

**MINUTES OF COUNCIL MEETING HELD ON 20 FEBRUARY 2017**

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**NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

**MINUTES OF THE MEETING OF THE COUNCIL**

**HELD ON 20 FEBRUARY 2017**

**Present:**

Councillor S Peters ..... Chair  
Councillor R Smith ..... Vice Chair

Councillor P Antcliff

“ W Armitage  
“ J Austen  
“ N Barker  
“ B Barnes  
“ J Barry  
“ G Baxter MBE  
“ L Blanshard  
“ S Boyle  
“ G Butler  
“ A Cooper  
“ S Cornwell  
“ C Cupit  
“ A Dale  
“ S Ellis  
“ Mrs A Foster  
“ M Foster  
“ A Garrett  
“ M Gordon  
“ D Hancock  
“ Mrs E A Hill

Councillor Mrs P A Holmes

“ G Hopkinson  
“ Mrs C D Huckerby  
“ C Hunt  
“ P R Kerry  
“ H Laws  
“ B Lewis  
“ J Lilley  
“ T Mansbridge  
“ A Powell  
“ Mrs T Reader  
“ B Rice  
“ B Ridgway  
“ Mrs L Robinson  
“ D Skinner  
“ Mrs C A Smith  
“ L Stone  
“ M Thacker  
“ C Tite  
“ R Welton  
“ J Windle

**492 Apologies for Absence**

Apologies for absence had been received from Councillors P Elliott, Miss M Emmens, R Hall, J Hill, G Morley, Mrs J Ridgway and K Tait.

**493 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.

Councillors N Barker, G Butler, Mrs E A Hill and R Welton declared a disclosable pecuniary interest item 8(a), Medium Term Financial Plan 2017/18 to 2020/21 arising from their membership of the Rykneld Homes Board. They would leave the meeting for consideration of this item.

**494 Minutes of the Council Meeting held on 3 January 2017**

Minute No 393 was discussed in regard to the effectiveness of the consultation on the Dronfield and Killamarsh Regeneration Frameworks. Councillor Dale wished it to be noted that he felt that the consultation had not been received as well as portrayed in the Minutes of the meeting.

**RESOLVED** – That the Minutes of the meeting of the Council held on 3 January 2017 be approved as a correct record and signed by the Chair.

**495 Chair's Announcements**

The Chair advised Council of a number of events that he had attended over recent weeks.

Specifically he focused on the forthcoming events that would take place to raise money for his chosen charity, Weston Park Cancer Charity, which included a sponsored abseil at Millers Dale Bridge on Saturday, 11 March and a Row-a-thon on Thursday, 6 April 2017. The running total for his appeal so far was reported at £4,739.88.

**496 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.

**497 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.

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

At the previous meeting of Council debate was adjourned on a motion moved by Councillor A Dale and duly seconded by Councillor M Thacker:-

*That this Council:-*

- (1) Strongly supports the principle of neighbourhood planning, which empowers local people in the planning process and gives them greater say over the future of their communities.*
- (2) Acknowledges the countless hours of hard work being put in by local people to produce neighbourhood plans in several of our parishes.*

- (3) *Encourages more communities in North East Derbyshire to consider developing neighbourhood plans, in order to ensure our planning policies and decisions properly reflect the wants and needs of the people we represent.*
- (4) *Endeavours to give as much weight as is possible under national planning guidance to emerging neighbourhood plans when making planning decisions.*

Due to the length of time since the previous meeting where the motion was first considered the Chairman advised that he would like to re-commence the debate and gave permission to those speakers who expressed themselves at the previous meeting to speak again if they should wish.

Section 4 of Councillor Dale's motion was discussed in detail and duly seconded by Councillor Thacker.

Councillor Ellis proposed additional words to the motion  
*"that Council recognises in the absence of a Local Plan with a five year land supply, Neighbourhood Plans are given more weight. That the Council redoubles its efforts to get a Local Plan adopted as soon as possible to protect communities from unwanted developments and pledges to listen to the views of residents in regards to housing, Green Belt and employment sites".*

Councillor Baxter spoke against the amendments proposed and clarified that no further reasonable steps could have been taken to progress the Local Plan.

In accordance with Council Procedure Rule 14.4 three or Members requested a recorded vote on the amendment.

For the amendment – 15

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

Against the amendment – 30

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

The amendment was defeated.

