

## MINUTES OF COUNCIL MEETING HELD ON 11 DECEMBER 2017

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**NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

**MINUTES OF THE MEETING OF THE COUNCIL**

**HELD ON 11 DECEMBER 2017**

**Present:**

Councillor R Smith ..... Chair  
Councillor J Ridgway ..... Vice Chair

Councillor P Antcliff

“ W Armitage  
“ 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  
“ M Gordon  
“ D Hancock  
“ E A Hill  
“ J Hill

Councillor C Hunt

“ P R Kerry  
“ H Laws  
“ B Lewis  
“ J Lilley  
“ T Mansbridge  
“ G Morley  
“ S Peters  
“ T Reader  
“ B Rice  
“ B Ridgway  
“ L Robinson  
“ K Rouse  
“ D Skinner  
“ C A Smith  
“ K Tait  
“ M E Thacker  
“ C Tite  
“ R Welton  
“ J Windle  
“ B Wright

**397 Apologies for Absence**

Apologies for absence had been received from Councillors P Elliott, A Garrett, R Hall, P A Holmes, G Hopkinson, C D Huckerby, A Powell and L Stone.

**398 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 made at the meeting.

**399 Minutes of the Council Meeting held on 11 September 2017**

In relation to Minute No 246 Councillor Dale requested that his comments be noted regarding the uncertainty with the future of the proposed early intervention pilot in light of the uncertain future with Sheffield City Region Combined Authority itself.

**RESOLVED** – That the Minutes of the meeting of the Council held on 11 September 2017, subject to the amendment noted above, be approved as a correct record and signed by the Chair.

**400 Chair's Announcements**

The Chair advised the Council of recent events that she had attended, including the Voluntary Sector Awards in Chesterfield and the Chesterfield Canal Santa Cruises. She also updated Members on the events that she had hosted, including the World Peace Day, Brass Band Festival and the Charity Auction.

Members were also informed that the Chair had so far raised £3,500 towards her Appeal, which supported two charities, the Elm Foundation and for the Sheffield Hospital's Charity Spinal Injury Unit.

Upcoming events and fundraisers included the christmas tree decorations at the leisure centres, a cycleathon in February and hopefully a sponsored abseil later in the year.

Members were thanked for all their support with the fundraising so far and were also thanked for the donations of household items brought in for the refuge run by the Elm Foundation.

**401 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.

**402 Minutes of Meetings held between 28 August and 24 November 2017**

Council considered the following Minutes of meetings held between 28 August and 24 November 2017:-

	<b>MEETING</b>	<b>DATE</b>
(a)	Planning Committee	29 August 2017 – 10am – Special 29 August 2017 – 2pm 26 September 2017 24 October 2017 – 10.30am – Special 24 October 2017 – 2pm 21 November 2017 – 10.30 am – Special 21 November 2017 – 2pm
(b)	Cabinet	30 August 2017 27 September 2017 10 October 2017 – Special 25 October 2017 22 November 2017
(c)	Licensing Sub-Committee (Taxis)	7 September 2017 2 November 2017
(d)	Organisation Scrutiny Committee	13 September 2017 1 November 2017
(e)	Licensing Sub-Committee (Premises)	15 September 2017
(f)	Communities Scrutiny	22 September 2017 17 November 2017
(g)	Audit & Corporate Governance Scrutiny Committee	28 September 2017 16 November 2017
(h)	Growth Scrutiny Committee	9 November 2017
(i)	Joint ICT Committee	14 November 2017

In relation to Minute No 391 of the Cabinet meeting held on 22 November 2017, Councillor Dale asked what action was being taken to address the Corporate Plan target of bringing empty properties back in to use. Councillor Baxter MBE, Leader of the Council, advised that the Council was working with external partners and other agencies to promote this area of work and he was confident that progress would be made with this target in due course.

