

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 16 NOVEMBER 2020

Present:

Councillor Pat Antcliff (Chair)
Councillor Martin E Thacker MBE JP (Vice-Chair)

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| Councillor William Armitage | Councillor Nigel Barker |
| Councillor Joseph Birkin | Councillor Kevin Bone |
| Councillor Patricia Bone | Councillor Stephen Clough |
| Councillor Andrew Cooper | Councillor Suzy Cornwell |
| Councillor Charlotte Cupit | Councillor Alex Dale |
| Councillor Lilian Deighton | Councillor Peter Elliott |
| Councillor Michelle Emmens | Councillor Angelique Foster |
| Councillor Mark Foster | Councillor John Funnell |
| Councillor Roger Hall | Councillor David Hancock |
| Councillor Lee Hartshorne | Councillor Bette Hill |
| Councillor Ann Holmes | Councillor Carol Huckerby |
| Councillor Anthony Hutchinson | Councillor Maggie Jones |
| Councillor Jeremy Kenyon | Councillor Pat Kerry |
| Councillor Barry Lewis | Councillor Heather Liggett |
| Councillor Jeff Lilley | Councillor Gerry Morley |
| Councillor Paul Parkin | Councillor Stephen Pickering |
| Councillor Maureen Potts | Councillor Alan Powell |
| Councillor Tracy Reader | Councillor Oscar Gomez Reaney |
| Councillor Carolyn Renwick | Councillor Jacqueline Ridgway |
| Councillor Michael Roe | Councillor Kathy Rouse |
| Councillor Diana Ruff | Councillor Ross Shipman |
| Councillor Lee Stone | Councillor Kevin Tait |
| Councillor Richard Welton | Councillor Nick Whitehead |
| Councillor Pam Windley | |

Also Present:

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| G Callingham | Director of Growth and Economic Development |
| K Hanson | Joint Director of Environment and Enforcement |
| L Hickin | Joint Director of Corporate Resources and Head of Paid Service |
| K Apps | Head of Economic Development, Regeneration and Housing Delivery |
| J Dethick | Head of Finance and Resources, Section 151 Officer |
| S Sternberg | Joint Head Of Service - Corporate Governance & Monitoring Officer |
| A Bryan | PA to Cabinet and Civic Officer |
| M E Derbyshire | Members ICT & Training Officer |
| A Maher | Senior Governance Officer |

COU/56/ 20-21 Apologies for Absence

Apologies for absence were received from Councillors J Barry, B Wright and P Wright.

COU/57/ **Declarations of Interest**
20-21

There were no Declarations of Interest.

COU/58/ **Minutes of Last Meeting**
20-21

RESOLVED –

That the Minutes of the Council meeting held on 14 September 2020 were approved as a true record (by acclamation).

COU/59/ **Chair's Announcements**
20-21

The Chair of the Council, Councillor P Antcliff, informed Members that she had taken part in the socially distanced commemoration of Remembrance Day at the Council's Mill Lane offices. The Chair of the Council reminded Members of the sacrifices made by so many in both World Wars and in the conflicts which had occurred since then.

RESOLVED – That Council noted the announcements of the Chair of the Council, Councillor P Antcliff (by acclamation).

COU/60/ **Leader's Announcements**
20-21

The Leader of the Council, Councillor A Dale, expressed his thanks to the Council's staff and the staff of Rykneld Homes Limited (RHL), for all their hard work in adapting and responding to the challenges of the Coronavirus (Covid-19) outbreak. This work, he explained, had helped to ensure that the Council and Rykneld Homes could continue to support North East Derbyshire and its communities.

The Leader of the Council praised the contribution of Councillors from all political groups in helping the Council respond effectively to the virus outbreak. In particular, he emphasised the valuable contribution which the cross-party VIPER meetings had made.

The Leader of the Council also referred to the work which the Council had carried out to help the local economy recover from the impact of the Coronavirus (Covid-19). He highlighted the grant aid schemes which had been established and which would provide support to businesses that had been affected.

The Leader of the Council explained how the difficult decision to place the District into the 'Tier Two' for Coronavirus (Covid-19) restrictions, prior to the imposition of the national lockdown, had helped to curb the sharp rise in the number of cases within the District. In this context, he emphasised just how important continued compliance with the social distancing rules would be, in order to reduce still further the spread of the virus.

Council heard about the progress which had been made on specific initiatives. Members heard that the Council, working in partnership with Rykneld Homes Limited, had successfully bid for a Green Homes Grant of £575,000 to help improve insulation reduce carbon emissions and cut household energy bills for

110 homes in the Mickley area of the District.

RESOLVED – That Council noted the announcements of the Leader of the Council, Councillor A Dale (by acclamation).

