

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 14 SEPTEMBER 2020

Present:

Councillor Pat Antcliff (Chair)

Councillor Martin E Thacker MBE JP (Vice-Chair)

Councillor Nigel Barker
Councillor William Armitage
Councillor Kevin Bone
Councillor Stephen Clough
Councillor Suzy Cornwell
Councillor Alex Dale
Councillor Peter Elliott
Councillor Angelique Foster
Councillor John Funnell
Councillor David Hancock
Councillor Bette Hill
Councillor Carol Huckerby
Councillor Maggie Jones
Councillor Pat Kerry
Councillor Heather Liggett
Councillor Gerry Morley
Councillor Alan Powell
Councillor Carolyn Renwick
Councillor Michael Roe
Councillor Diana Ruff
Councillor Lee Stone
Councillor Richard Welton
Councillor Pam Windley
Councillor Philip Wright

Councillor Jayne Barry
Councillor Joseph Birkin
Councillor Patricia Bone
Councillor Andrew Cooper
Councillor Charlotte Cupit
Councillor Lilian Deighton
Councillor Michelle Emmens
Councillor Mark Foster
Councillor Roger Hall
Councillor Lee Hartshorne
Councillor Ann Holmes
Councillor Anthony Hutchinson
Councillor Jeremy Kenyon
Councillor Barry Lewis
Councillor Jeff Lilley
Councillor Stephen Pickering
Councillor Oscar Gomez Reaney
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Ross Shipman
Councillor Kevin Tait
Councillor Nick Whitehead
Councillor Brian Wright

Also Present:

G Callingham	Director of Growth and Economic Development
N Calver	Governance Manager
J Dethick	Head of Finance and Resources, Section 151 Officer
K Hanson	Joint Director of Environment and Enforcement
L Hickin	Joint Director of Corporate Resources and Head of Paid Service
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer

COU/43/ Apologies for Absence 20-21

Apologies for absence had been received from Councillors P Parkin, M Potts and T Reader.

**COU/44/
20-21** **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.

No declarations of interest were made at this meeting.

**COU/45/
20-21** **Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Council held on 13 July 2020 were approved as a correct record and signed by the Chair.

**COU/46/
20-21** **Chair's Announcements (if any)**

The Chair reported that on Sunday 30 August, along with the Vice Chair, she had greeted walkers at the end of a 5.3 mile walk to commemorate the gay rights pioneer Edward Carpenter. Edward Carpenter lived in Millthorpe for over 40 years from the 1890s. The Chair thanked Councillor C Huckerby for attending as the Ward Member. The Chair congratulated everyone who had taken part and raised money for the Derbyshire LGBT+ centre in Chesterfield as well as raising awareness of the life of Edward Carpenter.

The Chair also reported that at the invitation of Holymoorside and Walton Parish Council she had attended the Parish Service of Commemoration for VJ Day at the War Memorial on 15 August 2020. This marked the end of the Second World War and remembered those who fought in the Far East.

**COU/47/
20-21** **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. The replies to any such questions will be given by the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

No questions from the public had been submitted.

**COU/48/
20-21** **Transformation Programme Update - May 2019 to May 2020**

Council considered a report of Councillor J Kenyon, Portfolio Holder for Leisure, Transformation and Climate Change, on the progress made since May 2019 on the Transformation Programme.

Appendix A to the report summarised the progress across all areas of the Transformation Programme and provided an outline of the future direction of the Transformation Programme following a review identified in the Council's Recovery Plan.

Councillor Kenyon stated the Transformation Programme had been started with the aim of transforming how the Council went about its business, to look for cost savings and service improvements as well as emissions reductions. The transformation was not just about saving money but about flexibility and being able to adapt and this had been put to the test with Covid-19. Councillor Kenyon hoped the whole Council could be proud of how the organisation had responded and thanked all officers for their work on the transformation programme.

Councillor Kenyon reported that financially there was a goal to save £2million from 2018 to 2022, which the Council was on track to achieve. There were currently 69 projects, of which most would continue to deliver savings year on year.

The Leader of the Council, Councillor A Dale, echoed the comments made by Councillor J Kenyon and thanked staff for their engagement with the transformation agenda.

Councillor N Barker also thanked staff for all the work during Covid-19, which was still ongoing. He accepted that some progress had been made but there was a lack of detail on how £2million of savings would be made. With regard to the digital transformation he acknowledged this was the way forward but that caution was needed so nobody would be disenfranchised. Councillor N Barker also spoke about Vision Derbyshire and a report that was being considered by the Cabinet at Derbyshire County Council to prepare an alternative route for devolution and a case for a single unitary for Derbyshire.

Councillor A Dale responded that he was committed to Vision Derbyshire as the best way of sustaining a future for the Council but alternative options had to be considered to be prepared for decisions taken by Government and other local councils. Councillor B Lewis confirmed that the County Council was fully committed to the Vision Derbyshire work but it was important that there was also a backup plan in place.

