

**MINUTES OF COUNCIL MEETING HELD ON 4 JANUARY 2016**

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# **NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

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

**HELD ON 4 JANUARY 2016**

### **Present:**

Councillor Mrs A Holmes ..... Chair

Councillor S Peters ..... Vice Chair

Councillor Mrs P Antcliff

“ W Armitage  
“ Mrs J Austen  
“ N Barker  
“ B Barnes  
“ Mrs J Barry  
“ G Baxter MBE  
“ Mrs L Blanshard  
“ S Boyle  
“ G Butler  
“ A Cooper  
“ Ms S Cornwell  
“ A Dale  
“ S Ellis  
“ Miss M Emmens  
“ Mrs A Foster  
“ A D Garrett  
“ M Gordon  
“ R Hall  
“ Mrs E A Hill  
“ G Hopkinson

Councillor C Hunt

“ P R Kerry  
“ H Laws  
“ J Lilley  
“ W Lilleyman  
“ T Mansbridge  
“ G Morley  
“ A Powell  
“ B Rice  
“ B Ridgway  
“ Mrs J Ridgway  
“ Mrs L Robinson  
“ D Skinner  
“ Mrs C A Smith  
“ Miss R Smith  
“ L Stone  
“ M E Thacker  
“ Ms C Tite  
“ R Welton  
“ J Windle  
“ B Wright

### **485 Apologies for Absence**

Apologies for absence were received from Councillors Miss C Cupit, P Elliott, M Foster, Mrs J Hill, Mrs C D Huckerby, B Lewis, Mrs T Reader, Mrs K Rouse and K Tait.

### **486 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 interests declared at the meeting.

**487 Minutes of the Council Meeting held on 2 November 2015**

**RESOLVED** – That the minutes of the meeting of the Council held on 2 November 2015 be approved as a correct record and signed by the Chair.

**488 Chair's Announcements**

The Chair began her announcements by wishing everyone a prosperous and happy 2016. She reflected on the latter stages of 2015 which had not only brought Christmas celebrations but also the somberness of Remembrance Sunday. The Chair had the privilege of laying a wreath as part of Chesterfield's Service of Remembrance. She had attended the Christmas lights switch on at Heath and Holmewood and passed on her thanks to those who made bids as part of the Chair's Charity Auction. A further donation from Clay Cross Parish Council of £300 brought her appeal total to over £3,500.

**489 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 by the public.

**490 Minutes of meetings held between 22 October and 17 December 2015**

Council considered the following minutes of meetings held between 22 October and 17 December 2015:-

	<b>MEETING</b>	<b>DATE</b>
(a)	Audit & Corporate Governance Scrutiny Committee	22 October 2015 – Special 26 November 2015
(b)	Planning Committee	27 October 2015 24 November 2015 3 December 2015 – Special 15 December 2015
(c)	Cabinet	28 October 2015 25 November 2015 16 December 2015
(d)	Communities Scrutiny Committee	30 October 2015 – Special 20 November 2015
(e)	Licensing Sub-Committee (Taxis & Scrap Metal)	19 November 2015

(f)	Growth Scrutiny Committee	24 November 2015
(g)	Strategic Alliance Joint Committee	8 December 2015
(h)	Organisation Scrutiny Committee	9 December 2015 – Special
(i)	Standards Committee	9 December 2015
(j)	Joint Employment Committee	9 December 2015
(k)	Licensing Sub-Committee (Pubs & Clubs)	17 December 2015

Referring to Minute No 476 of the meeting of Cabinet on 16 December 2015, Callywhite Lane Industrial Extension Land Feasibility Study, Councillor R Welton asked whether the Cabinet and District Council would apply the principle of subsidiarity and invite to form a working party with representative members from Dronfield Town Council to instruct the consultants and be party to all meetings and discussions.

Members were advised that the development of Callywhite Lane Industrial Estate was recognised within the Growth and Housing Economic Development Strategies as being a strategic corporate priority. The feasibility study contract would be managed by senior officers and the final report would be presented to Cabinet for approval by North East Derbyshire District Council as the commissioning body. As was good practice, the consultants would be required to engage with and seek the views of a range of stakeholders which would include Members and officers of the District Council, Network Rail, Derbyshire County Council, Sheffield City Region, D2N2, Developers, the Private Sector and Dronfield Town Council. The corporate approach was consistent with the management and reporting structure of other strategic Council projects.