In relation to Minute No 288 of the Cabinet meeting held on 27 September 2017, Councillor A Foster queried whether the extension of the Partnership Arrangements with Rykneld Homes started from 1 April 2017 or 1 April 2018. Councillor G Baxter MBE, Leader of the Council, confirmed that the extension of the arrangements was from 1 April 2017 as stated in the Minute.

In relation to Minute No 319 of the Cabinet meeting held on 25 October 2017, Councillor A Foster asked whether the Council would undertake a review of Business Rates in order to support local businesses, following on from the proposed Business Rates Retention Pilot.

Councillor G Baxter MBE, Leader of the Council, responded that he had tried to engage with Members on Dronfield Town Council regarding Dronfield Town Centre and encouraged Councillor A Foster to engage with this dialogue to discuss options for supporting the town centre businesses. Councillor A Foster remarked that she was discussing all town centres in the District proposing a Business Rates review.

**RESOLVED** – That the Minutes of the meetings held between 28 August and 24 November 2017 as set out above be noted.

**403 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.

- (a) Question submitted by Councillor David Hancock to Councillor Michael Gordon, Portfolio Holder with Responsibility for Environment:-

*As was discussed at the last full Council meeting, our Planning Officers undertake both a vital and difficult role. However, I have had a disproportionate number of complaints over the last few weeks, all relating to different building developments within my Ward and its immediate environs; where planning conditions have either been ignored or are inadequately supervised, thereby causing problems for both existing residents and those living on the new developments. Obviously, individual issues have been raised directly with appropriate Planning Officers and it would be accurate to say that many (but not all) of the shortcomings appears to be inadequacies in Derbyshire County Council's Highways Department's involvement in the consultation process. However, it is not acceptable for those residents and businesses that we represent for us to simply pass the buck when our Planning Team have the responsibility for properly overseeing the planning process.*

*What assurances can Council provide that the supervision and enforcement of planning applications is fit for purpose to ensure both minimal disruption to those living in the vicinity of building developments and the proper provision of services and infrastructure to those taking occupancy?*

Councillor Gordon, Portfolio Holder with Responsibility for Environment reminded Members that they could approach him at any time with questions and need not wait until a Council meeting to raise these matters.

Councillor Gordon informed Members that the Council's Planning Enforcement Team responded proactively when complaints regarding building developments were made to the Council. The team however only had two members of staff and could not actively monitor all the hundreds of developments given planning permission each year in order to be aware of any breaches in conditions or matters giving rise to enforcement action. The Council therefore relies on members of the public, including Councillors, to

raise issues in their local area and report these to the Planning Enforcement Team.

The Council seeks and relies upon specialist technical advice regarding the inclusion of conditions on planning applications as well as on the enforcement of these conditions in order to ensure that any enforcement action deemed necessary would be robust and able to withstand any potential challenge.

- (b) Question submitted by Councillor Alex Dale to Councillor Michael Gordon, Portfolio Holder with Responsibility for Environment:-

*Can we have a statement from the Cabinet Member updating Council on which parishes are pursuing Neighbourhood Plans, what status they are at and what efforts the District Council is making to support and encourage those parishes which are not currently pursuing plans to do so in the near future?*

Councillor Gordon confirmed the details of a number of Neighbourhood Plans being developed within the District. A recent referendum had approved the Holymoorside and Walton Neighbourhood Plan with a good turnout and would now be used when determining planning applications within the Parish.

The Ashover Neighbourhood Plan was due for a referendum in February 2018, Wingerworth Neighbourhood Plan was at the examination stage and three other Plans were in development, including Wessington, Brackenfield and Dronfield.

A recent application from Brampton Parish Council had been made to designate Brampton Parish as a Neighbourhood Area, the first stage in the development of a Neighbourhood Plan.

Councillor Gordon also outlined the work undertaken by the Council to support Parish Councils in the development of Neighbourhood Plans, including a Parish Council Neighbourhood Plan Liaison meeting in March 2017 involving Rural Action Derbyshire. The event was attended by representatives from nine Parish Councils across the District. The Council also has a protocol in place outlining the support that the Council will provide and a dedicated Officer within the Planning Policy Team focusing entirely on Neighbourhood Plans.

