

MINUTES OF COUNCIL MEETING HELD ON 5 NOVEMBER 2018

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NORTH EAST DERBYSHIRE DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

HELD ON 5 NOVEMBER 2018

Present:

Councillor J Ridgway Chair
Councillor C A Smith..... Vice Chair

Councillor W Armitage

“ 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 Foster
“ A Garrett
“ M Gordon
“ D Hancock
“ E A Hill
“ P A Holmes
“ G Hopkinson

Councillor C D Huckerby

“ C Hunt
“ P R Kerry
“ H Laws
“ B Lewis
“ J Lilley
“ G Morley
“ A Powell
“ B Rice
“ B Ridgway
“ L Robinson
“ K Rouse
“ K Skinner
“ L Stone
“ K Tait
“ M E Thacker MBE
“ C Tite
“ R Welton
“ J Windle
“ B Wright

Also in attendance:-

D Swaine - Chief Executive
K Hanson - Strategic Director (Place)
L Hickin - Strategic Director (People)
S Sternberg - Head Corporate Governance & Monitoring Officer
D Clarke - Head of Finance & Resources
V Dawson - Solicitor (Team Manager) - Contentious
N Calver - Governance Manager
D Cairns - Senior Governance Officer

331 Apologies for Absence

Apologies for absence had been received from Councillors P Antcliff, J Austen, P Elliott, M Emmens, A Foster, R Hall, T Mansbridge, R Marriott, S Peters, T Reader and R Smith.

332 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.

Councillor B Barnes declared a disclosable pecuniary interest in Item 7 – Motions considered under Council Procedure Rule 10 – as he had a live planning application relevant to the description made within the Motion and indicated that he would withdraw from the meeting during consideration of this matter.

333 Minutes of the Council Meeting held on 17 September 2018

RESOLVED – That the Minutes of the meeting of the Council held on 17 September 2018 be approved as a correct record and signed by the Chair.

334 Chair's Announcements

The Chair of the Council, Councillor J Ridgway, updated Council on the engagements that she had participated in on behalf of North East Derbyshire.

The Brass Band Festival on 22 September 2018 had been a huge success and congratulations extended to the 2018 winner, Stannington Brass Band. The support for the event helped to raise much needed funds for Chesterfield Royal Hospital helping people with mental health problems, with the Chair's charity fund currently totally in excess of £2,000.

North East Derbyshire District Council participated in Local Democracy Week, where leading Members visited local schools to talk about democracy and the role of the District Council.

The Chair advised that she would be representing the Council at both her local Service of Remembrance on Remembrance Sunday as well as the Service of Remembrance that would be held at Chesterfield Parish Church. The Chair reminded Members of the poignancy of this particular year with it being 100 years since the end of World War 1 and Members echoed the Chair's reflections on all those who fought, were injured or killed during the War and the consequences which had ensued over the generations.

It was noted that one North East Derbyshire District Council resident, Mr Jack Parrot, (Normandy Veteran) was due to receive the Legion d'Honneur medal presented by the French Consul at the District Council Offices.

The Chair's charity auction would be held on Monday, 26 November 2018 at 7.00 pm at Mount St Mary's College in Spinkhill. All funds raised would be in support of mental health services provided by Chesterfield Royal Hospital.

335 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.

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

Given that only 2% of the District responded to the recent Local Plan consultation, does the Leader of the Council agree with me that the Local Plan should be scrapped and the Council should start again with a more accessible and engaging consultation, so we get sustainable homes and jobs where people want and need them, instead of where the Council does?

The Leader confirmed that he did not agree with Mr Shipman's comments. The Plan had been submitted to the Secretary of State on Thursday, 24 May 2018 where an examiner would now determine the Plan and its soundness. It was deemed impossible to delay this process.

SUPPLEMENTARY QUESTION

Mr Shipman exercised his right to ask a supplementary question of the Leader of the Council, querying whether the Leader of the Council felt the need to resign in order for someone else to take over and represent the views of the people of North East Derbyshire.

The Leader of the Council referred to Mr Shipman's earlier comments around consultation, clarifying that it had been extensive and to re-run such a consultation would discount all the representations made and considered so far. He confirmed that between 2007 and 2008 21 events took place through the Neighbourhood Partnerships in place at the time. In both 2007 and 2010 leaflets distributed through Council Tax and Business Rates mail outs encouraged people to get involved in the Local Plan and register their interest. The first formal public consultation event took place in 2009 on issues and options.

During the publication draft consultation stage between 20 February and 3 April 2018 the Council managed to reach as many as 20,000 people through social media via 5,034 hits on the 20 Council posts about the Local Plan consultation on Facebook and 15,049 hits on the 21 Twitter posts the Council had published.

All consultation events held by the Council were publicised through press releases, social media, articles in The News and notifications to all parties

registered on the consultation database (around 2,500 individuals and organisations are registered).

The Leader totalled that nearly 6,000 responses had been made to the Council in response to the Local Plan.

