

MINUTES OF COUNCIL MEETING HELD ON 27 OCTOBER 2014**I N D E X**

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NORTH EAST DERBYSHIRE DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

HELD ON 27 OCTOBER 2014

Present:

Councillor Mrs T Reader..... Chair	
Councillor Mrs A Holmes Vice Chair	
Councillor J Allsop	Councillor M Gordon
“ Mrs J Austen	“ R Hall
“ N Barker	“ Mrs E A Hill
“ B Barnes	“ C Hunt
“ G Baxter MBE	“ P R Kerry
“ Mrs A Blackburn	“ H Laws
“ P Blackburn	“ T J Moon
“ G Butler	“ G Morley
“ A Cooper	“ B Rice
“ J A Dargue	“ B Ridgway
“ P Elliott	“ Mrs L Robinson
“ Mrs C F Ellis	“ D Skinner
“ S Ellis	“ Mrs C A Smith
“ Miss M Emmens	“ M E Thacker
“ A Foster	“ Miss T Williams
“ N Foster	“ J Windle
“ A Garrett	“ B Wright
“ K Gillott	

Before the meeting began Council observed the presentation of the 2014 North East Derbyshire Sports Awards.

372 Apologies for Absence

Apologies for absence had been received from Councillors Mrs P Antcliff, Mrs N C Dolby, Mrs P Hemsley, Mrs C D Huckerby, B Lewis, J D McGrory, D S Oxspring, G P Ramshaw, Mrs J Ridgway, P Riggott, K G Savidge and L H Stone.

373 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 Ridgway declared a non significant other interest in item 13 on the agenda, National Non Domestic Rate (NNDR) Pooling arising from his membership of Derbyshire County Council.

374 Minutes of Previous Meeting

Council considered the minutes of its meeting held on 1 September 2014.

Councillor M E Thacker raised objections to the minutes being a true and accurate record of proceedings, as they did not set out in detail his comments which had been made in defence of himself against a motion by Councillor M Gordon. An amendment was proposed to include a form of wording under Minute No 263 which covered the following points (given here in précis):-

- All nominations at the Annual Council meeting resulted in positions for Labour Group members.
- The comments attributed to Councillor Thacker within the Derbyshire Times article had been taken as fact without question.
- It was a statement of fact that all Chairmen since 1974 had been from the Labour Group.
- Councillor Gordon had taken Councillor Thacker's comments out of context.

Councillor Thacker added that he felt there was a growing case for verbatim minutes at Council meetings to ensure they reflected accurately what was said.

The amendment as set out above, on being put to the vote, was lost.

RESOLVED – That the minutes of the meeting of the Council on 1 September 2014 be approved as a correct record and signed by the Chair.

375 Chair's Announcements

The Chair began by asking Council to stand for a moment's silence to mark the passing of two long serving members in Derbyshire, Councillor Walter Burrows and Councillor Tommy Rodda.

The Chair thanked all Members and officers who had donated or purchased goods during her 'fuddle' which had added to the charity appeal total of £3,126.27.

The Chair had been honoured by the response at her Civic Service and Vintage Tea Party Reception in Clay Cross in September. She placed on record her thanks to Claire Shacklady, Joe Bradley and Sarah Cottam for organising the event, as well as to Bayleaf for the catering and Tupton Hall School for the entertainment.

Council was advised that there would be a charity auction on Tuesday, 16 December 2014 in the Council Chamber, with the cost of tickets being £4.50 for adults and £3.50 for concessions.

A recent participation in a Fairplay charity quiz night at the Proact Stadium had inspired the Chair to hold her own quiz night, which would take place on Friday, 27 February 2015 at Eckington Civic Centre with the price of a ticket including a pie and pea supper.

Looking ahead, the Black Dyke Band would play to a packed out Dronfield Sports Centre on Saturday, 21 March 2015. Tickets were £7.00 for adults and £5.00 for concessions.

Finally, members were reminded of the District and Parish Liaison Group at 6.00 pm in the Council Chamber with items including the National Citizen Service, Individual Voter Registration and the Housing and Economic Development Strategy.

376 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.

No questions were submitted for the meeting.

377 Minutes of Council Meetings held between 26 August and 2 October 2014

The following meetings had taken place between 26 August and 2 October 2014:-

	MEETING	DATE
(a)	Planning Committee	26 August 2014 23 September 2014
(b)	Cabinet	27 August 2014 24 September 2014
(c)	Strategic Alliance Joint Committee	3 September 2014
(d)	Economic Regeneration, Skills & Environment Scrutiny Committee	16 September 2014
(e)	Audit & Corporate Governance Scrutiny Committee	25 September 2014
(f)	Healthy Communities & Wellbeing Scrutiny Committee	26 September 2014
(g)	Standards Committee	2 October 2014

Councillor Mrs A Foster referred to a report on funding new Council housing that was considered at Cabinet on 24 September 2014 and asked the Portfolio Holder, Councillor Mrs E A Hill, for details of where the sites were in the District. Councillor Mrs E A Hill undertook to provide a written response to Councillor Foster's question and to copy in all members.