**COU/61/
20-21** **Public Participation**

Council was informed that no questions from the public had been received.

**COU/62/
20-21** **Appointments to Committees and Advisory Groups**

The report to Council proposed an amendment to the membership of the Council's Committees and Advisory Groups. This amendment was required under Section 85 of the Local Government Act 1972, which had automatically resulted in a Member vacating their office as Councillor.

Members were informed that in order to comply with the legal requirement for the Council's Committees and Advisory Groups to be politically proportional, the positions allocated to the Labour Group at Annual Council, in May 2020 would have to be reduced by one place. The report proposed that this be achieved by removing the Labour Group position on the Standards Committee. This revised allocation of places would continue until the vacancy on the Council had been filled at an election. The allocation of positions on Committee and Advisory Groups would then be reviewed, to ensure that they were politically proportional.

The report proposed no additional changes to the membership of the Council's Committees and Advisory Groups. No other changes were suggested at the meeting.

Councillor A Dale and W Armitage moved and seconded the recommendations, as set out in the report.

Members discussed extensively the reasons why the former Councillor had vacated his seat. In particular, they questioned whether there had been scope to prevent this, what action had been taken to enable the Member to remain as a Councillor, by formally extending the time limits established under the Local Government Act 1972 and on how the matter had been communicated to both the Councillor and his political colleagues. Concern was raised that this communication had not been clear nor effective in explaining the position.

At the conclusion of the discussion, Some Members felt that a range of questions and concerns about the circumstances leading to the vacancy required further investigation and clarification. They stressed that the results of this further investigation should then be reported back to Council for consideration.

Councillor R Shipman and Councillor T Reader asked that the motion be amended to include a provision for the Monitoring Officer to carry out a review and investigation into the matter and the specific actions taken prior to the member vacating their office as Councillor. They also asked that this review and its findings be reported back to Council.

Councillor A Dale and Councillor W Armitage made clear that they accepted the amendment to the motion.

The motion, as amended, was put to the vote and was carried.

RESOLVED – (Amendment to the motion underlined)

- (1) That Council agreed the allocation of seats of to its Committees and Advisory Groups, in accordance with the political balance rules as set out in Appendix 1 to the report.
- (2) That Council agreed the appointment to Committees and Advisory Groups, as set out in Appendix 2 to the report.
- (3) That Council noted that a vacancy had automatically arisen on the Authority and the Notice of Vacancy would now be made, with elections held at the earliest in May 2021.
- (4) That the Monitoring Officer be required to carry out an investigation into the circumstances and actions leading to the recent Local Government Act 1972 Section 85 vacancy which had occurred and report her findings to Council.

**COU/63/
20-21 Recruitment of a New Independent Person**

The Chair of the Standards Committee, Councillor W Armitage, informed Members that one of the two 'Independent Persons', currently appointed under the Localism Act 2011, with the requirement that they be consulted before any decisions on complaints against Members were taken, intended to resign from his position. Consequently, a new Independent Person would have to be appointed.

The report to Council requested that the Monitoring Officer be authorised to launch a recruitment process to appoint a new Independent Person. It also recommended that the Council's Scheme of Delegation be amended, so that the Monitoring Officer could launch future recruitment processes for a new Independent Person, without requiring the approval of Council first.

Members were informed that Council would continue to take the decision on who should be appointed to the position of Independent Person, following on from any recruitment exercise.

At the conclusion of the discussion, Councillor W Armitage and Councillor A Dale moved and seconded the recommendations as set out in the report.

The motion was put to the vote and was carried

RESOLVED -

- (1) That Council approved the recruitment for a further Independent Person to be appointed until the end of May 2023.
- (2) That Council noted the Job Description, Person Specification and Job advert for the post of Independent Person, as appended to the report.

- (3) That Council delegated authority to the Monitoring Officer to carry out the recruitment process for the vacancy to the post of Independent Person.
- (4) That the Political Group Leaders be briefed on the progress of the recruitment process for the vacancy to the post of Independent Person.
- (5) That Council delegated authority to the Monitoring Officer to commence a recruitment exercise on future occasions in the event that one or both of the Independent Persons had resigned or indicated that they wished to resign, and
- (6) That the delegated authority to the Monitoring Officer be referred to the Standards Committee for inclusion in the Council's Scheme of Delegation.

**COU/64/
20-21** **Council Plan Review**

Council received a presentation on the review of the Council Plan 2019-23. This provided Members with an overview of what had been achieved during the Plan's first year in operation. They heard how the Council had adopted an Older People's Strategy, put in place a Green Homes Programme and increased the number of service transactions carried out online. Members also heard how the Council had worked to help vulnerable residents and to support businesses affected by the Coronavirus (Covid-19).