Councillor J Kenyon stated that he was confident in reaching the £2m savings target and that he shared the concern about disenfranchising people who were not using digital channels and stated that the best way to prevent that was to free up the contact centre by providing digital channels for those who were able to use them.

RESOLVED – That Council notes the progress made to date on the Transformation Programme.

(Head of Paid Service)

**COU/49/
20-21** **Climate Change Update**

Council considered a report of Councillor J Kenyon, Portfolio Holder for Leisure, Transformation and Climate Change, which provided an update on actions and initiatives that the Council had undertaken in order to meet its climate change objectives. The update was based on the themes of the Climate Change Plan:

- Theme 1 – Sustainable Buildings and Workplaces
- Theme 2 – Renewable Energy
- Theme 3 – Low Carbon Fleet
- Theme 4 – Transport
- Theme 5 – Planning
- Theme 6 – Community Collaboration
- Theme 7 – Biodiversity
- Theme 8 – Procurement

Councillor J Kenyon highlighted some key areas from the report, including that adapting to Covid-19 had reduced the Council's emissions by over 100 tonnes and the digital transformation was about supporting this work, so that many of the efficiency gains could be maintained.

The Leader of the Council, Councillor A Dale, echoed the comments made by Councillor J Kenyon and thanked staff for their engagement with this agenda.

Members discussed the report. A query was raised about the climate change pack for Parish Councils and Councillor J Kenyon confirmed that this had been sent out to all parishes.

RESOLVED – That Council notes the update.

(Head of Paid Service)

**COU/50/
20-21**

To answer any questions from Members asked 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.

Three questions had been submitted by Members under Procedure Rule 9.2 for this meeting.

(a) Question submitted by Councillor N Barker

Can the Leader update the Council on how the COVID crisis has impacted on the financial position of the Council and Rykneld Homes, with special reference to their Capital Programmes?

Councillor A Dale responded that the pandemic was having a detrimental impact on the current year's budget and cash flow. The main concern was the lost income from fees and charges. The Council had received a grant from Government totaling £1.2m, which had been very welcome and the Government income compensation scheme for lost fees and charges was expected to help to cover some of the forecasted income losses. At the start of the national lockdown budget controls had been quickly put in place to limit expenditure to essential items only and the capital programme was paused to protect the cash flow position. Projects had recommenced as soon as was practicable. In May work on the housing capital programme had recommenced and

Rykneld Homes had accelerated work on the external major work programme. Councillor A Dale stated that collection rates had been better than forecasted, and at the end of August 2020 Council tax was down 1.5% on last year, business rates were down by 4%, and rental income was just 1.4% lower than the same period last year. The budget position would continue to be monitored and a process to revise the budget was already underway.

Councillor A Dale added that the position of Rykneld Homes was strong and enabled full housing services to be provided to customers and budgets were currently being reviewed to ensure the post-covid business recovery plan could be delivered.

SUPPLEMENTARY QUESTION

In exercising his right to ask a supplementary question Councillor N Barker asked for reassurance regarding Whiteleas Avenue.

Councillor A Dale responded that he was also keen to see progress and the current plan was to start consulting with residents in October 2020. Following that a revised delivery programme would be developed, with a view to be on site in late Spring 2021.

(b) Question submitted by Councillor J Barry

Can the Leader summarise what the District Council did to commemorate VJ Day?

Councillor A Dale responded that the Council had originally intended to host one community event to commemorate VJ Day, in addition to the two events planned in Clay Cross and Killamarsh for VE Day. When the national VE day programme of events was cancelled by the Queen's Pageant Master due to Covid-19 it had been hoped to reschedule these events to the 15 August. This had not been possible as the national guidance was that large scale outdoor gatherings should be avoided wherever possible and the Queen's Pageant Master had also advised against holding large events for VJ Day. Due to the national guidance and continued uncertainty, especially with regard to events involving those in vulnerable categories, officers took the decision not to host a community event. The Council had supported the VJ commemoration and the Chair of the Council had attended an event held by Holymoorside and Walton Parish Council. Councillor A Dale expressed his disappointment that the Council had not hosted an event and stated that should the restrictions allow, the Council planned to hold a 1940s themed celebration event next year to ensure that both VE Day and VJ Day and the huge sacrifices of the Armed Forces could be commemorated.

SUPPLEMENTARY QUESTION

In exercising her right to ask a supplementary question Councillor J Barry asked why an event had not been held.

Councillor A Dale responded he had not been aware that the event had been cancelled and that he would have encouraged a small commemorative event in line with Covid-19 restrictions. He recognised that this was extremely important to many people across the District. Councillor Dale committed, subject to the Covid-19 regulations, to the Council running an event in 2021 which would provide the commemoration and recognition these days deserved.