RESOLVED – That the minutes of the meetings held between 26 August and 2 October 2014 be received.

378 Questions from Members

No questions had been received from members under Procedure Rule No 9.

379 Motions on Notice from Members

The following motion had been submitted by Councillor T J Moon:-

That North East Derbyshire District Council sets up a working party to consider switching from the executive style of governance to the committee system of governance.

A brief discussion took place on the motion when the following points were made:-

- It was felt that the Council would benefit from a committee system as it would allow all political groups to be involved in the decision making and provide a better quality and plurality of debate at meetings. It was commented that the work of other committees was reported to Council via the referral of minutes but this item was usually dispensed with quickly. A committee system may have generated far more wide ranging debate. It was understood that a number of councils were considering moving to a committee system and that the existing leader and cabinet system tended to concentrate power amongst a small number of politicians.
- Councillor M E Thacker, in seconding the motion, said he believed that there were flaws with the current system and a committee system would allow councillors to debate issues in the round. The new flexibilities within the Localism Act would allow for a scrutiny process, as well as for decisions from committees to be brought back to Council for debate, therefore giving the best of both worlds. This motion would give members an opportunity to look at the benefits of both systems.
- Other members felt that a debate on the Council's governance was premature particularly seven months before an election when it was not clear what the political make up or membership of the Council would be.

The following amendment was moved and seconded:-

That the motion that "North East Derbyshire District Council sets up a working party to consider switching from the executive style of governance to

the committee system of governance” be referred back to a time and date to be decided by the new Council which would be elected in May 2015.

On being put to the vote the motion was carried and it was:-

RESOLVED - That the motion that “North East Derbyshire District Council sets up a working party to consider switching from the executive style of governance to the committee system of governance” be referred back to a time and date to be decided by the new Council which would be elected in May 2015.

(Governance Manager)

380 Voluntary Organisations Presentation

Council considered a presentation on the work of Rural Action Derbyshire. Sylvia Green, Chief Executive Officer, attended the meeting to give the presentation and answer any questions. This was the final of five presentations from local voluntary organisations that had been given at Council meetings.

The mission of Rural Action Derbyshire was to improve the quality of life for Derbyshire residents by empowering people in rural communities to take action, address disadvantage, become more sustainable and increase local control. Services provided by Rural Action Derbyshire were set out to members.

Rural Action Derbyshire’s total turnover amounted to some £818,660. Within that, the Council made a grant of some £2,633 with other sources of funding coming from DEFRA, the Big Lottery Fund, Derbyshire County Council and the Derbyshire districts, clinical commissioning groups, as well as donations, memberships and other sources of income.

Details of case studies where Rural Action Derbyshire had assisted were set out to members. In particular, 70 residents from North East Derbyshire had been supported as part of the Wheels to Work Scheme, with most of these enquiries coming from Clay Cross. Other work in the District which Rural Action Derbyshire had contributed to was around financial action, advice and money management teaching. Areas that were tackled county wide included community engagement, suicide awareness training and community led planning.

In addition, Rural Action Derbyshire had been active in an oil buying scheme, which helped households, businesses and the wider community save money on heating oil. This worked on the basis of a membership based buying consortium with a £20 fee per year and orders collected and made once a month. Around 72 North East Derbyshire residents had been assisted, with some saving as much as £324 in a year on gas.

Finally, Rural Action Derbyshire set out some of their work in respect of community buildings advice. The Council was advised there were 35 halls in North East Derbyshire District and a number had benefitted from the scheme, including Wessington, Grassmoor and Pilsley.

Following the presentation Members asked questions and raised issues. The following points were noted:-

- Suicide was on the increase which was likely to be due to peoples' financial circumstances.
- Approximately 12 people were employed by Rural Action Derbyshire. The recent move from Wirksworth to Matlock had reduced overheads and increased co-operation with the Citizen's Advice Bureau.
- Details were given of the Argos Internet Repair Programme which allowed eligible people a free I-pad and one year's free broadband.

The Chair, on behalf of the Council, thanked Mrs Green for her informative presentation.

RESOLVED – That the presentation on the work of Rural Action Derbyshire be noted.

(Strategic Partnership Co-ordinator)

381 Public Health Annual Report

Council considered a presentation on the Director of Public Health's Annual Report for 2014 called *Fairer, Healthier Derbyshire*. Mandy Chambers, Public Health Locality Lead for Derbyshire County Council, gave the presentation and answered questions from Members.