Members discussed the review of the Council Plan. Council reflected on the difficult circumstances and challenges which had faced services during the year and how it had not been possible to achieve some specific goals or to make as much progress on others as hoped for.

Council was informed that the existing performance targets had been reviewed to ensure that they remained appropriate, given the changed circumstances facing the Council. Following on from this review, a range of possible changes the Performance Framework had been identified. Other possible changes to the framework were still being assessed.

Members expressed their gratitude for all that had been done to support vulnerable local people during the period of the virus outbreak and their hope that this support could continue. There was a discussion about how the Council could help those who had been financially affected by the Coronavirus (covid-19) to claim the benefits available to them.

RESOLVED – That Council agreed to note the Council Plan 2019-23 First Year Review (by acclamation).

**COU/65/
20-21** **Bid for Clay Cross**

Council received a presentation on the Clay Cross Town Fund Bid. Members were reminded that the Government had established the Town Deal Fund in 2019. Clay Cross had been one of 101 towns, suffering from long term economic and other problems, invited to bid for up to £25M, to fund projects to help their communities and businesses.

The presentation explained that a Clay Cross Town Deal Board had been established. The Board included Parish Council, local business and education sector representatives. It had overseen the preparation and submission of a 'Town Investment Plan', setting out the overall vision for the town and identifying a range of specific projects to help achieve this vision. Council heard that these included projects to improve the infrastructure, create a more integrated commercial centre and enable local people to gain new and improved skills.

Members were informed that Clay Cross had received an initial grant of £500,000 from the Town Fund, so that the preliminary work to implement specific projects could now take place. This preliminary work included the demolition of poor quality and derelict buildings. Council heard that the Government was expected to announce its final decision on how much Clay Cross would receive from the Town Fund early in the New Year.

Council thanked all those involved in establishing and supporting the Clay Cross Town Fund Board and in preparing the Town Investment Plan. Council hoped that the Town Investment Plan would be successful and secure the maximum amount of funding for Clay Cross. Members recognised that the local community should be closely involved in the project. In this context the Portfolio Holder for Economic Growth, Councillor C Renwick explained that she would seek to put in place ways for local people in Clay Cross to become involved in the work of the Board and the Town Investment Plan improvements.

RESOLVED - That Council agreed to note the progress to date on the Clay Cross Town Fund Bid (by acclamation).

**COU/66/
20-21** **Treasury Management Update**

Council received an update report on the Treasury Management Strategy for 2020/21. The report gave details of the Council's treasury management activities during the first half of the financial year (April to September 2020), covering both the Council's day-to-day cash position as well as its long-term debt. In particular, the report provided information about the Council's total outstanding Public Work Loans Board (PWLB) debt and how much of this had been repaid.

Members considered the report. They were informed by Councillor P Parkin, Portfolio Holder for Finance, that measures had been put in place which had helped to mitigate the impact of the Coronavirus (Covid-19) on the Council's cash-flow. He also highlighted the longer term uncertainties caused by the virus outbreak on the Council's finances and how, as a consequence, these would be difficult to assess.

Councillor P Parkin and Councillor A Dale moved and seconded the recommendations as set out in the report.

The motion was put to the vote and was carried.

RESOLVED - That Council noted the Treasury Management activities undertaken during the period April to September 2020.

COU/67/ **Vision Derbyshire**
20-21

This item was withdrawn.

COU/68/ **To answer any questions from Members asked under Procedure Rule No 9.2**
20-21

The Chair informed Members that Councillor N Barker had withdrawn his question to the Leader of the Council, Councillor A Dale in the relation to the provision of free school meals during the Coronavirus (Covid-19) outbreak.

COU/69/ **To consider any Motions from Members under Procedure Rule No 10**
20-21

(a) Motion submitted by Councillor R Shipman

Members considered a motion submitted by Councillor R Shipman. This motion was about the provision of food parcels during December 2020 and early January 2021, to those children who would normally receive free school meals.

With the agreement of the Chair, Councillor R Shipman asked the Leader of the Council, Councillor A Dale, to provide an update on the recent changes which had occurred at a national and local level on this issue?

The Leader of the Council explained that the Government had announced a £170M Covid Winter Grant scheme. Funding under the scheme would be ring-fenced to the provision of food and support for vulnerable children and their families until March 2021. He also explained that the Government had announced the extension of the Holiday Activities and Food programme until Christmas 2021.

Members were informed that Derbyshire Council would receive £2.18M from the Winter Grant Aid Scheme. Although the Government had yet to specify the criteria for making payments, it appeared that the County Council, working with the District Councils and other partners, would have discretion to determine who should be supported using this grant aid and how best to support them.

Following on from this, Cllr R Shipman indicated that he would be prepared to support an amendment to the motion, which had been drafted by Cllr A Dale, to reflect these recent developments.

