March 2018.

In exercising his right of reply Councillor A Dale informed Members that the Local Plan would eventually come back to Council for a final decision. The reasoning behind the submission of the Motion was to give residents the debate that they requested and fulfil his role to hold the Administration to account on this matter.

In accordance with Council Procedure Rule 14.4 a recorded vote was requested by Councillors M E Thacker MBE, A Dale and S Ellis.



For the motion – 11

*(Councillors P Antcliff, W Armitage, A Dale, S Ellis, M Emmens, A Foster, M Foster, R Hall, C D Huckerby, K Tait and M E Thacker MBE).*

Against the motion – 28

*(Councillors J Austen, N Barker, B Barnes, G Baxter MBE, G Butler, A Cooper, S Cornwell, 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 Rice, B Ridgway, J Ridgway, L Robinson, K Rouse, D Skinner, R Smith, L Stone, J Windle and B Wright).*

Abstentions – 0

The motion was defeated.

### **234 Taxi Licensing Policy Review**

Council considered a report of Councillor M Gordon, Portfolio Holder for Environment, which recommended the approval of the Council's revised Taxi Licensing Policy.

It was reported that the Taxi Licensing Policy had been subject to an extensive overhaul, and following approval from Licensing Committee, a period of consultation began.

The key changes to the Policies were highlighted which included:-

- Enhancing high standards of conduct;
- Creating a flexible approach to acceptable regulations;
- Improving the conditions of licences; and
- Updating to reflect current legislation.

Whilst the recommendations in the review were welcomed by Members, Councillor A Foster made note of her wish for mandatory CCTV in taxis to be included in a future review. It was confirmed that this issue had been discussed at the meeting of Licensing Committee where legal challenges to the CCTV legislation had been highlighted and investigations into the way other Councils operate in regard to CCTV in taxis was fully considered. Whilst the Council were not currently in a position to incorporate this into their Licensing Policies there was scope to bring this forward at a future date.

Members expressed their thanks to Kevin Shillitto and the Legal and Licensing Team for their work on the review of these Policies.

**RESOLVED** – That the revised Taxi Licensing Policy documents be approved.

### **235 Councillor Complaints Procedure**

Councillor R Smith, Portfolio Holder for Corporate Governance, presented a Councillor Complaints Procedure, which set out the existing Policy clearly and simply, managing complainant expectations detailing the role of the

Monitoring Officer and action to be taken. It was also a useful document for Members who may be subject of a complaint.

It was clarified that the procedure suggested no changes to current practice.

**RESOLVED** – That the Councillor Complaints Procedure, as detailed in Appendix 1 to the report, be approved.

**236 Strategic Alliance Joint Committee – Terms of Reference**

At its meeting on 12 July 2018 the Standards Committee gave consideration to a report setting out a suggested revised Terms of Reference for the Strategic Alliance Joint Committee and recommended proposed changes to Council for approval.

Councillor R Smith, Portfolio Holder for Corporate Governance, clarified that the existing Terms of Reference reflected the Committee's remit as it was set up at the commencement of the Strategic Alliance and the changes proposed within the appendix updated the Terms of Reference to reflect current working practices.

**RESOLVED** – That:-

- (1) The revised Terms of Reference, as set out in Appendix 1 to the report, be approved.
- (2) The Council's Constitution be amended to reflect the changes.

**237 Appointments to Outside Bodies – Sheffield City Region Combined Authority Audit Committee and Scrutiny Committee**

Council considered a report of the Head of Corporate Governance and Monitoring Officer, requesting the Council to consider appointments to the Sheffield City Region Combined Authority Audit Committee and Scrutiny Committee.

In June 2018 the Sheffield City Region passed a resolution which allowed substitute Members to sit on their Audit Committee and Scrutiny Committee. They have requested three substitutes to assist them in ensuring quoracy for future meetings. The level of quorum for these Committees, which is set by legislation, is two thirds and as this is quite a high level the combined authority's new arrangements allow greater flexibility and the opportunity for substitute Members to attend if the substantive Member is unavailable.

The substitute Members should be representative of the same political party they are standing for to ensure that proportional representation is not compromised, therefore three Labour substitute Members were required to be called on to attend if necessary for the remainder of the current municipal year.

Members noted that these appointments would be added to the list for consideration with all other appointments to Outside Bodies at Annual Council in May 2019.

The Leader of the Council put forward the following three Members:-

- J Austen;
- C A Smith;
- D Skinner.

Councillor A Dale confirmed that whilst the Conservatives were unable to put forward candidates from their Group for this appointment, should circumstances be different nominations would not have been submitted due to concerns around North East Derbyshire's participation in this Outside Body.

**RESOLVED** – That Councillors J Austen, C A Smith and D Skinner be appointed to the Sheffield City Region Combined Authority Audit Committee and Scrutiny Committee for the remainder of the 2018/19 municipal year as substitute Members.

---