Councillor Dale asked a supplementary question querying whether the Labour Party were not willing to support development of Neighbourhood Plans and what would Councillor Gordon do to encourage his Labour colleagues to support and encourage their development.

Councillor Gordon responded that the development of Neighbourhood Plans is not a party political process, but involves all people in the community regardless of political affiliation.

- (c) Question submitted by Councillor Martin Thacker MBE to Councillor Michael Gordon, Portfolio Holder with Responsibility for Environment:-

*Would Cllr Gordon confirm what positive action this Council is taking to address the recently published concerns of the Government over the failure to get a Local Plan adopted in a timely manner?*

Councillor Gordon referred Councillor Thacker to the report on the Cabinet agenda for Wednesday, 13 December 2017 regarding the development of the Local Plan.

Councillor Gordon did not accept that the Council was accused of failure in the development of the Local Plan, and stated that the Department for Communities and Local Government had requested that the Council inform them by January 2018 of any good reasons for the delay in the completion of the Local Plan.

Councillor Gordon outlined the ongoing work and dialogue in the development of the Local Plan with the Department for Communities and Local Government and other agencies required to supply information and evidence to assist the development of the Local Plan, including the County Council.

Councillor Gordon confirmed that a revised timetable for the completion of the Local Plan would be brought to the next meeting of the Local Plan Steering Group and reported to Cabinet in January 2018.

Councillor Thacker asked a supplementary question, expressing his views on a number of deficiencies in the detail of the Cabinet report mentioned by Councillor Gordon, and stating that the Council would be wasting more tax payers money on the use of consultants to plug the gap with the Council's failure to deliver the Local Plan, would Councillor Gordon take the responsibility for this failure with his own resignation from the Cabinet.

Councillor Gordon disputed Councillor Thacker's remarks and described his comments as disgraceful, stating that personal attacks were not appropriate.

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

No motions had been submitted under Procedure Rule No 10 for this meeting.

**405 New Electoral Arrangements and Review of Polling Districts and Places**

Council considered a report of the Chief Executive which informed Members of proposals to implement the new electoral arrangements determined by the Local Government Boundary Commission for England and sought approval for the proposed timetable for the Polling District and Polling Place Review.

The final recommendations proposed that North East Derbyshire District Council retain 53 Councillors representing 10 three Councillor Wards, nine two Councillor Wards and five one Councillor Wards across the District. This

would be 24 Wards in total, one fewer than the existing Wards. The boundaries of ten Wards would remain the same.

In order to implement the new electoral arrangements it was necessary for the Council to undertake a review of its polling districts and polling places and to include the changes in the new Electoral Register to be published on 1 December 2018.

The report set out the proposed timetable for how this review would be undertaken.

Members discussed that concerns were raised with them at previous elections regarding the use of schools for polling places and the Chief Executive advised that officers do take this in to account. As part of the review consultation would be undertaken on these proposals which allows an opportunity for comments and concerns regarding particular venues to be raised.

**RESOLVED** – That Council:-

- (1) Notes the outcome of the new electoral arrangements as determined by the Local Government Boundary Commission for England.
- (2) Approves the review of Polling Places and Polling Districts as outlined in the report.

#### **406 Health & Safety Policy and Arrangements**

Council considered a report of Councillor N Barker, Portfolio Holder with Responsibility for Human Resources, Training and Member Development. The report sought approval of the Health & Safety Policy and Organisational Responsibilities and requested that Members reviewed the arrangements that sat beneath the overarching Policy.

The Health and Safety Policy had been revised in light of recent changes in Health and Safety Legislation and to reflect Best Practice. The Policy was a statement outlining the Council's obligations and responsibilities and underneath the Policy are a number of arrangements setting out operational matters including training, reporting and recording.

**RESOLVED** – That Council approves the Health & Safety Policy and Organisational Responsibilities as set out in Appendices 1 and 2 to the report.