The Leader of the Council summarised that residents' views had been represented through the consultation process.

336 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.

337 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.

At the commencement of this item Councillor B Barnes left the meeting.

To consider the following Motion submitted by Councillor C Cupit:-

This Council deplores planning applications for developments within Local Settlement Gaps, and notes with alarm the recent influx of applications of this nature.

To safeguard these buffer zones and preserve the treasured individual characters of the villages in this District, this Council therefore resolves to:-

- *Undertake an urgent review of our saved policies to strengthen the protection afforded to Local Settlement Gaps;*
- *Create a new Policy detailing the acceptable exceptional circumstances when approving an application in a Local Settlement Group contrary to Officer's recommendations;*
- *Review and revoke any approved applications within Local Settlement Gaps, under Section 97 of the Town & Country Planning Act 1990.*

In presenting her Motion Councillor C Cupit advised Members of the fears of local residents of losing the identity of their local settlements and merging with other villages, and that recent decisions taken at the Council's Planning Committee demonstrated that the concerns of these residents were not being taken into account.

Councillor C Cupit reiterated that settlement gaps were vital to biodiversity and local wildlife, and highlighted her concerns that this was not being taken into consideration when determining applications for developments within local settlement gaps.

Councillor C Cupit gave examples of recent planning applications which she believed to have been approved against national guidelines giving a signal to local developers that developments within local settlement gaps were acceptable.

Her Motion called for a review to take place of the Council's policies to strengthen the protection afforded to local settlement gaps and to document the exceptional circumstances when approving an application within these areas contrary to an officer's recommendation. Her final recommendation was to review and revoke any approved applications within local settlement gaps in order to be fair and consistent and ensure the Council's policies were correct.

On seconding the Motion Councillor A Dale expressed his objection to approving applications on green belt land, and outside land settlement limits now that the Council had a five year land supply identified. Councillor A Dale shared comments made by members of the public in regard to applications made within local settlement gaps, explaining the genuine concerns of residents and the wish for villages to remain independent.

Councillor D Hancock fully supported the Motion put and expressed his concerns around urban sprawl.

Councillor M Gordon assured Members that the best way to protect Local Settlement Gaps was through the adoption of the Local Plan. Cllr Thacker MBE stated that the Local Plan put forward for adoption was not supported by the Conservative Group. He called for support to the motion put, for the benefit of the District.

In response to a question it was confirmed that the Motion was not asking for all those applications permitted under Section 97 of the Town and Planning Act 1990 to be revoked, only those that had not yet been built, and to then bring in policy to have a robust answer to future applications.

In accordance with Council Procedure rule 14.4 a recorded vote was requested by Councillors C Cupit, M Thacker MBE and A Dale:-

For the motion – 13

(Councillors W Armitage, L Blanshard, C Cupit, A Dale, S Ellis, M Foster, D Hancock, G Hopkinson, C D Huckerby, A Powell, K Tait, M E Thacker MBE and R Welton).

Against the motion – 26

(Councillors N Barker, J Barry, G Baxter MBE, S Boyle, G Butler, A Cooper, S Cornwell, A Garrett, M Gordon, E A Hill, P A Holmes, C Hunt, P R Kerry, H Laws, J Lilley, G Morley, B Rice, B Ridgway, J Ridgway, L Robinson, K Rouse, C A Smith, L Stone, C Tite, J Windle and B Wright).

Abstentions – 1
(*Councillor B Lewis*).

The motion was defeated.

At this point Councillor B Barnes re-entered the meeting.

338 Annual Audit Letter 2017/18

Council considered a report of Councillor P R Kerry, Portfolio Holder for Finance on the Annual Audit Letter in respect of 2017/18 which had been prepared by KPMG. It was noted that a copy of the Annual Audit Letter had previously been circulated to all Members of Council and was available on the Council's website and had previously been considered by the Audit Committee at their meeting on 11 October 2018.

RESOLVED - That the Annual Audit Letter 2017/18 from the Council's External Auditors, KPMG, be noted.

339 Treasury Management Update

Council considered a report of Councillor P R Kerry, Portfolio Holder for Finance, which updated Members on the treasury management activities for the period April to September 2018.

The 2018/19 Treasury Management Strategy was approved by Council six months previously and in line with best practice it was timely to review the treasury management activity. It was noted that the treasury management function covered the borrowing and investment of Council money, which included both the management of the Council's day-to-day cash position and management of its long term debt.

At their recent annual conference, the Government announced the debt cap for the HRA would be removed allowing Councils more freedom to borrow in order to build new social housing. Once further details were known a review of the impact on the Council's treasury management activities would be undertaken and a revised Treasury Strategy would be presented to Council for their consideration.

