

MINUTES OF COUNCIL MEETING HELD ON 31 OCTOBER 2016

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NORTH EAST DERBYSHIRE DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

HELD ON 31 OCTOBER 2016

Present:

Councillor S Peters Chair
Councillor Miss R Smith Vice Chair

Councillor W Armitage

“ Mrs J Austen
“ N Barker
“ B Barnes
“ J Barry
“ G Baxter MBE
“ S Boyle
“ G Butler
“ A Cooper
“ S Cornwell
“ C Cupit
“ A Dale
“ S Ellis
“ Miss M Emmens
“ Mrs A Foster
“ M Foster
“ A Garrett
“ M Gordon
“ R Hall
“ D Hancock
“ Mrs P A Holmes

Councillor G Hopkinson

“ Mrs C D Huckerby
“ C Hunt
“ P R Kerry
“ H Laws
“ J Lilley
“ T Mansbridge
“ G Morley
“ A Powell
“ T Reader
“ B Rice
“ B Ridgway
“ Mrs J Ridgway
“ Mrs L Robinson
“ K Rouse
“ Mrs C A Smith
“ K Tait
“ M E Thacker MBE
“ R Welton
“ J Windle
“ B Wright

Prior to the commencement of the meeting Council observed a minute's silence in memory of former Councillor George Antcliff who had recently passed away.

Councillor Stephen Peters, Chair of the Council, presented Charlie Quinn with the Sports Award for Junior Sportsman of the Year in recognition of his excellent achievements in the sport of skiing.

Councillor G Baxter MBE, Leader of the Council, praised Charlie on his achievements and he was applauded from all sides of the Chamber.

366 Apologies for Absence

Apologies for absence had been received from Councillors Mrs P Antcliff, L Blanshard, P Elliott, Mrs E A Hill, J Hill, B Lewis, D Skinner and L Stone.

367 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 Wright declared a non significant interest in agenda item no 8 – Motions from Members under Procedure Rule No 10 arising from his position of Councillor at Derbyshire County Council.

368 Minutes of the Council Meeting held on 5 September 2016

Councillor A Dale disputed the record of Minute No 254. It was advised that Councillor M E Thacker MBE moved the Council procedure rules requiring notice of the motion be suspended. The Minutes note that this motion was not seconded. However, Councillor A Dale confirmed that he had seconded this motion. An amendment to the Minutes was put forward, which was duly seconded by Councillor M E Thacker MBE.

The Chair put the amendment to the vote. The amendment to the Minutes of the last meeting was carried.

RESOLVED – That the Minutes of the meeting of the Council held on 5 September 2016 be approved as a correct record and signed by the Chair, subject to the amendment.

369 Chair's Announcements

The Chair advised the Council of the recent events he had attended and the fund raising activities he had been carrying out. The Chair also thanked the kind generosity of Eckington Parish Council, Barlow Parish Council, Clay Cross Angling Association and Marshalls Electrical for their recent donations to his charity appeal.

The current amount raised so far was £2,920.81.

The Chair reminded Members that the 2017 calendar that had been produced with many beautiful photographs from across the District was still available to buy and also reminded Members that a stall holder event would be taking place in the Council Chamber on 7 November and also the Charity Auction would be taking place on Monday, 12 December 2016, with various lots available to bid on.

370 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 from the public had been submitted.

371 Minutes of Meetings held between 5 August and 19 October 2016

Council considered the following Minutes of meetings held between 5 August and 19 October 2016:-

	MEETING	DATE
(a)	Licensing Sub-Committee (Premises)	5 August 2016
(b)	Planning Committee	30 August 2016 27 September 2016
(c)	Cabinet	31 August 2016 28 September 2016
(d)	Strategic Alliance Joint Committee	31 August 2016
(e)	Growth Scrutiny Committee	1 September 2016 6 October 2016
(f)	Audit & Corporate Governance Scrutiny Committee	22 September 2016
(g)	Communities Scrutiny Committee	23 September 2016
(h)	Standards Committee	29 September 2016
(i)	Organisation Scrutiny Committee	19 October 2016

RESOLVED – That the Minutes of the meetings held between 5 August and 19 October 2016 as set out above be noted.

372 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.

373 Motions from Members under Procedure Rule No 10

Council considered a motion on notice as set out in the agenda.