(c) Question submitted by Councillor M Jones

Food drop offs have ceased just at a point where more people are out of work and unable to feed themselves and their families. The food parcels that the Council put together helped a great many people and to stop it now when numbers of COVID-19 are on the rise in NEDDC seem illogical. Can the Leader enlighten us as to why this has happened and what reasons are behind it?

Councillor A Dale thanks Councillor M Jones for the question and responded, firstly by clarifying that during the lockdown there had been two separate schemes to provide food and other essential items for vulnerable residents. The Government had introduced the shielding scheme for the clinically extremely vulnerable. This scheme had included the provision of food boxes which were provided by central government with the assistance of the Council along with Derbyshire County Council, and Rykneld Homes. This service ceased on 31 July following a decision by central Government that the shielding scheme was no longer required. In addition to the Government shielding scheme, the Council and Rykneld Homes had worked together to ensure that all residents could access urgent support when needed. Up to last week the Council had received a total of 6772 contacts for support but this had been reducing slowly and only one such request had been made since 30 July. There has been no decision to cease support but demand had significantly reduced and the Council had not received any requests for food parcels in recent weeks. If a request was made from a vulnerable resident then the Council would offer what support it could.

SUPPLEMENTARY QUESTION

In exercising her right to ask a supplementary question Councillor M Jones asked if the food drop offs could continue given the possibility of a second wave of Covid-19?

Councillor A Dale responded that the Council was preparing for the possibility of a second wave and the Council was ready to support residents and depending on the circumstances food deliveries would be part of the support if necessary. Councillor A Dale stated that part of planning for any future support was to balance continuing to provide day to day services along with emergency provision within the national restrictions.

COU/51/ 20-21 To consider any Motions from Members under Procedure Rule No 10

In accordance with Council Procedure Rule No 10 to consider motions on notice from members. Motions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

(a) Motion proposed by Councillor D Hancock

***“Council notes** the concerns raised by numerous ward members, residents and the Planning Committee questioning the content of responses submitted by the Highways Authority.*

***Council believes** that, as a responsible planning authority, it has a duty to everyone to ensure that development is sustainable and that all planning decisions should be robustly determined; and that it should have full confidence in the information it is provided with as part of our process.*

***Council resolves** to raise the significant concerns, with Derbyshire County Council Highways, of elected members and the public regarding the accuracy of their responses to consultations and, what would appear to be, numerous failings to include the cumulative impact of other proposed development (as required in the National Planning Policy Framework)”.*

In presenting his Motion Councillor D Hancock stated that this was an issue experienced with many planning applications. The responses received from Derbyshire County Council Highways Authority, as a statutory consultee, were often non-committal and lacked accurate data.

Councillor R Shipman seconded the Motion and stated that the reports received were not what was required for a planning committee to properly consider the applications.

Councillor N Barker proposed an amendment to the Motion as follows:-

AMENDMENT

***“Council notes** the concerns raised by numerous ward members, residents and the Planning Committee questioning the content of responses submitted by the Highways Authority.*

***Council believes** that, as a responsible planning authority, it has a duty to everyone to ensure that development is sustainable and that all planning decisions should be robustly determined; and that it should have full confidence in the information it is provided with as part of our process.*

*~~**Council resolves** to raise the significant concerns, with Derbyshire County Council Highways, of elected members and the public regarding the accuracy of their responses to consultations and, what would appear to be, numerous failings to include the cumulative impact of other~~*

~~proposed development (as required in the National Planning Policy Framework) to refer this to the relevant scrutiny committee for consideration”.~~

The amendment was seconded by Councillor J Barry, stating that this needed to be considered by a scrutiny committee so the issue could be moved forward. The south of the County had a large number of upcoming developments and there was a poor infrastructure in relation to highways, which needed to be addressed.

Councillor C Cupit stated that she understood the concerns that had been raised but that this Motion was not the correct way to deal with those concerns. In order for Highways to object to a proposal the impact had to be demonstrably severe, which was difficult to illustrate, and it was still important that Ward Councillors raised particular issues and provided local knowledge. She suggested that Councillors could continue to raise individual cases with Highways and that planning officers were working with Highways to invite them to a meeting of Planning Committee to discuss this and other matters.

Councillor A Dale stated that he shared some of the sentiments behind the Motion but as Councillor C Cupit had highlighted there were protocols and regulations to be followed. He also stated that scrutiny committees had to be independent and set their own work programme.

Councillor M Foster reiterated that the scrutiny committees should be deciding their own topics for consideration.

Councillor R Shipman stated that this issue needed to be addressed now and would not support the amendment.

Councillor N Barker stated that the amendment had been intended to find a route for the public to get involved.