#### **407 Annual Audit Letter 2016/17**

Council considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, on the Annual Audit Letter in respect of 2016/17 which had been prepared by KPMG for consideration by elected Members of the Council and other stakeholders.



Councillor Kerry confirmed that this was a good report and that the Council had successfully met the new statutory deadlines for closing the accounts and completing the audit ahead of the deadlines coming in to force next year.

Councillor Morley, Chair of the Audit and Corporate Governance Scrutiny Committee, expressed his thanks to KPMG for their work on the audit and commented that the positive audit report reflected on the work of the Council's Finance Officers involved. He asked that the thanks of the Council be noted and passed on to the Officers in recognition of their splendid work.

RESOLVED – That Council notes the report from the Council's External Auditors, KPMG.

#### **408 Local Council Tax Support Scheme**

Council considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which recommended that Council agreed to continue the current Local Council Tax Support Scheme in to the 2018/19 financial year.

North East Derbyshire District Council implemented a Local Council Tax Support Scheme in 2013 in response to a Central Government initiative to replace the National Council Tax Benefit Scheme with a localised system. The report detailed the main features of the Scheme and proposed to continue the existing arrangements for the forthcoming year.

A concern was raised that the Scheme resulted in some of the poorest in the community having a liability to pay Council Tax and queried whether the cost to the Council to collect this small amount outweighed the money collected. Councillor Kerry, Portfolio Holder for Economy, Finance and Regeneration, advised Members that the Scheme was brought in as a result of a change in Central Government Policy and had coincided with reductions in Revenue Support Grants. It was also reported that the Council worked with local advice and welfare organisations to address any issues arising in individual cases.

Members also commented on the Council's decisions in recent years to increase Council Tax.

RESOLVED – That Council agrees to continue to operate a local Council Tax Support Scheme for 2018/19 based on the Council Tax Reduction Scheme England Regulations 2012 amended to reflect the following local decisions concerning the key principles of the scheme:-

- (a) For those of working age the maximum amount of Council Tax that will be eligible for reduction of 91.5% of their full Council Tax Liability (approximately £95 for a Band A property).
- (b) The Council continues its policy of disregarding war pensions for the purposes of calculating income in respect of Council Tax Reduction Scheme at a total estimated cost of £20,000.

- (c) That Council notes that in line with the position set out in this report that the Chief Financial Officer will utilise previously granted delegated powers to update the Local Council Tax Scheme to reflect such upratings of premiums, allowances and non-dependent deductions as may be determined by the Department of Work and Pensions and for other minor technical changes which may be required.

**409 Treasury Management Update**

Council considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, which updated Council on the Treasury Management activities for the period April to September 2017, and sought approval for General Fund borrowing of up to £270,000 to complete remedial works to the roof at Eckington Pool on the basis that such borrowing meets the requirements of the Prudential Code.

The report further proposed that the Treasury Management Strategy be amended to ensure that this borrowing would be reflected in the Authorised Borrowing Limit, the Operational Boundary and the Capital Financing Requirements and that the recommended remedial works to Eckington Pool roof be included in the Council's Approved Capital Programme.

When asked whether the Council would consider an Investment Policy which was anything other than risk adverse, Councillor Kerry stated that the Council needed to ensure stability in handling its financial reserves, in the light of continuing central government cuts in local government funding, and that he was not prepared to put public funds at risk.

The Council's policy on investment and its investment limits were clearly set out in the Treasury Management Strategy.

**RESOLVED** – That Council:-

- (1) Notes the Treasury Management activities undertaken during the period April to September 2017 outlined in Appendix 1 attached to the report.
- (2) Approves Prudential Borrowing of £270,000 to fund remedial works at Eckington Pool.
- (3) Approves the remedial works at Eckington Pool for inclusion into the Approved Capital Programme.
- (4) Approves the revised Capital Financing Requirements, Operational Boundary and Authorised Limit as set out in paragraph 1.7 of the report.