

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 31 JANUARY 2022

Present:

Councillor Martin E Thacker MBE JP (Chair)
Councillor Diana Ruff (Vice-Chair)

Councillor Nigel Barker	Councillor Joseph Birkin
Councillor Stephen Clough	Councillor Andrew Cooper
Councillor Suzy Cornwell	Councillor Charlotte Cupit
Councillor Lilian Deighton	Councillor Peter Elliott
Councillor Michelle Emmens	Councillor Mark Foster
Councillor John Funnell	Councillor Roger Hall
Councillor David Hancock	Councillor Lee Hartshorne
Councillor Jeremy Kenyon	Councillor Pat Kerry
Councillor Tony Lacey	Councillor Barry Lewis
Councillor Heather Liggett	Councillor Jeff Lilley
Councillor Gerry Morley	Councillor Paul Parkin
Councillor Alex Platts	Councillor Maureen Potts
Councillor Alan Powell	Councillor Tracy Reader
Councillor Oscar Gomez Reaney	Councillor Carolyn Renwick
Councillor Michael Roe	Councillor Ross Shipman
Councillor Lee Stone	Councillor Bentley Strafford-Stephenson
Councillor Kevin Tait	Councillor Richard Welton
Councillor Philip Wheelhouse	Councillor Philip Wright

Also Present:

L Hickin	Managing Director
M Broughton	Director of Transformation
G Callingham	Director of Growth
J Dethick	Assistant Director - Finance and Resources (Section 151 Officer)
S Sternberg	Assistant Director of Governance and Monitoring Officer
M E Derbyshire	Members ICT & Training Officer
D Stanton	Governance Officer
A Bond	Governance Officer

COU Apologies for Absence

/83/2

0-21 Apologies for absence had been received from Councillors P Antcliff, W Armitage, J Barry, A Dale, D Drabble, A Foster, E A Hill, P Holmes, M Jones, S Pickering, J Ridgway, K Rouse, P Windley and B Wright.

With the agreement and discretion of the Chair, Councillors A Dale, A Foster, D Drabble, P Windley, E A Hill, and M Jones contributed to the meeting virtually, through the use of the electronic conference call system. They did not participate in the decisions taken by Council at the meeting.

COU **Declarations of Interest**

/84/2

0-21

Members are 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 M E Thacker MBE, D Ruff, R Welton, H Liggett and S Clough declared a Disclosable Pecuniary Interest in item 10 – Medium Term Financial Plan in relation to the Housing Revenue Account (HRA) as Rykneld Board Members. They advised that they would withdraw from the meeting at the appropriate time.

COU **Minutes of Last Meeting**

/85/2

0-21

RESOLVED – That the Minutes of the meeting held on 31 January 2022 were approved as a correct record and signed by the Chair.

COU **Chairman's Announcements (if any)**

/86/2

0-21

The Chair paid tribute to former Bolsover District Council Chairman Ken Walker and consort Freda Walker who had recently been attacked. Council passed on its thoughts and prayers to Ken Walker who remained in hospital, and observed a one minute silence in memory of Freda Walker who had tragically been killed.

Council passed on its best wishes and a speedy recovery to Councillor W Armitage who was recovering from a cardiac arrest.

Council passed on its deepest sympathy and support to Councillor S Pickering following the sad passing of his wife.

The Chair announced that he had attended a service of commemoration to her Majesty the Queen at Derby Cathedral this week, following the 70th anniversary of her accession to the throne. The District would be joining with others in congratulating the Queen in reaching such a significant milestone.

The Chair informed Council that he would be attending a race night organised by Councillor J Barry on 18 February at the Shinnon in North Wingfield in aid of his charity appeal for Ashgate Hospice.

The Chair thanked North Wingfield, Ashover, and Shirland and Higham Parish Councils for their efforts in raising funds for the Chair's charity appeal.

Council heard about a successful burns night held at the Technique Stadium, and that an Elvis tribute would be taking place on 12 March in aid of Ashgate Hospice. The Chair thanked colleagues for their contributions.