**RESOLVED** - That the minutes of meetings held between 22 October and 17 December 2015 as set out above be noted.

**491 Questions from Members under Procedure Rule No 9**

There were no questions on notice from members.

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

Council considered three motions on notice:-

(a) Housing & Planning Bill

It was moved by Councillor N Barker and duly seconded that the Council:-

- (1) Analyse and report on the likely impact on the full sale of Council homes, the extension of Right to Buy and the “starter homes” requirement on the local availability of affordable homes.

- (2) Analyse and report on any further likely impacts of the Bill on the local area.
- (3) Use the information to:-
  - Support the Leader of the Council in writing to the Secretary of State with our concerns about the Bill;
  - Set up an urgent meeting between the Leader of the Council and the Chief Executive with the local Members of Parliament to raise our concerns;
  - Make public our concerns, including by publishing the above information on the Council's website and promoting through the local press.

There was a wide ranging debate on the motion which included consideration of the Bill's proposals for high value Council homes and extension of Right to Buy legislation to housing associations. Other members felt that concerns expressed were premature as the Bill was still progressing through Parliament and may change prior to Royal Assent.

**RESOLVED** – That Council:-

- (1) Analyse and report on the likely impact on the full sale of Council homes, the extension of Right to Buy and the "starter homes" requirement on the local availability of affordable homes.
- (2) Analyse and report on any further likely impacts of the Bill on the local area.
- (3) Use the information to:-
  - Support the Leader of the Council in writing to the Secretary of State with our concerns about the Bill;
  - Set up an urgent meeting between the Leader of the Council and the Chief Executive with the local Members of Parliament to raise our concerns;
  - Make public our concerns, including by publishing the above information on the Council's website and promoting through the local press.

(b) **Trade Union Bill**

It was moved by Councillor B Wright and duly seconded that:-

- (1) As a major employer in the local area, this Council welcomes the positive benefits that arise from the relationship that we have with

recognised trade unions and believes that the relationship between employers and their employees through their collective representatives would be damaged by reducing facility time for elected representatives and by removing the ability of union members to pay union dues direct from wages.

- (2) This Council believes that the Trade Union Bill, far from assisting employer-employee relations or improving workplace democracy, is an ideologically driven attack on the fundamental rights and freedoms of workers to organise or take strike action. It is also deliberately designed to dramatically reduce funding to the main Party in opposition to the Government, and as such is a threat to our democracy.
- (3) The Council notes that the Bill and associated secondary legislation will:-
  - Allow agency labour to be used to substitute for striking workers, currently outlawed, which would be deeply divisive and, with agency workers often doing unfamiliar jobs, could pose a serious health and safety risk to themselves and others;
  - Introduce very high thresholds for industrial ballots, with an extra threshold in certain public services, without doing anything to improve the ability of workers to participate in ballots;
  - Severely restrict the right to picket and peacefully protest, including organising campaigns through social media;
  - Significantly reduce trade union facility time and withdraw check off union contributions in the public sector, irrespective of the wishes of the employer;
  - Require union members to “contract in” to their Union’s Political Fund every five years, thereby significantly reducing the ability of trade unions either to campaign on political issues or to support political parties.
- (4) This Council therefore calls on the Government to scrap the Trade Union Bill and all associated regulation/secondary legislation.
- (5) This Council also commits to promote the positive role that trade unions bring to society. We applaud the stance recently taken by our colleagues in Glasgow City Council and in the event that the Bill becomes law, undertakes not to co-operate with any measures in the legislation designed either to reduce facility time for union representatives or to prevent union members from paying their union fees through the payroll.

There was a wide ranging debate on the motion, taking account of the Bill’s implications for employer-employee relations, impact on facility time for elected union representatives and party funding, thresholds for industrial ballots and the facility for union members to pay fees through

payroll. The debate also considered the impact of industrial action on the public.

