

MINUTES OF COUNCIL MEETING HELD ON 2 MARCH 2016

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NORTH EAST DERBYSHIRE DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

HELD ON 2 MARCH 2016

Present:

Councillor Mrs A Holmes Chair

Councillor Mrs P Antcliff

“ W Armitage
“ Mrs J Austen
“ N Barker
“ B Barnes
“ G Baxter MBE
“ Mrs L Blanshard
“ G Butler
“ A Cooper
“ Mrs S Cornwell
“ Miss C Cupit
“ A Dale
“ S Ellis
“ Miss M Emmens
“ Mrs A Foster
“ M Foster
“ A Garrett
“ M Gordon
“ R Hall
“ G Hopkinson

Councillor Mrs C D Huckerby

“ Mrs E A Hill
“ Mrs J Hill
“ P R Kerry
“ H Laws
“ B Lewis
“ J Lilley
“ T Mansbridge
“ A Powell
“ Mrs T Reader
“ B Rice
“ Mrs L Robinson
“ Mrs K Rouse
“ D Skinner
“ K Tait
“ M E Thacker
“ Ms C Tite
“ R Welton
“ J Windle
“ B Wright

626 Apologies for Absence

Apologies for absence had been received from Councillors P Elliott, B Ridgway, Mrs J Ridgway and S Peters.

627 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 this meeting.

628 Minutes of the Council Meeting held on 15 February 2015

RESOLVED – That the minutes of the meeting of the Council held on 15 February 2016 be approved as a correct record and signed by the Chair.

629 Chair's Announcements

The Chair reported on progress from her sponsored slim and gave a reminder that members could sponsor her at her Just Giving page by searching for North East Derbyshire. She also reminded members that the sponsored cycleathon was taking place on 14 April 2016 and there was a further bucket collection at Tesco Extra in Chesterfield on Friday, 4 March 2016. Finally, there would be a Member Involvement Half Day on 22 March 2016 focusing on meeting procedures.

630 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 had been submitted under Procedure Rule No 8 for this meeting.

631 Minutes of meetings held between 5 January and 11 February 2016

Council considered the following minutes of meetings held between 5 January and 11 February 2016:-

	MEETING	DATE
(a)	Licensing Committee	5 January 2016
(b)	Organisation Scrutiny Committee	6 January 2016 3 February – Special
(c)	Growth Scrutiny Committee	12 January 2016
(d)	Planning Committee	12 January 2016 9 February 2016
(e)	Cabinet	13 January 2016 10 February 2016
(f)	Communities Scrutiny Committee	15 January 2016
(g)	Licensing Sub-Committee (Taxis) – 10 am Licensing Sub-Committee (Operator) – 2 pm Licensing Sub-Committee (Taxis)	2 February 2016 2 February 11 February
(h)	Audit and Corporate Governance Scrutiny Committee	4 February 2016

RESOLVED - That the minutes of the meetings held between 5 January and 11 February 2016 as set out above be noted.

632 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.

633 Motions from Members under Procedure Rule No 10

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

634 Review of Electoral Arrangements

Council considered Report No CE/01/15-16/DS of the Chief Executive and a presentation from Professor Paul Wiles, Lead Commissioner from the Local Government Boundary Commission (LGBCE) for England. Mr Wiles was present at the meeting along with Mr Tim Bowden, also from the Commission.

Council was advised that under Boundary Commission Guidance, where any local authority with a ward that had an electoral variance in excess of 30%, or any local authority where more than 30% of the wards had an electoral variance in excess of 10% from the average of that authority, it was necessary to give consideration to the need for a review. In North East Derbyshire one ward (Renishaw) currently had an electoral variance in excess of 30% of the average.

In carrying out their review, the Commission would have regard to three statutory criteria:-

- The need to secure equality of representation;
- The need to reflect the identities and interests of local communities; and
- The need to secure effective and convenient local government.

The purpose of the review was to address imbalances in the electoral variances in accordance with statutory criteria. In doing so, the Commission would decide the pattern of wards for the entire Council, including as follows:-

- Total number of councillors (Council size);
- Number of wards;

- Names of wards;
- Boundaries of wards.

Details of the timetable for the review were set out within the report. There were two key stages within the timetable, namely the submission of proposals relating to Council size and the subsequent pattern of electoral arrangements once the Council size had been determined by the Commission. Members were advised that any person or organisation may submit proposals relating to Council size and electoral warding arrangements.