COU **Leader's Announcements (if any)**

/87/2

0-21

The Leader updated Council on the current situation regarding Coronavirus. Members heard that cases had been falling but urged residents to remain cautious. High cases during the peak in December had a significant impact on

sickness absence at the Council, causing pressure within Streetscene and refuse collectors. The Leader thanked all staff for their efforts in keeping essential services operating and minimising disruption to residents.

The Leader also provided an update on the leisure centres at Eckington and Dronfield. Eckington Leisure Centre had re-opened following refurbishment and upgrades were planned to Dronfield Sports Centre.

COU Public Participation

/88/2

0-21

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 had been submitted to this meeting.

COU Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and the Sex Establishment Policy

/89/2

0-21

The Leader of the Council presented a report which invited Council to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) together with the Draft Policy.

Council heard that under this act, along with Section 27 of the Crime and Policing Act 2009, the Council could adopt legislation and policies which gave them the power to control the number and location of sex establishments in its area.

The Draft Policy had been recommended to Council for approval by the General Licensing Committee, following a 13 week public consultation. It was noted that there was strong opposition towards sex establishments in the District, however it was necessary to adopt the legislation and Draft Policy if the Council wished to regulate such establishments.

Councillor R Shipman proposed a number of amendments to the Policy which included inserting 'reducing harm' into 1.1 paragraph 3; under appendix B paragraph 20 amending 'five metres' to 'five seconds'; and under appendix B paragraph 22 amending 'single sex toilets' to 'single cubicles which were unisex toilets'. This was seconded by Councillor D Hancock.

Councillors M Foster, N Barker, J Kenyon and C Renwick commented that Council was not the place to propose policy amendments and that this should have been done at Committee or as part of the public consultation.

Councillor T Reader spoke in favour of the Draft Policy and stated that as a member of the General Licensing Committee, Members were satisfied that the work done had resulted in a policy which was right for the District.

Councillor A Dale commented that there had been ample opportunity to contribute to the Draft Policy and that when the review of the Policy was due it

would then be appropriate for Members to propose amendments should they see fit.

Council voted on the amendments proposed by Councillor R Shipman and seconded by Councillor D Hancock.

On being put to a vote, the motion was defeated.

Council then moved on to vote on the substantive motion which were the report recommendations.

Moved by Councillor H Liggett and seconded by Councillor O Gomez Reaney.

RESOLVED – That Council:-

- (1) Approve the recommendation from the General Licensing Committee that a resolution be made to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and the associated statutory notices be published; and
- (2) Approve the recommendation from the General Licensing Committee that the final draft Sex Establishment Policy be adopted.

COU **Annual Audit Report 2020-21**

/90/2

0-21

Council considered the Annual Audit Letter in respect of 2020/21 which had been prepared by Mazars for consideration by elected Members of the Council and other stakeholders.

The Portfolio Holder for Finance explained that the report summarised the work undertaken by the Council's auditors, Mazars LLP, for the year ended 31 March 2021. It provided an opinion on the financial statements, the Council's value for money arrangements and any other wider reporting responsibilities.

RESOLVED – That Council considers and notes the attached report from the Council's External Auditors, Mazars.

COU **Invitation to Become an Opted In Body for External Audit Appointments**

/91/2

0-21

The Portfolio Holder for Finance presented a report which requested Council's approval to accept Public Sector Audit Appointments (PSAA) invitation to become an opted in authority for the appointment of external auditors for five consecutive financial years commencing April 2023.

RESOLVED – That the Council accept Public Sector Audit Appointments' invitation to opt in to the national scheme for the appointment of external auditors for five consecutive financial years commencing April 2023.

COU **Medium Term Financial Plan**

/92/2

0-21

The Chair agreed to consider the report recommendations in two parts. Council would consider recommendations 1-6 followed by recommendations

7-13.