Council was advised that this was the first annual report of the Director of Public Health since Public Health moved into the responsibility of the County Council. It was a statutory duty for each director of public health to publish an annual report on the health of the County. It provided an opportunity for informing local residents and organisations about the health of their community and was independent so as to allow the director to highlight local issues and priorities, free from political influence.

This first report focused on the health impacts of poverty and provided a narrative and details of what would work to strengthen anti poverty responses across Derbyshire. The report made 17 recommendations across four themes. Taken together, they demonstrated how individuals, communities and organisations across Derbyshire could collaboratively work to improve health and wellbeing by reducing the impact of poverty.

The four main themes were:-

- Improving financial inclusion.
- Reducing child poverty.
- The importance of the economy and work.
- Reducing the impact of cold weather.

Council was given a flavour of the main recommendations within each theme. The following key points were noted:-

- In respect of financial inclusion, it was anticipated that approximately 100,000 people within the county were financially excluded. There had been a 25% increase in demand for benefits and debt advice over the last three years and there were 22 food banks that provided emergency food parcels across the County. Welfare reforms had removed an estimated £219m from the Derbyshire economy and an estimated £112m of benefits went unclaimed each year.
- In respect of child poverty, approximately 23,000 children under 16 lived in poverty in Derbyshire. Children living in poverty were four times more likely to be financially excluded adults and up take of free early years education was as low as 31% in parts of Derbyshire.
- On the importance of the economy and work, it was estimated that one in five wards in Derbyshire had an unemployment rate higher than the national average and unemployment rates amongst people with disabilities was double the national average. The recession had disproportionately affected young people's job prospects across the County.
- In terms of reducing the impact of cold weather, it was estimated that there were 463 excess winter deaths in Derbyshire and 83,000 households living in fuel poverty. Fuel poverty and poor health in winter were responsible for increased long term respiratory and cardio vascular illness.

The presentation concluded with a number of questions around how residents and organisations across Derbyshire could work together to reduce the impact of poverty in Derbyshire.

- There was a wide ranging debate on the impact that poverty played in respect of peoples' health which some Members felt had been exacerbated by welfare reform.
- Other Members emphasised the continuity of NHS funding which was ringfenced.
- It was acknowledged that a number of things identified within the report as recommendations were already taking place, including more education within schools, sports premiums and universal school meals for people of a certain age.

The Chair, on behalf of the Council, thanked the Public Health Locality Lead for her presentation.

RESOLVED – That the presentation on the Public Health Annual Report be noted.

(Chief Executive)

The meeting was adjourned at 4.00 pm and re-convened at 4.10 pm.

382 Review of the Council's Constitution

Council considered Report No JA/03/14/MK of Councillor J Austen, Chair of the Standards Committee, which set out the outcomes from the recent review of the Council's Constitution and proposed its approval for use and publication via the website.

The Standards Committee had undertaken its annual review of the Constitution during early October 2014. Following last year's substantial review, this year's review was more light touch and involved consideration of a series of amendments which were set out in paragraph 1.2 of the report. The revised Constitution also contained a number of minor administrative changes.

To assist officers with understanding the new requirements within the Constitution, and in particular the brand new officer delegation scheme, a briefing session for staff was taking place on 3 November 2014 at the Council Offices. The Standards Committee had considered the briefing material and endorsed it for use. A similar session for members would take place at a future Member Involvement Half Day.

RESOLVED – That:-

- (1) The draft revised Constitution, attached to these minutes as an appendix, be approved and published via the Council's website.
- (2) The Monitoring Officer be delegated power to make consequential amendments to the Constitution arising from administrative and legislative changes.

(Governance Manager)

383 Local Government Pension Scheme Discretions 2014

Council considered Report No NB/09/14/MK of Councillor N Barker, Portfolio Holder with Responsibility for Human Resources, Training and Member Development, which sought approval for procedures for dealing with Local Pension Scheme Discretions.

A series of changes had been made to the discretions applicable to the Local Government Pension Scheme (LGPS). These changes had taken effect from 1 April 2014 and employees received a separate notification about the changes and how they would be affected.

Under the LGPS Regulations, employers were required to formulate, publish and keep under review a policy statement in relation to the exercise of a number of discretions that were available. In addition to producing a new policy statement in respect of certain discretions available under the 2014 Scheme it was necessary to draw up a new separate list of discretions which may still apply in respect of leavers after 31 March 2008 and before April

2014. Some discretions available prior to 2014 had been removed and others had been replaced. This would necessitate updating the Council's Policy Statement on Discretions. The existing discretions relating to the Compensation Regulations were not affected by this report.