In accordance with Procedure Rule 14.4, three members of the Council requested a recorded vote on the motion, the result of which was as follows:-

For the motion – 32

(Councillors Mrs J Austen, N Barker, B Barnes, Mrs J Barry, G Baxter MBE, S Boyle, G Butler, A Cooper, Ms S Cornwell, A Garrett, M Gordon, Mrs E A Hill, Mrs A Holmes, C Hunt, P R Kerry, H Laws, J Lilley, W Lilleyman, T Mansbridge, G Morley, S Peters, B Rice, B Ridgway, Mrs J Ridgway, Mrs L Robinson, D Skinner, Mrs C A Smith, Ms R Smith, L Stone, C Tite, J Windle and B Wright.

Against the motion - 12

(Councillors Mrs P Antcliff, W Armitage, Mrs L Blanshard, A Dale, S Ellis, Miss M Emmens, Mrs A Foster, R Hall, G Hopkinson, A Powell, M E Thacker and R Welton)

Abstentions - 0

**RESOLVED** That:-

- (1) As a major employer in the local area, this Council welcomes the positive benefits that arise from the relationship that we have with recognised trade unions and believes that the relationship between employers and their employees through their collective representatives would be damaged by reducing facility time for elected representatives and by removing the ability of union members to pay union dues direct from wages.
- (2) This Council believes that the Trade Union Bill, far from assisting employer-employee relations or improving workplace democracy, is an ideologically driven attack on the fundamental rights and freedoms of workers to organise or take strike action. It is also deliberately designed to dramatically reduce funding to the main Party in opposition to the Government, and as such is a threat to our democracy.
- (3) The Council notes that the Bill and associated secondary legislation will:-
  - Allow agency labour to be used to substitute for striking workers, currently outlawed, which would be deeply divisive and, with agency workers often doing unfamiliar jobs, could pose a serious health and safety risk to themselves and others;
  - Introduce very high thresholds for industrial ballots, with an extra threshold in certain public services, without doing

anything to improve the ability of workers to participate in ballots;

- Severely restrict the right to picket and peacefully protest, including organising campaigns through social media;
- Significantly reduce trade union facility time and withdraw check off union contributions in the public sector, irrespective of the wishes of the employer;
- Require union members to “contract in” to their Union’s Political Fund every five years, thereby significantly reducing the ability of trade unions either to campaign on political issues or to support political parties.

(4) This Council therefore calls on the Government to scrap the Trade Union Bill and all associated regulation/secondary legislation.

(5) This Council also commits to promote the positive role that trade unions bring to society. We applaud the stance recently taken by our colleagues in Glasgow City Council and in the event that the Bill becomes law, undertakes not to co-operate with any measures in the legislation designed either to reduce facility time for union representatives or to prevent union members from paying their union fees through the payroll.

(c) Fly-Tipping

It was moved by Councillor A Dale and duly seconded:-

That this Council:-

- (1) Notes that, according to the House of Commons Library, incidences of fly-tipping have increased by 20% between 2013 and 2014 in England, whilst local authority prosecutions against offenders fell by 9% over the same period.
- (2) Believes that strong, effective and well publicised enforcement action against waste offenders is essential in order to deter future incidences of fly-tipping.
- (3) Acknowledges the concerns of residents and believes that the authority’s record of enforcement action has been disappointing.
- (4) Resolves to undertake a major review of its environmental enforcement procedures, taking account of residents’ experiences, with a view to adopting a more proactive stance against offenders.

During debate on the above motion, the following amendment was moved by Councillor M Gordon and duly seconded:-

*Sections (3) and (4) above be deleted and the following words be added:-*



- (3) *Acknowledges the high satisfaction rate of over 80% amongst residents on the Environmental Health Service;*
- (4) *Resolves to continue to provide an excellent Environment Health Service despite Central Government savage cuts.*

There was a brief adjournment to enable officers to consider the amendment and advise the Chair. When the meeting reconvened it was agreed that officers would write to all members outlining the Council Procedure Rules and rules of debate to aid councillors' understanding.

The Chair allowed the amendment, the amendment was subsequently carried and it was **RESOLVED:-**

That this Council:-

- (1) Notes that, according to the House of Commons Library, incidences of fly-tipping have increased by 20% between 2013 and 2014 in England, whilst local authority prosecutions against offenders fell by 9% over the same period.
- (2) Believes that strong, effective and well publicised enforcement action against waste offenders is essential in order to deter future incidences of fly-tipping.
- (3) Acknowledges the high satisfaction rate of over 80% amongst residents on the Environmental Health Service.
- (4) Resolves to continue to provide an excellent Environmental Health Service despite Central Government savage cuts.