A further amendment was proposed by Councillor M Gordon and duly seconded by Councillor G Baxter MBE adding the following to the original motion:-

- (1) *Calls on the Secretary of State to recognise the significant work undertaken by the Council to deliver its Local Plan and the revised timeline for its delivery.*
- (2) *Believes strongly that Neighbourhood Plans should always reflect the principles of the Local Plan in order to best protect and preserve the character of the District.*
- (3) *Urges the Secretary of State to recognise how the District Council is delivering growth and housing and can now demonstrate a supply of deliverable sites to provide a 3.8 year supply of housing land, a significant improvement from the 1.7 years at the time of the Ashover Appeal. This represents 431 net additional homes built in our last monitored year against a requirement of 300 homes to meet national targets.*
- (4) *Expresses strong disappointment that the Secretary of State has been able to use the Neighbourhood Plan Process to overturn a decision of the Council and the Planning Inspectorate going against a wealth of public opposition in the Ashover area.*
- (5) *Believes that the actions of the Secretary of State clearly demonstrate a Government that gives no regard to the views of local people and will happily overturn democratic decisions in their pursuit of development at any costs.*
- (6) *Seeks assurances from Government that it will not continue to misuse the Neighbourhood Plan process in this way to implement development in areas where it is clearly not wanted and justified.*

The Chairman of the Council was asked to consider whether the amendment negated the original proposal and ruled that it did not, having considered the wording in detail in line with the guidance set out in the Constitution.

On the procedural motion being put to the vote the amendment was carried and became the substantive motion. On the amendment being accepted the substantive motion was put to the vote and carried.

**RESOLVED** – That

*That this Council:-*

- (1) *Strongly supports the principle of neighbourhood planning, which empowers local people in the planning process and gives them greater say over the future of their communities.*
- (2) *Acknowledges the countless hours of hard work being put in by local people to produce neighbourhood plans in several of our parishes.*
- (3) *Encourages more communities in North East Derbyshire to consider developing neighbourhood plans, in order to ensure our planning*

*policies and decisions properly reflect the wants and needs of the people we represent.*

- (4) Endeavours to give as much weight as is possible under national planning guidance to emerging neighbourhood plans when making planning decisions.*
- (5) Calls on the Secretary of State to recognise the significant work undertaken by the Council to deliver its Local Plan and the revised timeline for its delivery.*
- (6) Believes strongly that Neighbourhood Plans should always reflect the principles of the Local Plan in order to best protect and preserve the character of the District.*
- (7) Urges the Secretary of State to recognise how the District Council is delivering growth and housing and can now demonstrate a supply of deliverable sites to provide a 3.8 year supply of housing land, a significant improvement from the 1.7 years at the time of the Ashover Appeal. This represents 431 net additional homes built in our last monitored year against a requirement of 300 homes to meet national targets.*
- (8) Expresses strong disappointment that the Secretary of State has been able to use the Neighbourhood Plan Process to overturn a decision of the Council and the Planning Inspectorate going against a wealth of public opposition in the Ashover area.*
- (9) Believes that the actions of the Secretary of State clearly demonstrate a Government that gives no regard to the views of local people and will happily overturn democratic decisions in their pursuit of development at any costs.*
- (10) Seeks assurances from Government that it will not continue to misuse the Neighbourhood Plan process in this way to implement development in areas where it is clearly not wanted and justified.*

**499 Medium Term Financial Plan 2017/18 to 2020/21**

Council received a presentation given by the Section 151 Officer on the Medium Term Financial Plan 2017/18 to 2020/21. Further, the presentation covered the Treasury Management Strategy 2017/18 to 2020/21.

The Section 151 Officer covered the three key objectives for the budget which were:-

- To deliver statutory services;
- To secure a balanced budget;
- To deliver against Member priorities.

It was confirmed that this was a “roll forward” budget based on existing service provision. No major proposed changes to services were planned as part of the budget, while any future proposals would be reported to and agreed by Elected Members as appropriate.

The budget proposed within the Medium Term Financial Plan report had been considered by the Audit and Corporate Governance Scrutiny Committee and was recommended for adoption by Cabinet.

The Section 151 Officer went through the headlines for the General Fund, explaining that this was a period of uncertainty for local Government finance. Further, he advised that there remained the reality of austerity within public finances and the Council were required to save £500,000 per annum for the next four years. The Cabinet proposed that this figure be found through efficiencies, NNDR growth, transformation savings and an increase in Council Tax which left an element of unidentified savings. With no Government grant support for a nil increase on Council Tax, a proposed increase of 2.8% was recommended. This was compliant with the maximum rise of £5 for a Band D property.

A Capital Programme of £16m had been proposed for the following year (2017/18) which would include an average of £9m to be spent on housing renovation to meet decency standards, new stock purchase schemes to utilise one-for-one receipts, and £0.8m to spend on the GF Programme and Disabled Facilities Grants.

Following the presentation Members considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, seeking approval to budgets in respect of the General Fund, the Housing Revenue Account and the Capital Programme to meet the Council’s legal obligation to agree a balanced budget.