It was moved by Councillor Angelique Foster and duly seconded by Councillor Carol Huckerby that:-

“This Council consider the impact shale gas extraction (fracking) would have on the North East Derbyshire District community. The process of hydraulic

fracturing, otherwise known as fracking, involves extracting natural gas from sedimentary rocks such as shale. It involved drilling wells deep into underground rock and pumping in a mixture of water, sand and chemicals at high pressure.

The practice has caused a lot of controversy due, in part, to the intense nature and depth of shale gas drilling and its potential impact on the environment and the health of residents. There are also concerns about the sheer volume of water needed to be used in the process. We ask the Council to oppose fracking in our District”.

Councillor G Baxter MBE, as Leader of the Council, confirmed support for the motion as it was clearly an issue of significant concern in the District. However, he did not think the motion went far enough to make sure the Council protected our environment and residents. Therefore, and because this was such a serious concern, it was suggested an amendment to the motion be put forward and proposed additional sentences that followed the words of the original motion.

Councillor G Baxter MBE moved the following additional sentences to follow the words of the original motion and this was duly seconded:-

“We ask Council to deplore the recent decision of the Secretary of State for Communities and Local Government to overrule the democratic decision of Lancashire County Council and give permission for fracking to go ahead in that County. This Council believes the action of the Secretary of State illustrates a Government that continues to ignore massive local opinion and fails to give regard to clear evidence of environmental and health risks. Council urges the Government to respect the decisions of local Councils and the view of local people and act consistently with its promise to truly devolve power from Central Government”.

The Chair put the amendment to the vote. The amendment to the motion was carried.

Councillor G Baxter MBE moved the substantive motion which was duly seconded. The Chair then put the substantive motion to the vote. The substantive motion was carried.

RESOLVED – That this Council consider the impact shale gas extraction (fracking) would have on North East Derbyshire District community. The process of hydraulic fracturing, otherwise known as fracking, involves extracting natural gas from sedimentary rocks such as shale. It involved drilling wells deep into underground rock and pumping in a mixture of water, sand and chemicals at high pressure. The practice has caused a lot of controversy due, in part, to the intense nature and depth of shale gas drilling and its potential impact on the environment and the health of residents. There are also concerns about the sheer volume of water needed to be used in the process. We ask the Council to oppose fracking in our District.

We also ask Council to deplore the recent decision of the Secretary of State for Communities and Local Government to overrule the democratic decisions of Lancashire County Council and gave permission for fracking to go ahead in that County. This Council believes the action of the Secretary of State illustrates a Government that continues to ignore massive local opinion and fails to give clear evidence of environmental and health risks. Council urges the Government to respect the decisions of local Councils and the views of local people and act consistently with its promise to truly devolve power from Central Government.

374 HS2 Update

Council received a briefing from Freda Jesudason from the HS2 Project Team which provided an update on the progress of the high speed rail link.

It was noted that since the last presentation there had been a new Secretary of Transport and phase one of the House of Commons Select Committee had now been completed and was progressing through the Lords.

An alternative proposal had been developed for South Yorkshire, which would have more impact upon Bolsover District and North East Derbyshire. It was also noted that the new proposed routes would have an effect on the Coalite site.

The alternative proposed route had been suggested due the difficulties of locating a station within South Yorkshire due to topography, flood plains and the legacy of mine working and heavy industry. It was the only region where consensus had not been reached. Factors for consideration included demand, needs of South Yorkshire connectivity, local constraint and cost.

A new organisation had been created consisting of stakeholders from Liverpool, Manchester, Sheffield, Leeds, Hull and Newcastle. Transport for the North (TfN) had an ambition for greater frequency and improved journey times. The presentation gave details of new proposals, including a spur from the HS2 route to Chesterfield and the Midlands Mainline.

Eleven information events had been held and 6,500 people had attended, including 240 at the Bolsover event and 613 at the Staveley event. One-to-ones had been held with those whose properties would be directly affected.

A Government decision was expected in Autumn in 2016 which would then be followed by a public consultation. Property schemes would then be introduced for those affected. No decision would be made on the South Yorkshire part until Summer 2017 at the earliest.

Members were advised that the project was currently on course for construction to start in early 2020's.

Following questions from Members, concerns were raised over the affect the HS2 route would have on the community as a whole and also the impact on local businesses.

RESOLVED – That the update from the HS2 Project Team be noted.

Councillor R Hall left the meeting at this point.

375 Local Plan Position Statement

Council received a presentation from Helen Fairfax – Planning Policy Manager – on the Local Plan Position Statement.