Whilst the common aspect in the Council's current LGPS Discretionary Policies was that the discretion would not apply, it was necessary to allow for this general approach to be varied should the circumstances of a particular case make this stance inappropriate. When making such decisions each case would be considered on its own merits and full reasons would be given for the outcome. The process for deciding whether it was appropriate to exercise that discretion was set out in the report.

Appended to the report was the list of discretions which employers must consider in a policy statement under the 2014 Scheme. The Council's proposed position was based on the discretions approved by Derbyshire County Council. It was reported that the Council had received an application which was currently awaiting determination. It was proposed that this application be dealt with in accordance with the procedures outlined within the report.

RESOLVED – That:-

- (1) The Council approve the report and proposals and agree to the publication of the Council's position in respect of its discretions under the LGPS.
- (2) Council authorise the Chief Financial Officer (and the Assistant Director of Finance and Revenues and Benefits in a case where there was a conflict of interest) to make an assessment in respect of applications to vary the general approach to the discretions and to report to Council for approval of budgetary provision if appropriate.
- (3) The current application be dealt with in accordance with the procedures outlined within this report.
- (4) Appeals against the decision of the Chief Finance Officer or the Assistant Director of Finance and Revenues and Benefits be heard by an Appeals Committee on behalf of the Council as set out in the Council's Constitution.
- (5) The Appeals Committee referred to in resolution (4) above comprise any two Labour Group councillors and any one Conservative Group councillor.

(Assistant Director – HR and Payroll)

384 National Non Domestic Rate (NNDR) Pooling

Council considered Report No PRK/31/14/BM of Councillor P R Kerry, which sought delegated powers for the Executive Director – Operations to enter into a Derbyshire Business Rates Pool arrangement, in order to help promote

growth in the area and maximise the level of National Non Domestic Rates (NNDR) retained locally.

The report set out the case for entering into a voluntary pooling arrangement and concluded that the financial advantages to the Council and its residents strongly supported a decision to enter into a voluntary pooling arrangement. The proposal would enable the Council to retain a higher proportion of its NNDR income and to gain additional benefits from further growth.

In addition, it would strengthen the position of a Derbyshire Combined Authority which should put the area in a stronger position to negotiate with Central Government for higher funding levels to promote economic growth. There was a limited risk that a faltering of growth either within the District or the wider County could result in a reduction in the level of NNDR below what would have been the case if the Council had not entered into a pooling arrangement. However, both the independent advisor, together with the Council's own officers, were of the view that the scenario in which the NNDR was higher within a pool is by far the most likely outcome.

On the basis of the information available, the Council should receive an additional level of NNDR income of £326,000, although the actual level of income received would change depending on such items as changes in the level of rating income in 2015/16. It was clear, however, that the Council would see an increase in its level of income if it decided to join the NNDR Pool.

RESOLVED – That:-

- (1) Council approves in principle to join a Derbyshire Pool in respect of NNDR with effect from 2015/16.
- (2) Delegated powers be granted to the Executive Director – Operations in consultation with the Portfolio Holder for Finance, Regeneration and Economy to take the decision on whether to enter the Derbyshire NNDR Pool at the end of October 2014 in the light of any further information that may be available at that stage.
(Executive Director - Operations)

385 Appointment to Outside Body

RESOLVED – That Councillor M Gordon be appointed in place of Councillor D Skinner on the Derbyshire Law Centre (formerly known as the Chesterfield Law Centre).

(Governance Manager)

386 Dispensation for Members

RESOLVED – That:-

- (1) Councillor Mrs N C Dolby be given a dispensation from attending meetings under Section 85 of the Local Government Act 1972 on health grounds until the end of the current municipal year.

- (2) The best wishes of all political groups on the Council be passed on to Councillor Mrs Dolby for a speedy recovery.

(Governance Manager)

387 Exclusion of Public

RESOLVED – That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraphs 3 and 4, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

388 Health and Safety Arrangements

Council considered Report No NB/10/14/AG of Councillor N Barker, which proposed changes to the Health and Safety staffing arrangements across the Strategic Alliance leading to a joint service provision.

The Strategic Alliance Joint Committee had previously agreed to recommend to both Councils that the respective Councils pursue an option to work more closely together on health and safety.

Council was advised that the North East Derbyshire officer was due to retire within the next six months and it was proposed that once that had happened this post be disestablished and a revised full time junior post be established in its place on the Bolsover establishment. The service would be jointly funded 50:50 and both posts would provide a service at each of the main locations across the Strategic Alliance including The Arc, Clowne, the Mill Lane Office, Wingerworth and the Riverside and Eckington depots.

RESOLVED – That:-

- (1) The Health and Safety service becomes a jointly funded harmonised service across the Strategic Alliance to be hosted by Bolsover District Council.
- (2) The post of Health and Safety Adviser (0.8) at North East Derbyshire District Council be disestablished.

(Assistant Director – HR and Payroll)