It was explained that given the extent of efficiencies which had already been taken out of the budget over previous years it was not going to be easy to secure the level of saving every year for the next four years to achieve the total savings required of £2m.

A view had been taken by Cabinet that whilst an increase in Council Tax would not be popular to address some of this shortfall, residents would rather this than poor quality and failing services. The attempt was to retain the quality of services to local residents, securing one third of the savings required from Council Tax with two thirds to come from efficiencies within the Council. This would be an annual increase of £4.98 for residents paying a Band D Council Tax, or a 2.8% increase.

A revised set of recommendations were circulated at the meeting to substitute those made on page 25 of the report concerning the General Fund.

The Leader of the Opposition spoke in response to the proposals that had been set out in the report. The Opposition felt that a more reassured approach was required and offered examples of where budgets could be amended to reduce the need for a Council Tax increase. Further, it was

inferred that the Council's approach to investments remained too risk adverse and Council were urged to seek greater return on existing investments.

Amendments were proposed by Councillor Thacker to the recommendations circulated during the meeting to reduce the Council Tax increase to 1.8% and to delegate powers to the Planning Committee and Cabinet rather than the Chief Executive and Leader of the Council to authorise additional expenditure to manage any increase in workloads resulting from exceeded budgeted level for Planning Fees income. The amendment was seconded by Councillor S Ellis.

Debate ensued around the proposed amendment and it was noted that an alternative budget had not been proposed alongside the 1.8% increase in Council Tax.

In accordance with Council Procedure Rule 14.4 three or more Members requested a recorded vote on the amendment.

For the amendment – 15

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

Against the amendment – 29

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

Abstentions – 0

The amendment was defeated.

The recommendations set out in paragraph 6.1 of the report (a) and (b) and the amended recommendations circulated during the meeting replacing those on page 25 of the report were moved by Councillor P R Kerry and seconded by Councillor G Baxter MBE.

In accordance with legislation around decision making where matters affecting the Council's budget or Council Tax were considered, a recorded vote was taken.

For the recommendations – 29

(Councillors J Austen, N Barker, B Barnes, J Barry, G Baxter MBE, S Boyle, G Butler, A Cooper, S Cornwell, A Garrett, M Gordon, Mrs E A Hill, Mrs P A Holmes, C Hunt, P R Kerry, H Laws, J Lilley, T Mansbridge,

S Peters, Mrs T Reader, B Rice, B Ridgway, Mrs L Robinson, D Skinner, Mrs C A Smith, R Smith, L Stone, C Tite and J Windle).

Against the recommendations – 15

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

Abstentions – 0

The recommendations were carried.

*At this point Councillors N Barker, G Butler, Mrs E A Hill and R Welton left the meeting.*

Councillor P R Kerry moved the recommendations in respect of the Housing Revenue Account as set out on page 35 of the report and this was seconded by Councillor G Baxter MBE.

For the recommendations – 40

(Councillors P Antcliff, W Armitage, J Austen, B Barnes, J Barry, G Baxter MBE, L Blanshard, S Boyle, A Cooper, S Cornwell, C Cupit, A Dale, S Ellis, Mrs A Foster, M Foster, A Garret, M Gordon, D Hancock, Mrs P A Holmes, G Hopkinson, Mrs C D Huckerby, C Hunt, P R Kerry, H Laws, B Lewis, J Lilley, T Mansbridge, S Peters, A Powell, T Reader, B Rice, B Ridgway, Mrs L Robinson, D Skinner, Mrs C A Smith, R Smith, L Stone, M E Thacker, C Tite and J Windle).

Against the recommendations – 0

Abstentions – 0

The recommendations were carried.

Councillor P R Kerry moved the recommendations made on page 42 of the report concerning the Capital Programme and this was seconded by Councillor G Baxter MBE.

For the recommendations – 27

(Councillors J Austen, B Barnes, J Barry, G Baxter MBE, S Boyle, A Cooper, S Cornwell, A Garrett, M Gordon, D Hancock, Mrs P A Holmes, C Hunt, P R Kerry, H Laws, J Lilley, T Mansbridge, S Peters, T Reader, B Rice, B Ridgway, Mrs L Robinson, D Skinner, Mrs C A Smith, R Smith, L Stone, C Tite and J Windle).

Against the recommendations – 13

(Councillors P Antcliff, W Armitage, L Blanshard, C Cupit, A Dale, S Ellis, Mrs A Foster, M Foster, G Hopkinson, Mrs C D Huckerby, B Lewis, A Powell and M E Thacker).

Abstentions – 0

The recommendations were carried.