The purpose of the Local Plan Position Statement was to provide a summary of where the Council has go to in the production of the Local Plan and what still needed to be done. Its main purpose was to give an update on how the Plan was evolving.

Included in the Local Plan Position Statement was:-

- Why we need a Local Plan and what it does.
- Where we got to with the two part Plan.
- Why we shifted to a Single Plan.
- The approach and structure of the new Local Plan.
- Role of Green Belt review and distribution of housing.
- Summary of the evidence base.

On 5 August 2015 Cabinet approved proposals to cease work on a two part Local Plan and commence the preparation of a single Local Plan, consider options for an alternative strategic distribution of development and bring forward a comprehensive review of the Green Belt.

On 28 October 2015 Cabinet adopted a new Local Plan timetable followed by Cabinet approving the amendments to the timetable in June 2016 and in October 2016 Cabinet approved the Local Plan Position Statement and proposals for its publication.

The Planning Policy Manager outlined the key messages arising from the Position Statement. The document was looking ahead to 2033 and explained that a Single Plan was necessary to be in line with new Government requirements. The overall strategy remained on the focused development on the more sustainable settlements of strategic sites and a Green Belt review was necessary to reconsider spatial distribution of development to meet this strategy and provide a more balanced spread of developments.

The Local Plan was looking to accommodate between 1,500-2,000 dwellings plus safe guarded land in the Green Belt, this was a target of approximately 300 homes per year.

Moving forward it was anticipated that the Local Plan Position Statement would be published on the Council's website during the week commencing 7 November 2016, all the statutory consultees and registered interested parties would be notified and copies would be made available to view at local libraries.

The Planning Policy advised Members that the Local Plan was still on target and following the adopted timetable.

Following questions from Members it was:-

RESOLVED – That the presentation from the Planning Policy Manager on the Local Plan Position Statement be noted.

Councillor M Foster left the meeting at this point.

376 New Council Website

Council received an update from Scott Chambers – Communications, Marketing and Design Manager – on the launch of the new Council website. Members received a step by step run through of how the new Council website operated and demonstrated the new features on the website.

Previously the Council website was supported by an external company at a cost of £5,000 per year which had since come to the end of its contract. It was decided that the new website would be built through a system called Joomla, this gave more control to officers to support the website in-house.

Whilst researching ideas for the new website advice was taken from SOCITM and also by looking at other Council websites. The new Council website was more appealing and was more user friendly. The Communications, Marketing and Design Manager confirmed that the new website would be launched on Monday, 7 November 2016.

Councillor J Austen commented that this was an improvement on the previous website and thanked all staff involved for their hard work in developing the new website.

RESOLVED – That the update from the Communications, Marketing and Design Manager on the launch of the new Council website be noted.

377 Licensing Enforcement – Sheffield City Region

Council considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment. The purpose of the report was to enable Sheffield City Council to carry out enforcement action on behalf of the Council in relation to North East Derbyshire Licensed Hackney Carriage Vehicles (taxis) and Private Hire Vehicles operating in Sheffield City Council area.

The report also asked to delegate authority to the Chief Executive to authorise other Councils and their officers to undertake licensing enforcement in relation to taxis and private hire vehicles on behalf of the Council and to authorise the officers of those Councils to take enforcement action.

Under Section 101 of the Local Government Act 1972 the Council may arrange for the discharge of any Council functions by another local authority. Licensing functions includes an enforcement where the responsibility of the Council as part of environmental health rather than the Executive. It was therefore for Council to decide whether to arrange for another Council to carry out licensing enforcement. The Council could also authorise an officer to decide upon and make these arrangements with other local authorities.

The reason for this course of action being recommended was that North East Derbyshire licensed taxis and private hire vehicles operated in the Sheffield City Council area. As Sheffield's enforcement officers would be carrying out their functions in respect of Sheffield licensed vehicles, this Council's vehicles would also be working in the Sheffield area and it would be helpful that they were also able to deal with any enforcement issues which arose. This would include the serving of formal notices. The alternative would be that they alert the North East Derbyshire team each time which was bureaucratic and slow and may allow enforcement problems to continue for longer than necessary. The recommendation was that the Chief Executive was given authority to make arrangements for Sheffield City Council and any other local authority for their officers to take enforcement action against taxis and private hire vehicles licenses by North East Derbyshire District Council. In addition, the authorisation would include the necessary requirement for the specific authorisation of Sheffield City Council employees to take enforcement action.

