

**MINUTES OF COUNCIL MEETING HELD ON 5 MARCH 2018**

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# **NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

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

**HELD ON 5 MARCH 2018**

### **Present:**

Councillor J Ridgway (Vice Chairman) in the Chair

#### Councillor W Armitage

“ J Austen  
“ N Barker  
“ B Barnes  
“ J Barry  
“ G Baxter MBE  
“ L Blanshard  
“ S Boyle  
“ G Butler  
“ S Cornwell  
“ C Cupit  
“ A Dale  
“ S Ellis  
“ M Emmens  
“ Mrs A Foster  
“ M Foster  
“ M Gordon  
“ R Hall  
“ D Hancock  
“ E A Hill  
“ P A Holmes  
“ G Hopkinson

#### Councillor C Hunt

“ P R Kerry  
“ B Lewis  
“ J Lilley  
“ T Mansbridge  
“ R Marriott  
“ G Morley  
“ S Peters  
“ A Powell  
“ B Rice  
“ B Ridgway  
“ L Robinson  
“ K Rouse  
“ D Skinner  
“ C A Smith  
“ 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 of Service – Corporate Governance and Solicitor to the Council & Monitoring Officer
D Clarke	-	Head of Service – Finance & Resources
N Calver	-	Governance Manager
H Fairfax	-	Planning Policy Manager
D McKenzie	-	Planning Consultant

### **564 Apologies for Absence**

Apologies for absence had been received from Councillors P Antcliff, A Cooper, P Elliott, A Garrett, C D Huckerby, H Laws, T Reader, R Smith and L Stone.

**565 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.

**566 Minutes of the Council Meeting held on 19 February 2018**

RESOLVED – That the Minutes of the meeting of Council held on 19 February 2018 be approved as a correct record and signed by the Chair.

**567 Chair's Announcements**

The Vice Chairman of Council advised that the Chairman was recovering from an operation and it was hoped that she would be able to preside over the forthcoming meeting of Council in May.

The Vice Chairman welcomed the Leader to speak to the meeting in reference to the recent adverse weather conditions. Members applauded the hard work undertaken by NEDDC staff, including the refuse crews, who were undertaking additional mop up rounds in order to complete all missed collections by 7 March 2018. In addition, the crews had worked tirelessly to ensure that Council buildings were free from snow and ice to make them accessible to the public. The Customer Service and Communications Team had made sure that calls from residents were answered, as well as questions via social media, and ensuring that benefit payments were made on time.

**568 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 were 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 Michael Gordon, Portfolio Holder with Responsibility for Environment and Asset Management from Enid Lumb:-

*Re: The North East Derbyshire Draft Local Plan, February 2018, which contains proposals to build 1,275 homes on Green Belt land in Dronfield, Eckington and Killamarsh.*

*Residents are dismayed to see that the Local Plan still contains housing proposals for Green Belt. They are concerned that neighbouring Councils, particularly Sheffield and Chesterfield, have not been pressed*

*to do more to help North East Derbyshire meet its housing targets. We know there is a lot of brownfield land in these nearby areas.*

*Can you tell us when exactly you asked Sheffield City Council and Chesterfield Borough Council to help and can you explain the outcomes of these discussions?*

Councillor M Gordon, Portfolio Holder with Responsibility for Environment and Asset Management advised that in fulfilment of the Duty to Co-operate, the Council had been engaged in ongoing dialogue with neighbouring authorities throughout the preparation of the Local Plan in relation to a range of cross boundary strategic matters, such as housing land supply.

The most recent confirmation of neighbouring authorities' positions was obtained prior to publication of the Plan, when the Council wrote to all neighbouring local authorities on 15 January 2018. In response to this request none were able to offer assistance. In terms of the specific request:-

**Sheffield City Council** confirmed on 31 January 2018 that they had undertaken a Green Belt Review to help meet their own objectively assessed housing needs and concluded that there was no additional supply within Sheffield's built up area that could be developed to meet the needs of NEDDC.

**Chesterfield Borough Council** confirmed on 6 February 2018 that they were not in a position to identify sites on land outside the Green Belt that could be developed to assist NEDDC. In addition, CBC had struggled to deliver its own required level of housing in recent years.