In determining the right Council size, the Commission would consider the authority's decision making arrangements, its scrutiny and outside body arrangements and the representational role of councillors. Issues would need to be considered against future trends or plans as well as current arrangements.

Having considered the report, members asked questions and raised issues. Council was advised that the Chief Executive had enlisted the support of a former Association of Electoral Administrators Consultant, Peter Smith, to assist with the review.

RESOLVED – That Council delegate to the Chief Executive, following consultation with the Leader of the Council, power to:-

- (1) Co-ordinate the Council's response to the Local Government Boundary Commission's review of North East Derbyshire District's electoral arrangements.
- (2) Formulate and recommend to the Council submissions to the LGBCE, in accordance with the timetable, relating to the Council size and the electoral warding arrangements.
- (3) Advise the Council on the Local Government Boundary Commission's draft and final recommendations, as appropriate, during the review process.

(Chief Executive)

635 Devolution – Sheffield City Region and North Midlands Proposals

Council considered report CE/02/15-16/DS of the Chief Executive which sought agreement of the Devolution Deal proposals for Sheffield City Region and the North Midlands and determination of the preferred membership status for the respective combined authorities.

The report set out the background and details of the themes within each proposed Devolution Deal, the current position and the proposed timetables. It summarised the potential governance arrangements and relevant statutory provisions and set out the short and potential long-term benefits to the Council as well as the significant risks and uncertainties going forward.

The proposals had been the subject of two member awareness sessions in October 2015 and February 2016.

During the debate on the report, it was moved by Councillor M Thacker and seconded by Councillor S Ellis that Council:

- (a) Note the significant work undertaken in the development of both Devolution Deal proposals and the key elements contained within each Deal document;
- (b) Endorse the Sheffield City Region Devolution agreement;
- (c) Endorse the proposed North Midlands Devolution agreement;
- (d) Determine the preferred 'membership status' option for the respective Combined Authorities as follows;
 - i. Option 1 – Constituent membership of SCR Combined Authority and non constituent membership of proposed North Midlands Combined Authority
 - ii. Option 2 - Constituent membership of proposed North Midlands Combined Authority and non constituent membership of SCR Combined Authority,
 - iii. Option 3 – Non-constituent membership of proposed North Midlands Combined Authority and SCR Combined Authority.
- (e) Authorise the Chief Executive, following consultation with the Leader, to continue discussions to (i) finalise the relevant constitutional provisions and voting arrangements for delivery and separation of Mayoral and Combined Authority functions across the two respective areas, and (ii) develop proposals for the overlapping economic areas,
- (f) Authorise the Chief Executive, following consultation with the Leader, to consent to the necessary enabling orders.

A recorded vote was requested on the motion in accordance with Council Procedure Rule 14.4 when the result was as follows:

For the motion - 17

(Councillors Mrs P Antcliff, W Armitage, Mrs L Blanshard, Miss C Cupit, A Dale, S Ellis, Miss M Emmens, Mrs A Foster, M Foster, R Hall, G Hopkinson, Mrs C D Huckerby, B Lewis, A Powell, K Tait, M Thacker and R Welton).

Against the motion - 22

(Councillors Mrs J Austen, N Barker, B Barnes, G Baxter MBE, G Butler, A Cooper, S Cornwell, A Garrett, Mrs E A Hill, Mrs J Hill, Mrs A Holmes, P R Kerry, H Laws, J Lilley, T Mansbridge, Mrs T Reader, B Rice, Mrs L Robinson, D Skinner, Ms C Tite, J Windle and B Wright).

There were no abstentions.

The motion was lost.

It was then moved, seconded and **RESOLVED** that Council:

- (a) Note the significant work undertaken in the development of both Devolution Deal proposals and the key elements contained within each Deal document;
- (b) Endorse the Sheffield City Region Devolution agreement;
- (c) Endorse the proposed North Midlands Devolution agreement;
- (d) Determine the preferred 'membership status' option for the respective Combined Authorities as follows;
 - ii. Option 2 - Constituent membership of proposed North Midlands Combined Authority and non constituent membership of SCR Combined Authority,
- (e) Authorise the Chief Executive, following consultation with the Leader, to continue discussions to (i) finalise the relevant constitutional provisions and voting arrangements for delivery and separation of Mayoral and Combined Authority functions across the two respective areas, and (ii) develop proposals for the overlapping economic areas;
- (f) Authorise the Chief Executive, following consultation with the Leader, to consent to the necessary enabling orders.