As a procedural measure to enable the amended motion to be considered, Councillor R Shipman and Councillor D Hancock moved and seconded the original motion, as printed on the Council Agenda for the meeting.

Councillor A Dale then put forward his proposed amendment to the motion (changes underlined):

Council notes:

- *That 16% (2019 figures) of state school children in Derbyshire rely on free school meals during term time.*
- *The recent decision to not extend the free food voucher scheme, implemented at the start of the pandemic, over the October half term.*

- *The Covid-19 crisis means we are in unprecedented times.*

Council welcomes:

- The Government's recent announcement of the £170m Covid Winter Grant Scheme to support vulnerable households with food and bills until March 2021 and the expansion of the Holiday Activities and Food programme to Christmas 2021.
- Derbyshire County Council's allocation of £2.18m under the Covid Winter Grant Scheme.

Council resolves:

- To offer support to Derbyshire County Council and commit to working with all relevant stakeholders across North East Derbyshire, including the County Council, to support the delivery of the Covid Winter Grant locally to vulnerable households.
- To continue with the regular food bank collection points and engage with food retailers to assist with gathering food supplies to support the scheme.
- That if supplies are greater than the demand for the service, look at other vulnerable groups to support.
- To report back to full Council on how many people have been supported through the scheme

Councillor A Dale and Councillor W Armitage moved and seconded the amendment to the motion.

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

(a) Motion submitted by Councillor N Barker

Council then considered a motion, submitted by Councillor N Barker on the electronic recording of Council meetings. The motion as printed on the Council Agenda for the meeting was:

Council notes:

- *Following the full council meeting on 12th October 2020, the video footage was taken down from YouTube, edited to remove offensive words and re-uploaded with 10 seconds of content removed*
- *All Councillors are responsible for their own behaviour in their role as a member of this council and should follow the Nolan Principles*
- *The Nolan principles call for Holders of public office to act and take decisions in an open and transparent manner. That Information should not be withheld from the public unless there are clear and lawful reasons for so doing.*

Council resolves:

- *That all video and audio footage should remain available online and by written request for 12 months from the date the video was recorded.*

- *That no video or audio footage of council meetings, committees or sub-committees shall ever be edited.*

Council discussed extensively the motion. Several key points emerged from the discussion. Those in favour of the motion felt that, as a matter of principle, the recording of the public parts of any Council meeting should not be edited, as to do so might create a misleading impression of what had occurred at the meeting and how Members had conducted themselves.

Those against the motion thought it would be inappropriate to allow recordings of offensive language to remain on the Council's website. They also highlighted the practical implications of not being able to remove sensitive personal information that had been incorrectly raised during the public part of a meeting.

At the conclusion of the discussion, the motion was moved and seconded by Councillor N Barker and Councillor R Shipman.

At the request of three Members (Councillor D Hancock, Councillor N Barker and Councillor R Shipman) a recorded vote was called for.

The motion was put to the vote and was defeated on a recorded vote.

For the Motion: 18

(Councillors N Barker, J Birkin, A Cooper, S Cornwell, J Funnell, D Hancock, L Hartshorne, P A Holmes, M Jones, P R Kerry, J Lilley, G Morley, S Pickering, T Reader, J Ridgway, K Rouse, R Shipman and P Windley)

Against the Motion: 28

(Councillors P Antcliff, W Armitage, K Bone, P Bone, S Clough, C Cupit, A Dale, L Deighton, P Elliott, M Emmens, A Foster, M Foster, O Gomez Reaney, Mrs C D Huckerby, A Hutchinson, J Kenyon, B Lewis, H Liggett, P Parkin, M Potts, A Powell, C Renwick, M Roe, D Ruff, K Tait, M E Thacker MBE, R Welton and N Whitehead).

**COU/70/
20-21** **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 Paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**COU/71/
20-21** **Appointment of Senior Officers**

Council was informed that an Employment and Appeals Committee had carried out a full competitive interview process for the post of Head of Service, Economic Growth, Regeneration and Housing Delivery in the Growth and Economic

Development Directorate. Following on from this interview process, the Employment and Appeals Committee had identified a preferred candidate, which the Committee had recommended should be appointed. Council was asked to endorse the recommendation of the Committee and to appoint the preferred candidate to the post.

Councillor A Dale and Councillor A Powell moved and seconded the recommendations as set out in the report.

The motion was put to the vote and was carried.

RESOLVED - That Council agreed the proposed appointment to the post of Head of Service Economic Growth, Regeneration and Housing Delivery in the Growth and Economic Development Directorate, on the terms specified in the report.

**COU/72/
20-21** **Chair's Urgent Business**

The Chair explained that there was no urgent business for Council to consider and closed the meeting.