Councillor D Hancock stated that he did not support the amendment. He added that Highways had not been adhering to the National Planning Policy Framework (NPPF) and the issues that this caused had to be highlighted.

Councillor B Wright declared that he was a member of Derbyshire County Council and the County Council's Planning Committee. He remained in the meeting and voted on the Motion.

The Amendment was **DEFEATED**.

The Motion, as moved, was then voted on and was also **DEFEATED**.

(b) Motion proposed by Councillor R Shipman

“Council notes the extent of new development in North East Derbyshire, both speculative and in line with the draft Local Plan.

Council believes that all planning decisions should be robustly enforced.

Council resolves to increase the capacity of the planning enforcement team”.

In presenting his Motion Councillor R Shipman stated that this was put forward to increase the Council’s capacity with regard to enforcement.

Councillor D Hancock seconded to Motion and stated that the Council covered a large area geographically and with a lot of building projects the capacity of planning enforcement needed to be increased.

Councillor C Cupit stated that work was already underway in regard to this, including developing an enforcement plan and to review and invest in the structure of the planning and enforcement team. The enforcement plan would set out what was expected of the enforcement system and would set out clear targets for responses and the monitoring of enforcement cases.

Councillor R Shipman stated that as work was already underway to address this matter he would withdraw the Motion. Councillor D Hancock, who seconded the Motion, confirmed that he was in agreement to withdraw the Motion.

The Motion was **WITHDRAWN**.

(c) Motion submitted by Councillor N Barker

“The Labour Group has concern that on 6 August 2020, the Government published a White Paper entitled ‘Planning for the Future’ with the aim of ‘slashing red tape and accelerating house building’. With this in mind with regards to responding to the consultation we request that the Council resolves to:-

Respond to the consultation highlighting the Council’s concerns that:-

- *The proposals will give Central Government the powers to set arbitrary housing delivery numbers for each authority;*
- *They will remove the opportunity for communities to comment on individual planning applications;*
- *They could leave to unregulated development and as such could be a precursor to what some have termed a ‘slum charter’;*
- *The removal of Section 106 and CIL’s could lead to less affordable housing being built and the prospect of embedding regional inequalities.*

In presenting his Motion Councillor N Barker stated that the planning system was far from perfect but he had concerns about the implications

of the White Paper. He stated that one of the main issues was losing the ability to question things at a planning committee and the introduction of growth areas, which once designated as such would have statutory outline planning permission. This would remove the ability for local communities to comment on planning proposals.

Councillor P Windley seconded the Motion and stated that this White Paper stripped local authorities of any legitimate control over development in their area. She believed these proposals were based solely to address London's needs.

Councillor J Barry hoped that the Leader of the Council would agree that the decisions regarding development within the District should remain the responsibility of local people and their representatives and asked if he would go against the White Paper to keep planning matters local.

Councillor A Dale responded that he believed local people should be involved in planning decisions. He stated that whilst he had some concerns about elements of the White Paper there were other aspects which were positive.

Councillor C Cupit welcomed discussion on the White Paper but noted that many of the concerns that had been raised were not contained with the White Paper and that it was clearly stated that it was intended to cut red tape not standards. She welcomed some aspects of the proposals, such as the chance to put forward a locally based infrastructure levy and placing a greater emphasis on communities and residents having more input. Councillor C Cupit concluded that it was a consultation on headline ideas.

Councillor R Shipman stated that whilst there was some good elements to the White Paper these were eroded by giving away any local decision making power. He stated that he thought it would create more inappropriate developments.

Councillor S Pickering stated that it was a centralisation of the planning system and it was to the advantage of property developers at the expense of local people.

Councillor N Barker stated that he had read the White Paper and he felt it lacked detail. He added that if there had been local plan steering groups this could have been discussed in that forum.

The Motion was **DEFEATED**.

(d) Motion submitted by Councillor P Windley

"Council notes the recent proposed changes in the Government's White Paper Planning for the Future. These include handing powers away from Development Management Committees and to government run development corporations and a further expansion of permitted development rights, including the right for developers to build upwards

without planning permission.

Council believes that the Government's current National Planning Policy Framework seriously constrains council's powers to insist that developers provide affordable housing or infrastructure such as schools, GP surgeries or improved public transport in new development.

Council resolves for the Leader of the Council to write to the Secretary of State for the Ministry of Housing, Communities and Local Government to reform planning rules to give local Councils more power to:-

- Insist on improved infrastructure with new developments;*
- Challenge viability assessments that allow developers to get away without providing adequate affordable housing for local young people;*
- Scrap permitted development rights that lead to substandard homes being built".*

Councillor P Windley reported that she wished to withdraw the Motion.

The Motion was **WITHDRAWN**.

COU/52/ **Chair's Urgent Business**
20-21

There was no Chair's urgent business to be considered at this meeting of Council.