Council received a report which sought approval of the current budget for 2021/22 and original budget for 2022/23 for the General Fund, Housing Revenue Account and Capital Programme as part of the Council's Medium Term Financial Plan covering the years 2021/22 to 2025/26.

The Portfolio Holder for Finance informed Council that he was pleased to present a balanced budget for the upcoming financial year, particularly given the deficit that was left by the previous administration, and the impact of the Pandemic on the Council's Finances. The Assistant Director – Finance and Resources (S151 Officer) and her team were thanked for their hard work.

Council noted that much of last year's National Settlement had been rolled over, including the New Homes Bonus, and the inclusion of a one off Services' Grant. There were also proposals from Government for future funding reforms.

Councillor P Parkin explained that a strong and effective culture of financial management were endemic in the Organisation, and discussed some of the savings targets and efficiency saving projects such as the Digital Transformation Strategy.

The Portfolio Holder for Finance reiterated that the Council understood the financial pressures on households within North East Derbyshire, however in order to maintain the high quality services that it offered to residents it was proposing a 2.58% rise in Council Tax.

Councillor D Hancock commented that he was disappointed with the lack of detail within the MTFP in regards to how the Council was going to achieve its savings targets, and expressed concern at the robustness of the financial projections.

Councillor N Barker thanked officers for their hard work and commented that overall it had been a good year for the Council's finances. Council heard that therefore he did not support the increase to Council Tax, given the cost of living crisis for residents. He also disputed the claims made by the Portfolio Holder for Finance in regards to the budget shortfall left by the previous administration.

Councillor R Shipman expressed disappointment that there were no detailed plans as to how the budget would be balanced in future financial years.

Councillor P Parkin clarified his comments about previous budget shortfalls to the MTFP, and advised Council that it had been presented with an action plan on how the budget would be balanced.

For: 25

Councillors P Wright, P Wheelhouse, R Welton, M E Thacker MBE JP, K Tait, L Stone, B Trafford-Stephenson, D Ruff, M Roe, C Renwick, A Powell, M Potts, A Platts, P Parkin, H Liggett, B Lewis, J Kenyon, R Hall, O Gomez Reaney, M Foster, M Emmens, P Elliott, L Deighton, C Cupit and S Clough.

Against: 8

Councillors R Shipman, G Morley, T Lacey, P R Kerry, L Hartshorne, D Hancock, S Cornwell and N Barker.

Abstentions: 5

Councillors T Reader, J Lilley, J Funnell, A Cooper and J Birkin.

RESOLVED –

- (1) That the view of the Assistant Director – Finance & Resources, that the estimates included in the Medium Term Financial Plan 2021/22 to 2025/26 are robust and that the level of financial reserves whilst at minimum levels are adequate, be accepted.
- (2) That 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 to include updates on achieving the savings and efficiencies necessary to secure a balanced budget over the life of the medium term financial plan.

General Fund

- (3) A Council Tax increase of £4.99 will be levied in respect of a notional Band D property (2.58%).
- (4) The Medium Term Financial Plan in respect of the General Fund as set out in the report to Cabinet (**Appendix 1**) be approved as the Current Budget 2021/22, as the Original Budget 2022/23, and as the financial projections in respect of 2023/24 to 2025/26.
- (5) That the General Fund Capital Programme be approved as the Current Budget in respect of 2021/22, and as the Approved Programme for 2022/23 to 2025/26.
- (6) That any under spend in respect of 2021/22 be transferred to the Resilience Reserve to provide increased financial resilience for future years of the plan.

Councillors D Ruff, R Welton, H Liggett and S Clough withdrew from the meeting.

In the absence of the Chair and Vice Chair of Council, Council elected a Chair for the remainder of the agenda item.

Councillor N Barker nominated himself. This was seconded by Councillor R Shipman. On being put to a vote, the motion was defeated.

Councillor M Foster nominated Councillor B Lewis. This was seconded by Councillor J Kenyon. On being put to a vote, Council accepted this nomination.

Councillor M E Thacker withdrew from the meeting.