- (b) Question submitted to Councillor G Baxter MBE, Leader of the Council from John Harvey:-

*The Local Plan proposed building on Dronfield Green Belt whilst the draft Neighbourhood Plan aims to protect the Green Belt.*

*How does NEDDC proposed reconciling this conflict of aims given that the Neighbourhood Plan is likely to have over whelming public support? What is your position given that you have endorsed the adoption of both Plans?*

Councillor G Baxter MBE advised that this question was factually incorrect. The Council had not endorsed the adoption of "both plans" as suggested which was misleading.

In terms of the Council's Draft Local Plan, this had been approved for Publication and, subject to views received, Submission. After this, the Plan would undergo Examination in which the tests of soundness would be applied. If found sound, and subject to the modification procedure, the Council would then be able to resolve to adopt the Plan.

Mr John Harvey exercised his right to ask a supplementary question which was as follows:- (not verbatim)

*It seems there is some conflict between the two Plans. Councillor G Baxter MBE voted for approval of the Dronfield Neighbourhood Plan at Dronfield Town Council (Min Ref No 202), which endorsed public consultation in Dronfield. How is this conflict to be resolved?*

Councillor G Baxter MBE responded by advising that the Neighbourhood Plan produced by the Dronfield Town Council is a draft emerging document, and whilst it may have buy in from the community, it is at a very early stage in the Neighbourhood Plan making procedure. To date, NEDDC had very little involvement in it other than agreeing to designate the Neighbourhood Plan area at the start of the process. The Plan has yet to undergo various statutory consultation stages, is yet to be Examined against the basic conditions, and subject to that process, has yet to be the subject of any referendum. On successful completion of these critical stages, the Council will be in a position to consider its adoption.

The Local Plan also seeks to protect the Green Belt. However, as acknowledged in the draft emerging Dronfield Neighbourhood Plan, the Local Plan is entitled to review Green Belt boundaries as part of any review in establishing whether there is scope to further its strategic objectives, such as finding sufficient deliverable land to meet its objectively assessed needs sustainably, and the Council believe that this is exactly what has been done. In doing this the Council has both listened to the community and challenged itself to ensure that the land required to be released from the Green Belt is kept to a minimum. In this respect, the total amount of land required from the Green Belt to meet the objectively assessed need has been reduced from 32% to 19%, representing just 0.6% of all Green Belt land.

Unlike the Local Plan, a Neighbourhood Plan cannot alter Green Belt boundaries. Therefore, whilst there may be support to maintain the Green Belt boundaries in Dronfield, this cannot be used to prevent the Council carrying out its statutory plan making functions. If the Neighbourhood Plan is used to try and prevent this, then it will unlikely meet the basis conditions tests and will not pass Examination.

The Council's approach to development in the Green Belt is perfectly reasonable and justified, and that there is no conflict between the Local Plan and the emerging Neighbourhood Plan in terms of strategic objectives, and that as the Neighbourhood Plan is some way behind the Local Plan in terms of plan making, it will need to ensure it is fully compliant with the strategic objectives of the Local Plan if it is to stand any change of proceeding to referendum post Examination.

- (c) Question submitted to Councillor G Baxter MBE, Leader of the Council from Hermione Salt:-

*Regarding proposals within the draft Local Plan, February 2018, to build houses on Green Belt land in Dronfield, Eckington and Killamarsh. I, like many other residents, have concerns that the communication and information related to the public about these plans, plus that the collation and consideration of the public response had not adequately served the public.*

*Many residents have recently raised wide ranging and detailed concerns with you and your Cabinet Members about the consultation Process conducted on these plans last year. They have received a dismissive, unacceptable “stock” letter in response from the Planning Department and been informed that Councillors will not be entering into correspondence with them about this. Hence, I wish to put this question to you, as Leader of the District Council: **What consideration and weight did you give the consultation when drawing up the latest draft of the Local Plan and do you have any plans to look at this again?***

Councillor G Baxter MBE advised that the report to Cabinet on 14 February 2018 clearly set out the issues raised by the public during consultation on the Draft Plan. These issues had been fully considered by Members in reaching their decision to publish the Plan alongside additional evidence and national policies.

The public now had further opportunity to raise comments for consideration by an Independent Inspector appointed to examine the Plan.

The outcome of the examination would be reported back to Council prior to formal adoption of the Plan.