Councillor M Thacker MBE brought to Council's attention a recent warning issued by CIPFA to Local Authorities in regard to borrowing unnecessarily in order to make a profit and therefore exposing public funds to unnecessary and unquantified risk. The warning also reminded Councils that the prime objective of treasury management activities was the security of funds. As set out in the report, he noted that NEDDC currently were receiving interest on loans made to West Dunbartonshire Council (SNP Controlled) and Lancashire County Council (in financial difficulties). He questioned the security and appropriateness of both these loans and requested assurance on the rest of the Council's lending.

Councillor P R Kerry undertook to provide Councillor M Thacker MBE with a written response to his query and clarified that a full report on financial implications arising from the debt cap changes would be presented to the next meeting of Council on 21 January 2019, however, he did give assurance to Councillor Thacker that under the treasury management system borrowing and lending are undertaken under certain parameters.

RESOLVED – That Council notes the treasury management activities undertaken during the period April to September 2018 as outlined in Appendix 1 to the report.

340 Licensing Act – Statement of Licensing Policy 2019-2024 Policy Review

Council considered a report of Councillor M Gordon, Portfolio Holder for Environment and Chair of the Licensing Committee, which sought approval of the Council's revised Licensing Act – Statement of Licensing Policy 2019-2024.

It was noted that the Licensing Act 2003 imposes a statutory requirement upon District Councils as the statutory licensing authority to prepare a Statement of Policy which must be reviewed every five years.

In July 2018 the Licensing Committee approved a draft Statement of Licensing Policy for consultation with the public and stakeholders, which took place for a period of 11 weeks between 30 July and 15 October 2018.

A summary of the consultation responses with officer comments was set out in Appendix 2 to the report.

Councillor D Hancock made comment around the consultation processes, in general, undertaken by North East Derbyshire District Council. He highlighted significant failings and requested that his comments be taken on board to improve future processes.

RESOLVED – That Council approves and adopts the Licensing Act – Statement of Licensing Policy 2019-2024.

It was requested that it be recorded that Councillors B Lewis and W Armitage abstained from the vote.

341 Gambling Act – Statement of Principles 2019/2022 Policy Review

Council considered a report of Councillor M Gordon, Chair of the Licensing Committee, which sought approval of the Council's revised Gambling Act – Statement of Principles 2019-2022.

The Gambling Act 2005 imposed a statutory requirement upon North East Derbyshire District Council as the statutory licensing authority to prepare a Statement of Principles to be the tool in regulating gambling within the District. There was a three year statutory review requirement and therefore in July 2018 the Licensing Committee gave consideration to and approved a draft Gambling Act Statement of Principles 2019-2022 for consultation with

the public, which took place for a period of 11 weeks between 30 July and 15 October 2018.

During the consultation period four external responses were received and these were set out in Appendix 1 to the report, along with officer responses.

Councillor M Thacker MBE noted that GamCare had provided a list of factors they felt were helpful in the preparation of a Statement of Licensing Principles and requested assurance that the list of factors had been contained within the policy document.

Councillor M Gordon undertook to consult the Licensing Team Leader and provide a response to Councillor M Thacker MBE on this matter.

Further comments were made in regard to consultation, suggesting better use of social media to capture public views.

RESOLVED – That Council approves and adopts the Gambling Act – Statement of Principles 2019-2022.

342 Health and Safety Policy at North East Derbyshire District Council

Council considered a report of Councillor J Lilley, Portfolio Holder for Partnership, Health and Wellbeing requesting that Members review a number of additional arrangements which sat below the overarching Health and Safety Policy previously approved in December 2017.

The arrangements the Council gave consideration to were:-

- Asbestos;
- Control of Contractors;
- Driving at Work;
- Fire Safety;
- Legionella;
- Mobile Phone;
- Sharps and Needle Sticks;
- Training;
- Work at Height;
- Workplace Transport Safety.

It was noted that arrangements for electrical safety, gas safety and work with construction projects (CDM) were still under review and would be provided for consideration at the forthcoming meeting of Council in January 2019.

It was noted that whilst there were no financial implications connected with the report, training in respect of certain arrangements would incur a cost which would be met from appropriate health and safety training budgets.

In regard to consultation on the proposed arrangements Councillor M Thacker MBE queried whether the Council's workforce had been consulted and to which corporate plan priorities the Health and Safety Policy was

linked. Councillor J Lilley inferred his personal expectation that all affected staff would have been consulted, however, he undertook to provide Councillor M Thacker MBE with a written response in regard to both his questions.

RESOLVED – That the additional arrangements that sat below the Health and Safety Policy be agreed and subsequently rolled out across all operational areas.

343 Appointments to Licensing Committee

Councillor G Baxter MBE asked Members to give consideration to a request to a mid-year revision to the appointment of Committees for Licensing Committee.

A request had been made for Councillor Lilian Robinson to replace Councillor Tracy Reader on Licensing Committee. This exchange was permissible with the consent of Council by way of a resolution and would commence following agreement and would conclude at the meeting of Annual Council in May 2019.

RESOLVED – That the mid-year revision to the appointment of Committees be approved.