**RESOLVED** – That:-

- (a) It be accepted that the estimates included in the Medium Term Financial Plan 2017/18 to 2020/21 are robust and the level of financial reserves, whilst at a minimum level, are adequate.
- (b) Officers report back to Cabinet and the Audit and Corporate Governance Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets. These reports are to include updates on progress in achieving the agreed range of savings and efficiencies necessary to secure a balanced budget for the 2017/18 financial year, together with progress on actions to ensure the longer term financial sustainability of the Council.
- (c) A Council Tax of £4.98 in respect of a Band D property (2.8%) as part of a range of measures necessary to manage the continued reduction in the level of Central Government funding.
- (d) The Medium Term Financial Plan in respect of the General Fund as set out in Appendix 1 to the report be approved as the estimated outturn budget in respect of 2016/17, as the original budget in respect of 2017/18 and the financial projection in respect of 2018/19 to 2020/21.
- (e) Officer continue to progress the implementation of measures designed to secure the forecast surplus in respect of 2016/17 and the agreed savings targets in respect of 2017/18, with progress to be reported back to Cabinet and the Audit and Corporate Governance Scrutiny Committee on a quarterly basis.
- (f) The budget in respect of 2017/18 be amended to incorporate an in year revenue contribution to the Invest to Save Reserve of some £0.25m, with a corresponding increase in the savings target to one of £0.736m.
- (g) Any under spend in respect of 2017 is transferred to the Invest to Save Reserve, with Capital Receipts being used at the year end to minimise the use of Invest to Save funding for capital expenditure on the Leisure Facilities Refurbishment Scheme.
- (h) On the basis that income from Planning Fees is anticipated to exceed the budgeted level of £0.400m the Chief Executive, in consultation with the Leader of the Council, be granted delegated powers to authorise additional expenditure in order to effectively manage any resultant increase in work load.

- (i) Council sets its rent levels in line with Government regulations reducing rent levels by an amount of 1% to apply from 1 April 2017.
- (j) The rent in respect of homelessness units be reduced by 1% in line with the Government regulations, while charges for garages and related services remain at 2016/17 levels.
- (k) The level of General Housing Revenue Account balances be maintained at a figure of £3m across the period covered by the proposed Medium Term Financial Plan.
- (l) The Medium Term Financial Plan in respect of the Housing Revenue Account as set out in Appendix 2 to the report be approved as the estimated outturn budget in respect of 2016/17, as the original budget in respect of 2017/18, and the financial projection in respect of 2018/19 to 2020/21.
- (m) The Medium Term Financial Plan in respect of the Capital Programme as set out in Appendix 3 to the report be approved as the estimated outturn in respect of 2016/17 and as the original programme in respect of 2017/18 to 2020/21.
- (n) The financial provision be approved by Council for the proposed Stock Purchase Scheme at a total cost of £3.2m (funded by £0.96m of one for one receipts, the development reserve and prudential borrowing of up to £1.5m where necessary), on the basis that a further report setting out the details of the proposals be agreed by Cabinet.
- (o) The Asset Management Group be requested to continue with its work of identifying suitable assets for disposal for redevelopment in order to fund the Council's Capital Programme, reduced revenue costs and support the wider regeneration of the District.

**500 Treasury Management Strategy 2017/18 to 2020/21**

During the earlier budget presentation, the Section 151 Officer had outlined the objectives of the Treasury Management Strategy and explained that it set controls over the level and type of borrowing or investment the Council could enter in to.

In order to minimise risk, investments would only be made in UK institutions of good financial standing.

Members considered the report presented by Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which set out the requirements of the Council to produce each year a Treasury Management Strategy for approval by full Council.

Moved by Councillor P R Kerry and seconded by Councillor G Baxter MBE.  
**RESOLVED** – That:-

- (a) The capital financing requirement as summarised in paragraph 1.3 of the report be approved.
- (b) The Borrowing Strategy as summarised in paragraph 1.28 of the report be approved.
- (c) The minimum Revenue Provision Policy for 2017/18 as set out in paragraph 1.29 of the report be approved.
- (d) The Investment Strategy as set out in paragraph 1.36 for Specified Investment and paragraph 1.44 for Non Specified Investment be approved.
- (e) The use of external treasury management advisors, Counterparty Weekly List, or similar, be approved to determine the latest assessment of the counterparties that meet the Council's criteria paragraph 1.41 and 1.44 of the report before any investment was undertaken.
- (f) The Prudential Indicators for 2017/18 as detailed in paragraph 1.47 to 1.58 of the report be approved, in particular:-
  - Authorised Borrowing Limit - £175,555,000;
  - Operational Boundary - £170,555,000;
  - Capital Financing Requirement - £165,555,000;
  - Temporary Borrowing Limit - £5,000,000.