**569 Minutes of Meetings held between 27 November 2017 and 14 February 2018**

The following meetings have taken place. To access these documents on the Council's website go to: <http://www.ne-derbyshire.gov.uk/index.php/your-council/document-library/committee/minute-book/may-2017-may-2018-minute-book>

	<b>MEETING</b>	<b>DATE</b>
(a)	Strategic Alliance Joint Committee	5 December 2017 6 February 2018
(b)	Planning Committee	12 December 2017 – 10 am – Special 12 December 2017 – 2 pm 2 January 2018 13 February 2018
(c)	Cabinet	13 December 2017 3 January 2018 14 February 2018
(d)	Standards Committee	14 December 2017
(e)	Licensing Committee	20 December 2017
(f)	Growth Scrutiny Committee	18 January 2018 8 February 2018
(g)	Organisation Scrutiny Committee	10 January 2018
(h)	Communities Scrutiny Committee	12 January 2018
(i)	Audit & Corporate Governance Scrutiny Committee	25 January 2018
(j)	Licensing Sub-Committee (Taxis)	1 February 2018 *Re-convened on 7 February 2018

The following questions were asked to Portfolio Holders, irrespective to decisions made, at the meeting of Cabinet on 14 February 2018.

Councillor A Foster – A request was made for comments and objections made around the Draft Local Plan to be categorised correctly.

Councillor A Dale – In reference to Minute No 528 of Cabinet of 14 February 2018 Councillor Dale referred Members to 1.29 of the relevant report which stated that:-

“the purpose of the consultation was unlike previous stages which were focused on getting interested party views on the Plan, with the intention that the Council could reflect on the issues raised and make changes in

response. Comments are invited on the Plan, but these are for consideration by the Inspector appointed to examine the Plan. The Council will not be expecting to make changes to the Plan at this stage”.

Councillor Dale felt this removed the need for consultation. In response Councillor Gordon confirmed that the Plan had taken account of consultation and with the consultation period ongoing there was no reason why representations could not be made, even during the inspection, and any valid comments would be taken in to account.

Councillor M Foster – During the meeting of Cabinet on 14 February 2018 Derek McKenzie had inferred the focus would be to help residents to understand the Plan. It was deemed that this was not a consultation process rather an explanation.

In response Councillor Gordon advised that the rules of consultation had been adhered to.

**RESOLVED** – That the Minutes of the meetings held between 27 November 2017 and 14 February 2018 as set out above be noted.

*At this point in the meeting Councillor B Wright arrived.*

**570 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.

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

- (a) To consider the following motion from Councillor Angelique Foster and seconded by Councillor K Tait:-

*That this Council:-*

- (1) *Notes that the latest draft Local Plan still proposed the removal of a substantial amount of land from the Green Belt in the North of the District.*
- (2) *Believes that the current Green Belt in the Northern settlements of Dronfield, Eckington and Killamarsh fulfils the five purposes identified in the NPPF and the importance of which is evidenced by the overwhelming response from local residents during the last consultation. The loss of these parcels of land would mean the loss of vital green fields, which help to improve air quality and bring enormous benefits, not only for the population living close by but also populations much further afield. Some of these green fields are also still used for agricultural purposes.*



- (3) *Believes that building on the Green Belt in the northern settlements of the District will not enhance those places but burden them with more traffic, more air and noise pollution and more carbon emissions. It will also increase the out-commuting from the District to Sheffield and Chesterfield, which is contrary to what the Local Plan sets out to achieve in some of its policies. Removing those parcels of land from the Greenbelt is also unnecessary as North East Derbyshire's housing needs could be accommodated elsewhere in the District.*
- (4) *Withdraws the latest draft of the Local Plan until further work is undertaken to maintain the existing Green Belt boundaries as they are presently.*

In response to the motion Councillor Gordon confirmed that the Council had followed the methodology set out by Central Government and had come under scrutiny by the Opposition for not progressing the Local Plan in a timely manner. It was deemed that the request for a delay at this stage would not only contradict earlier criticism but would also allow for the Secretary of State to step in to manage the Local Plan process for the District.

All options for delivery of the required number of homes within the District had been considered as Brownfield Sites could not deliver the amount of houses required. Areas within the south of the District had already lost areas of Green Belt to development.