(Chief Executive Officer)

636 Level of Council Tax 2016/17

Council considered Report No PRK/27/15-16/BM of the Section 151 Officer and Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which set out the Council Tax requirement for the year now that the authority had received all relevant precept demands from the other local authorities. These included the demands of the County Council, Police and Crime Commissioner, Fire Authority and parish councils.

It was moved and seconded that the recommendations within the report be approved. The item was subject to a recorded vote when the result was as follows:-

For the motion - 22

(Councillors Mrs J Austen, N Barker, B Barnes, G Baxter MBE, G Butler, A Cooper, S Cornwell, A Garrett, Mrs E A Hill, Mrs J Hill, Mrs A Holmes, P R Kerry, H Laws, J Lilley, T Mansbridge, Mrs T Reader, B Rice, Mrs L Robinson, D Skinner, Ms C Tite, J Windle and B Wright).

Against the motion - 17

(Councillors Mrs P Antcliff, W Armitage, Mrs L Blanshard, Miss C Cupit, A Dale, S Ellis, Miss M Emmens, Mrs A Foster, M Foster, R Hall, G Hopkinson, Mrs C D Huckerby, B Lewis, A Powell, K Tait, M Thacker and R Welton).

Absentions - 0

RESOLVED – That the Council formally approves the Council Tax for the financial year 2016/17 as follows:-

- 1) **29,897.94** be the amount calculated by the Council, in accordance with Section 31B of the Local Government Finance Act 1992, as amended.
- 2) For dwellings in those parts of its area to which a Parish precept relates as detailed as follows:

Parish	Council Tax Base
Ashover	927.37
Barlow	360.47
Brackenfield	88.31
Brampton	508.10
Calow	665.73
Clay Cross	2,441.71
Dronfield	7,086.19
Eckington	3,265.18
Grassmoor, Hasland and Winsick	847.03
Heath and Holmewood	663.45
Holmesfield	469.72
Holymoorside and Walton	943.65
Killamarsh	2,478.66
Morton	362.47
North Wingfield	1,697.49
Pilsley	924.05
Shirland and Higham	1,264.71
Stretton	238.37
Sutton-Cum-Duckmanton	485.14
Temple Normanton	147.98
Tupton	870.41
Unstone	530.07
Wessington	222.39
Wingerworth	2,409.29
Total	29,897.94

- 3) That the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Parish Precepts) be **£5,314,957**.

- 4) That the following amounts be calculated by the Council for the year 2015/16 in accordance with Sections 31 to 36 of the Act:
- a) **£51,017,637** be the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) **£42,809,114** be the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c) **£8,208,523** be the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Note: - this sum is the total of the District's requirements of **£5,314,957** plus the total parish precepts of **£2,893,566**).
 - d) **£274.55** be the amount at (c) above, all divided by item (1) above calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e) **£2,893,566** be the aggregate amount of all special items referred to in Section 34(1) of the Act (as per (g) above).
 - f) **£177.77** be the amount at (d) above less the result given by dividing the amount at (e) above by the amount at (1) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
 - g) Part of the Council's Area

The following be the amounts calculated by adding the amount at (f) above to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned in (d) above divided in each case by the amount at (2) above. Calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

Parish	Council Tax Band D £
Ashover	247.15
Barlow	234.66
Brackenfield	226.38
Brampton	225.50
Calow	241.44

Clay Cross	253.80
Dronfield	291.03
Eckington	255.79
Grassmoor, Hasland and Winsick	284.84
Heath and Holmewood	346.58
Holmesfield	243.65
Holymoorside and Walton	234.03
Killamarsh	370.36
Morton	261.23
North Wingfield	268.81
Pilsley	278.76
Shirland and Higham	239.15
Stretton	244.89
Sutton-Cum-Duckmanton	280.93
Temple Normanton	271.33
Tupton	278.45
Unstone	277.82
Wessington	246.34
Wingerworth	235.53