#### **493 Proposed Local Council Tax Support Scheme**

Council considered Report No PRK/19/15-16/BM of Councillor P R Kerry which sought agreement to continue the current Local Council Tax Support Scheme into the 2016/17 financial year.

The Government had announced its intention to introduce a localised system for Council Tax support from April 2013 which replaced the National Council Tax Benefit (CTB) system. The proposals were required to deliver a 10% reduction in expenditure and North East Derbyshire District Council had implemented an appropriate scheme from the 2013/14 municipal year.

The scheme that was recommended for 2016/17 effectively continued existing arrangements. The key features of the proposed scheme were as follows:-

- Local Council Tax reduction would be allowed to cover up to 91.5% of the Council Tax liability, leaving local residents of working age to pay a minimum of 8.5% themselves.

- The Council would operate a taper rate at which benefits were reduced as more people moved back into work at 20%.
- The Council would continue to take advantage of the revised Government regulations which allowed a full charge (100%) in respect of Empty Homes and Holiday Properties.
- The Council would allow a local discount of 100% on the requirement to pay for unoccupied and unfurnished properties for a period of three months. In a situation where a property became unoccupied or furnished for a period of six weeks or less it would only be eligible to receive discount for any of the original three month period which remained. Those properties that were uninhabitable due to them requiring or undergoing major structural repairs or alterations continued to benefit from exemption for a period of up to 12 months.

Officers had monitored the performance of the current arrangements including considering the views and representations from a range of people affected by the scheme. The Council continued to work with local advice and welfare organisations and had addressed issues that had arisen out of individual cases.

In pursuing the recommendation to continue with the current scheme, members were asked to note the implications of the increasingly reduced Revenue Support Grant (RSG) and the impact that this would have on town and parish councils in the area. The Council had an agreed policy reducing the level of grant to town and parish councils by a figure of some 10% per annum.

Finally, members were asked to note that the Council would continue to be a member of the pooling arrangements of all authorities in Derbyshire in respect of National Non Domestic Rates. On the basis of existing information, membership of the pool had secured significant benefits to the Council and to other Derbyshire authorities in respect of the current financial year while the 2016/17 budget was assuming a continuation of the financial advantage which arose from membership of the Pool.

Following consideration of the report, the Section 151 Officer took questions from Members on issues relating to the reduction in grant to town and parish councils and the impact of providing a discount of 100% on unoccupied and unfurnished properties.

**RESOLVED –**

- (1) Council agrees to continue to operate a Local Council Tax Support Scheme for 2016/17 based on the Local Council Tax Reduction Scheme England Regulations 2012 amended to reflect the following local decisions concerning the key principles of the scheme:-

- For those of working age the maximum amount of Council Tax that would be eligible for reduction is 91.5% of their full Council Tax Liability (approx £90 for a Band A property).
  - The Council continue 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 £20k.
- (2) In line with the position set out in section 3.2 of the report the Chief Financial Officer be granted delegated powers to update the Local Council Tax Scheme to reflect such upratings of premiums, allowances and non dependant deductions as may be determined by the Department of Work and Pensions, and for other minor technical changes which may be required.
- (3) The Council continue with a scheme of passing on relevant funding to town and parish councils operating within the District boundaries in order to mitigate the impact of the changes associated with the introduction of the Localisation of Council Tax reform upon parish and town councils, with the funding provided reduced by a further 10% in respect of 2016/17.
- (4) Once the details of Government funding are known in respect of 2016/17 and future financial years the Council as part of the Medium Term Financial Plan consider the affordability of the current arrangements in respect of the level of grant support provided to parish and town councils from the 2017/18 financial year onwards. The increasing costs of operating the scheme in the light of welfare reform, together with the ongoing impact of the austerity agenda, may result in a requirement to consider accelerating the rate at which grant support to the parish councils is reduced.
- (5) In view of the fact that they are purely technical decisions, Council notes its previous decision to grant the Chief Financial Officer the delegated authority to set both the Council Tax Base and to approve the NNDR1 form for the District in respect of 2016/17 and future financial years.