Councillor Barker confirmed that submitting a plan without review of Green Belt land would risk non-acceptance. A total of 0.6% of Green Belt land was proposed, with the remaining 99.4% secured to the end of this period.

Councillor M E Thacker MBE confirmed that this motion was put forward in response to local resident concerns and was not designed to damage the process but to enable the Council to manage this matter in a more considered way. This sentiment was echoed by Councillor Hancock who felt that a review of all Green Belt proposals would help the Council better identify where new housing was needed within the District.

An argument was further put forward that only 9% of new homes within North East Derbyshire were bought by current North East Derbyshire residents. Further, it was speculated that the Council were making provision above and beyond housing that was required to meet local needs.

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

For the motion – 16

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

Against the motion – 28

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

Abstentions – 0

The motion was defeated.

- (b) To consider the following motion from Councillor Alex Dale and seconded by Councillor W Armitage:-

*That this Council notes that in terms of meeting the District's housing needs, the latest draft Local Plan:-*

- (1) Is making a case for more housing than is actually required by the local population, due to its assumptions about economic growth in the District.*
- (2) Acknowledges that of an over-inflated target of 6,600 new homes, 975 have already been built and a further 3,882 are commitments with planning permission, leaving just 1,764 still to deliver.*
- (3) Has failed to include windfall sites within the allocations, which could, based on recent trends, deliver up to 1,250 homes over the remaining plan period.*
- (4) Has unnecessarily excluded from the total other key developments which could deliver over 1,000 further new homes.*

*That this Council pauses consultation on the Local Plan immediately in order to undertake an urgent review of housing strategy and allocations to ensure:-*

- (1) The Plan is grounded in meeting local needs and not the unrealistic and misguided ambitions of the ruling administration.*
- (2) Windfalls and other key developments are being effectively utilised to reduce the burden on the communities in the Green Belt.*

Housing targets for the District were discussed in detail and Councillor Dale urged the Council to think again on how to deliver a sensible housing target with consideration to the effect on roads, drainage, school places and the impact on doctor surgeries.

In response to the motion Cabinet Members felt that the Plan was sound and the housing target was justified and took account of economic growth. All Councils were under pressure to find land space for allocation of houses.

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

For the motion – 16

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

Against the motion – 28

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

Abstentions – 0

The motion was defeated.

**572 Outcome of By-Election**

**RESOLVED** – The election of Richard Marriott to Grassmoor Ward on 15 February 2018 be noted.

**573 Appointments to Committees, Advisory Groups and Outside Bodies**

(a) Communities Scrutiny Committee

**RESOLVED** – That Councillor R Marriott be appointed to the vacancy on the Communities Scrutiny Committee.

(b) Planning Committee

**RESOLVED** – That Councillor C Hunt be appointed to the vacancy on the Planning Committee.

(c) Site Inspection Group

**RESOLVED** – That Councillor G Butler be appointed to the vacancy on the Site Inspection Group.

**574 Level of Council Tax 2018/19**

Council considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance & Regeneration and ICT.

The Localism Act 2011 requires all billing authorities to calculate a Council Tax requirement each year. The approved demand on the Collection Fund in respect of NEDDC is £5,713,982.

In order to calculate the Council Tax requirement for NEDDC at the relevant bands, the demands of Derbyshire County Council, the Police Authority, the Fire Authority and Local Parish Councils had been taken in to account.

The table at paragraph 1.5 of the report set out the amounts of Council Tax for the year for each of the categories of dwelling.

The report requested approval by Council for the precepts of the relevant public authorities operating in the area of North East Derbyshire District Council in order for Council to agree the Council Tax liability for local residents in respect of 2018/19.

In line with the provisions set out within the Council's Constitution a recorded vote was taken (where matters affecting the setting of the Council's budget or Council Tax are considered).

For the motion – 29

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

Against the motion – 15

*(Councillors W Armitage, L Blanshard, C Cupit, A Dale, S Ellis, M Emmens, A Foster, M Foster, R Hall, G Hopkinson, B Lewis, A Powell, K Tait, M E Thacker MBE and R Welton).*

Abstentions – 0

**RESOLVED** – That Council approves the Council Tax for the financial year 2018/19 as set out in this report.