- h) being the amounts given by multiplying the amounts at (f) above and (g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Part of the Council's Area	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Ashover	164.76	192.23	219.69	247.15	302.07	357.00	411.91	494.30
Barlow	156.44	182.52	208.59	234.66	286.8	338.95	391.10	469.32
Brackenfield	150.92	176.08	201.23	226.38	276.68	326.99	377.30	452.76
Brampton	150.33	175.39	200.45	225.50	275.61	325.72	375.83	451.00
Calow	160.96	187.79	214.62	241.44	295.09	348.75	402.40	482.88
Clay Cross	169.20	197.40	225.60	253.80	310.20	366.60	423.00	507.60
Dronfield	194.02	226.36	258.70	291.03	355.70	420.38	485.05	582.06
Eckington	170.52	198.95	227.37	255.79	312.63	369.48	426.31	511.58
Grassmoor, Hasland and Winsick	189.89	221.55	253.19	284.84	348.13	411.44	474.73	569.68
Heath and Holmewood	231.05	269.57	308.07	346.58	423.59	500.62	577.63	693.16
Holmesfield	162.43	189.51	216.58	243.65	297.79	351.94	406.08	487.30
Holymoorside and Walton	156.02	182.03	208.03	234.03	286.03	338.04	390.05	468.06
Killamarsh	246.90	288.06	329.21	370.36	452.66	534.97	617.26	740.72
Morton	174.15	203.18	232.21	261.23	319.28	377.33	435.38	522.46
North Wingfield	179.20	209.08	238.94	268.81	328.54	388.28	448.01	537.62
Pilsley	185.84	216.82	247.79	278.76	340.70	402.65	464.60	557.52
Shirland and Higham	159.43	186.01	212.58	239.15	292.29	345.44	398.58	478.30
Stretton	163.26	190.47	217.68	244.89	299.31	353.73	408.15	489.78
Sutton-Cum-Duckmanton	187.28	218.51	249.72	280.93	343.35	405.79	468.21	561.86
Temple Normanton	180.88	211.04	241.18	271.33	331.62	391.92	452.21	542.66
Tupton	185.63	216.58	247.51	278.45	340.32	402.21	464.08	556.90
Unstone	185.21	216.09	246.95	277.82	339.55	401.30	463.03	555.64
Wessington	164.22	191.60	218.97	246.34	301.08	355.83	410.56	492.68
Wingerworth	157.02	183.19	209.36	235.53	287.87	340.21	392.55	471.06

- 5) That it be noted that for the year 2016/17 Derbyshire County Council, the Police and Crime Commissioner for Derbyshire, and the Derbyshire Fire and Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Act 1992 for each of the categories of dwellings shown in the following table:

(The Government has amended the regulations to allow adult social care authorities to charge an additional precept of up to 2% in order to fund adult social care activities. Derbyshire County Council has decided to charge this additional precept.)

Precepting Authority	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Derbyshire County Council	761.84	888.81	1,015.79	1,142.76	1,396.71	1,650.65	1,904.60	2,285.52
Derbyshire County Council - ASC	14.94	17.43	19.92	22.41	27.39	32.37	37.35	44.82
Police & Crime Commissioner	118.05	137.72	157.40	177.07	216.42	255.77	295.12	354.14
Fire & Rescue Service	47.45	55.36	63.27	71.18	87.00	102.82	118.63	142.36

- 6) That, having calculated the aggregate in each case, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2016/17 for each of the categories of dwellings shown in the following table:

Part of the Councils area	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Ashover	1,107.04	1,291.55	1,476.07	1,660.57	2,029.59	2,398.61	2,767.61	3,321.14
Barlow	1,098.72	1,281.84	1,464.97	1,648.08	2,014.32	2,380.56	2,746.80	3,296.16
Brackenfield	1,093.20	1,275.40	1,457.61	1,639.80	2,004.20	2,368.60	2,733.00	3,279.60
Brampton	1,092.61	1,274.71	1,456.83	1,638.92	2,003.13	2,367.33	2,731.53	3,277.84
Calow	1,103.24	1,287.11	1,471.00	1,654.86	2,022.61	2,390.36	2,758.10	3,309.72
Clay Cross	1,111.48	1,296.72	1,481.98	1,667.22	2,037.72	2,408.21	2,778.70	3,334.44
Dronfield	1,136.30	1,325.68	1,515.08	1,704.45	2,083.22	2,461.99	2,840.75	3,408.90
Eckington	1,112.80	1,298.27	1,483.75	1,669.21	2,040.15	2,411.09	2,782.01	3,338.42
Grassmoor, Hasland and Winsick	1,132.17	1,320.87	1,509.57	1,698.26	2,075.65	2,453.05	2,830.43	3,396.52
Heath and Holmewood	1,173.33	1,368.89	1,564.45	1,760.00	2,151.11	2,542.23	2,933.33	3,520.00
Holmesfield	1,104.71	1,288.83	1,472.96	1,657.07	2,025.31	2,393.55	2,761.78	3,314.14
Holymoorside and Walton	1,098.30	1,281.35	1,464.41	1,647.45	2,013.55	2,379.65	2,745.75	3,294.90
Killamarsh	1,189.18	1,387.38	1,585.59	1,783.78	2,180.18	2,576.58	2,972.96	3,567.56
Morton	1,116.43	1,302.50	1,488.59	1,674.65	2,046.80	2,418.94	2,791.08	3,349.30
North Wingfield	1,121.48	1,308.40	1,495.32	1,682.23	2,056.06	2,429.89	2,803.71	3,364.46
Pilsley	1,128.12	1,316.14	1,504.17	1,692.18	2,068.22	2,444.26	2,820.30	3,384.36
Shirland and Higham	1,101.71	1,285.33	1,468.96	1,652.57	2,019.81	2,387.05	2,754.28	3,305.14
Stretton	1,105.54	1,289.79	1,474.06	1,658.31	2,026.83	2,395.34	2,763.85	3,316.62
Sutton-Cum-Duckmanton	1,129.56	1,317.83	1,506.10	1,694.35	2,070.87	2,447.40	2,823.91	3,388.70
Temple Normanton	1,123.16	1,310.36	1,497.56	1,684.75	2,059.14	2,433.53	2,807.91	3,369.50
Tupton	1,127.91	1,315.90	1,503.89	1,691.87	2,067.84	2,443.82	2,819.78	3,383.74
Unstone	1,127.49	1,315.41	1,503.33	1,691.24	2,067.07	2,442.91	2,818.73	3,382.48
Wessington	1,106.50	1,290.92	1,475.35	1,659.76	2,028.60	2,397.44	2,766.26	3,319.52
Wingerworth	1,099.30	1,282.51	1,465.74	1,648.95	2,015.39	2,381.82	2,748.25	3,297.90

637 Draft Pay Policy Statement 2016-17

Council considered Report No NB/04/15-16/SG of Councillor N Barker, Portfolio Holder with Responsibility for Human Resources, Training and Member Development which sought approval of the publication of the draft Pay Policy Statement. The report also sought agreement that when confirmation was received about the national pay award for Chief Executives, any updates to the Pay Policy Statement could be made without further reference to Council.

The Pay Policy Statement was a requirement under the Localism Act 2011. The Statement set out the authority's approach to a range of issues relating to the pay of its work force, particularly its chief officers and its lowest paid employees. It was required to be published on the Council's website and in any other manner that the authority thought appropriate in order to be accessible to local people.

RESOLVED that:-

- (1) Council approves for publication the draft Pay Policy Statement 2016/17 as attached as Appendix 1 to the report.
- (2) Council agrees that when confirmation was received about the national pay award, any updates to the Pay Policy Statement which related to salary changes as a result of the national pay award during the 2016/17 financial year, may be made without further reference to Council.

(Assistant Director – Human Resources & Payroll)

638 Members' Allowances

Council considered Report No ADGMO/27/15-16/MK of the Assistant Director – Governance and Monitoring Officer which sought approval for the Members' Allowance Scheme for 2016/17.

In accordance with the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003, the Council was required to make its Members' Allowance Scheme before the beginning of each financial year. The current Scheme was index linked without the need for a further review until March 2018.

RESOLVED – That:-

- (1) The Members' Allowance Scheme for the year 2016/17 be implemented with effect from 1 April 2016 in accordance with the details set out in this report.
- (2) The Members' Allowance Scheme contained within the Council's Constitution be updated to reflect the changes made.

(Assistant Director – Governance & Monitoring Officer)

639 Possible Relaxation of the Requirements for Late Night Refreshment Establishments

RESOLVED – That this item be deferred to the next meeting of Council.
(Governance Manager)

640 Exclusion of Public

RESOLVED - That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 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).

641 Legal Restructure

Council considered Report No ADGMO/28/15-16/SS of the Assistant Director – Governance and Monitoring Officer which sought approval of a new Legal Services structure for Bolsover and North East Derbyshire District Council. The report included results of the consultation process in relation to the proposals for Legal Services, as well as details of the progress on the job evaluation process.

RESOLVED – That:-

- (1) Members approve the new Legal structure shown in Appendix 5 to the report.
- (2) The Joint Assistant Director of Governance and Monitoring Officer be renamed the Joint Assistant Director of Governance and Solicitor to the Council and Monitoring Officer.
- (3) The Principal Solicitor be made redundant.
- (4) The Chief Executive Officer be given delegated authority to take any necessary actions to implement the new structure.

(Assistant Director – Governance & Monitoring Officer)
(Paragraphs 1, 3 & 4)