(Section 151 Officer)

#### **494    Annual Audit Letter 2014/2015**

Council considered Report No PRK/20/15-16/BM of Councillor P R Kerry which presented the Annual Audit Letter in respect of 2014/15 which had been prepared by the Council's external auditors, KPMG.

The Council had received an unqualified conclusion on its arrangements to secure value for money for 2014/15 in September 2015. This meant that the authority had proper arrangements for securing financial resilience and challenging how it secured economy, efficiency and effectiveness.

The Auditors had undertaken a risk assessment as part of the value for money audit work to identify key areas impacting on the value for money

conclusion and considered that there were adequate mitigation measures in place to address these risks. The main risks related to challenges linked to the ongoing need to deliver savings and cost reductions to maintain financial resilience. Although the authority had adequate arrangements in place there was a need to progress plans and dispose of the Saltergate site and Mill Lane land in order to secure projected savings on revenue budgets and a need to realise the benefits for major economic regeneration projects such as the Coalite site as well as housing business plans to reflect the impact of the annual 1% reduction over the next four years.

An unqualified opinion on the Council's financial statements had been issued in September 2015. This meant KPMG believed the financial statements gave a true and fair record of the financial position of the authority and its expenditure and income for the year.

A copy of the letter had been circulated to all members of the Council and was considered at the Audit and Corporate Governance Scrutiny Committee on 26 November 2015.

In response to a question around the payment in lieu of notice to the former Chief Executive, Council was advised that they had agreed on 1 April 2015 that the Chief Executive postholder be released under the efficiency of the service on a date to be agreed with the Leaders of both Councils and with full pay in lieu of notice. However, the departure date of the former Chief Executive was delayed in order to deal with a staffing matter which was the subject of a report in the private session of Council on 27 July 2015. The circumstances behind this were explained to the Audit and Corporate Governance Scrutiny Committee as well as the Audit Committee at Bolsover. The departure date of the former Chief Executive was effectively determined by the timing of the resolution of the staff matter, of which the former Chief Executive had a working knowledge which was not available to other officers of the Council. Had the former Chief Executive not been available to help resolve that outstanding staffing matter then it could have resulted in the Council being able to secure less favourable terms. It was noted that the auditors had not qualified the accounts or called the payment a "mistake".

**RESOLVED** – That the 2014/15 Annual Audit Letter from the Council's External Auditors, KPMG, be noted.

#### **495    Public Space Protection Orders**

Council considered Report No ADGMO/26/15-16/JF of the Assistant Director – Governance and Monitoring Officer which sought an amendment to the Council's Delegation Scheme within the Constitution to enable the Chief Executive to decide whether Public Space Protection Orders may be made.

Cabinet had resolved to make a PSPO on 5 August 2015 and also resolved that the power of determining PSPOs be delegated to the Chief Executive Officer.

Council were advised of the background to the new powers relating to PSPOs and the legal requirements that need to be satisfied before a PSPO could be made.

Previously the Chief Executive Officer had a delegated power to make alcohol exclusion zones, which had been superseded by PSPOs. It was therefore recommended that this power be removed from the delegation scheme.

**RESOLVED** That:-

- (1) That the Officer Delegation Scheme be amended to authorise the making of Public Space Protection Orders under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 following consultation with the Leader or Deputy Leader of the Council and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders;
- (2) That paragraph 10.26 of the existing Scheme of Delegation for Officers (authorisation of alcohol exclusion zones) be removed.

(Assistant Director – Governance and Monitoring Officer)

**496 Outcome of By-Elections**

**RESOLVED** – That Council notes the election of Gareth Hopkinson to Coal Aston Ward and Councillor Suzy Cornwell to Holmewood and Health Ward on 10 December 2015.

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

- (a) Audit & Corporate Governance Scrutiny Committee

**RESOLVED** – That Councillor G Hopkinson be appointed to the Conservative vacancy on the Audit and Corporate Governance Scrutiny Committee.

- (b) Disabled Peoples' Joint Consultative Group & Local Plan Steering Group

**RESOLVED** – That Councillors J Austen and J Lilley be appointed to the Labour Group vacancies on the Disabled Peoples' Joint Consultative Group.

- (c) Derbyshire Partnership Transformational Management Board & NDHIA Advisory Committee

**RESOLVED** – That appointments to the Derbyshire Partnership Transformational Management Board and NDHIA Advisory Committee be deferred.