Councillor M E Thacker MBE raised a concern over why at North East Derbyshire recently no licensing applications seemed to be coming forward and Licensing Sub-Committees were being cancelled, citing no cases to be considered. The Chief Executive assured Councillor Thacker that if any meetings of the Sub-Committees had been required they would have been convened.

RESOLVED – That following delegation is given to the Chief Executive with immediate effect:-

- (1) To authorise another local authority to carry out the licensing enforcement function in respect of taxis and private hire vehicles for the Council as well as the Council retaining those functions.
- (2) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions or do anything required in respect of the taxi and private hire licensing enforcement function.
- (3) Standards Committee was asked to include this within the Delegation Scheme in the Constitution as a permanent delegation.

378 Procurement of External Auditors

Council considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which sought to recommend that this Council opts in to the appointing person arrangements

made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

Following the demise of the Audit Commission new arrangements were needed for the appointment of external auditors. The Local Audit and Accountability Act 2014 required authorities to either opt in to the appointing person regime or to establish an Auditor Panel and conduct their own procurement exercise.

As part of closing the Audit Commission the Government novated external audit contracts to PSAA on 1 April 2015. These audits were due to expire following conclusion of the audits for 2016/17 accounts, but could be extended for a period of up to three years by the PSAA, subject to approval from the Department for Communities and Local Government.

In October 2015 the Secretary of State confirmed that the transitional provisions would be amended to allow an extension of the contracts for a period of one year. This meant that for the audit of 2018/19 accounts it was necessary to either undertake their own procurements or opt in to the appointed person regime.

There was a degree of uncertainty around the appointed person regime until July 2016 when PSAA were specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. The Appointing Person was sometimes referred to the sector led body and PSAA had wide support across most of local government. PSAA was originally established to operate the transitional arrangements following the closure of the Audit Commission and is a company owned by the Local Government Association's Improvement and Development Agency (IDeA).

Full details of the proposals were set out on the PSAA website, however, the main advantages may be summarised as follows:-

- Assure timely auditor appointments;
- Manage independence of auditors;
- Secure highly competitive prices;
- Save on procurement costs;
- Save time and effort needed on auditor panels;
- Focus on audit quality;
- Operate on a not for profit basis and distribute any surplus funds to scheme members.

RESOLVED – That Council approves that North East Derbyshire District Council opts into the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors which will ensure that the Council complies with the Local Audit and Accountability Act 2014.

(Assistant Director – Finance, Revenues and Benefits)

379 Treasury Management Strategy

Council considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which updated Council on the treasury management activities for the half year period April to September 2016.

Council approved the 2016/17 treasury management strategy at its meeting in February 2016. This monitoring report detailed the treasury management activity during the first year. Reporting the position was in line with recommended best practice as outlined in the CIPFA Treasury Management Code of Practice.

The treasury management function covered the borrowing and investment of Council money. This included both the management of the Council's day-to-day cash position and the management of its long term debt. All transactions were conducted in accordance with the Council's approved strategy and the CIPFA Code of Practice. Good treasury management played an important role in the sound financial management of the Council's resources. The details of the Council's treasury management activities that took place between April and September 2016 were attached to the report as Appendix 1.

RESOLVED – That Council notes the treasury management activities undertaken during the period April to September 2016 as outlined in Appendix 1 to the report.

380 Outcome of By-Election

RESOLVED – That Council notes the election of David Hancock to Tupton Ward on 15 September 2016.

381 Appointments to Committees, Advisory Groups and Outside Bodies

(a) Growth Scrutiny Committee

RESOLVED – That Councillor S Cornwell be appointed to the vacancy on the Growth Scrutiny Committee.

(b) Audit & Corporate Governance Scrutiny Committee

RESOLVED – That Councillor Mrs C A Smith be appointed to the vacancy on the Audit and Corporate Governance Scrutiny Committee.

(c) Joint Scrutiny Panel (Shared Services)

RESOLVED – That Councillor J Barry be appointed to the vacancy on the Joint Scrutiny Panel (Shared Services).

(d) Audit & Corporate Governance Scrutiny Committee

RESOLVED – That Councillor G Morley, already a member on the Audit and Corporate Governance Scrutiny Committee, be appointed to the position of Vice Chair.

(e) Licensing Committee

RESOLVED – That Councillor D Hancock be appointed to the vacancy on the Licensing Committee.