Councillor B Lewis took the Chair.

Council then considered the Medium Term Financial Plan (MTFP) in relation to the Housing Revenue Account (HRA).

The Portfolio Holder for Finance advised Members that the Authority was recommending to Council that rents were increased in-line with government guidance at 4.1%, and that the RHL management fee had been renegotiated in-line with the requirements of the new agreement which would be £9.75 million for next year.

Councillors N Barker and R Shipman spoke against the increase to rents as too big of a rise for Council tenants and that this should be challenged.

Councillor P Parkin acknowledged that the rent increase was a large amount, however argued that Rykneld had to live in the current economy which was experiencing ever increasing costs.

Councillor R Shipman proposed that Council resolved to not increase rents by 4.1% and instead remove itself from the Social Housing Rent Standard. This was seconded by Councillor D Hancock.

For: 13

Councillors L Stone, R Shipman, T Reader, G Morley, J Lilley, T Lacey, L Hartshorne, D Hancock, J Funnell, S Cornwell, A Cooper, J Birkin and N Barker.

Against: 20

Councillors P Wright, P Wheelhouse, K Tait, B Strafford-Stephenson, M Roe, C Renwick, A Powell, M Potts, A Platts, P Parkin, H Liggett, B Lewis, J Kenyon, R Hall, O Gomez Reaney, M Foster, M Emmens, P Elliott, L Deighton and C Cupit.

Abstentions: 1

Councillor P R Kerry

On being put to a vote the motion was defeated.

Moved by Councillor P Parkin and seconded by Councillor C Cupit.

For: 19

Councillors P Wright, P Wheelhouse, K Tait, B Strafford-Stephenson, M Roe, C Renwick, A Powell, M Potts, A Platts, P Parkin, H Liggett, B Lewis, J Kenyon, O Gomez Reaney, M Foster, M Emmens, P Elliott, L Deighton and C Cupit.

Against: 7

Councillors R Shipman, G Morley, T Lacey, L Hartshorne, D Hancock, S Cornwell and A Cooper.

Abstentions: 8

Councillors L Stone, T Reader, J Lilley, P R Kerry, R Hall, J Funnell, J Birkin and N Barker.

RESOLVED –

Housing Revenue Account (HRA)

- (7) That Council sets its rent levels for 2022/23 in line with the Social Housing Rent Standard increasing rents by 4.1% from 1st April 2022.
- (8) That all other charges be implemented in line with the table shown in Appendix 1 with effect from 1 April 2022.
- (9) The Medium Term Financial Plan in respect of the Housing Revenue Account as set out in the report to Cabinet (**Appendix 1**) be approved as the Current Budget in respect of 2021/22, as the Original Budget in respect of 2022/23, and the financial projection in respect of 2023/24 to 2025/26.
- (10) That the HRA Capital Programme be approved as the Current Budget in respect of 2021/22, and as the Approved Programme for 2022/23 to 2025/26.
- (11) That the Management Fee for undertaking housing services at £9.751m and the Management Fee for undertaking capital works at £1.100m to Rykneld Homes in respect of 2022/23 be approved.
- (12) That Members endorse the section in the current Financial Protocol which enables the Council to pay temporary cash advances to Rykneld Homes in excess of the Management Fee in order to help meet the cash flow requirements of the company should unforeseen circumstances arise in any particular month.
- (13) That Members note the requirement to provide Rykneld Homes with a 'letter of comfort' to the company's auditors and grant delegated authority to the Council's Assistant Director – Finance & Resources in consultation with the Portfolio Member for Finance to agree the contents of that letter.

Councillors M E Thacker, D Ruff, R Welton, H Liggett and S Clough re-entered the meeting.

Councillor M E Thacker took the Chair.

COU Treasury Strategy Reports 2022/23 - 2025/26

/93/2

0-21

Council received a report which provided Members with the necessary information to approve the Council's suite of Treasury Strategies for 2022/23 to 2025/26.

The report outlined the Council's proposed suite of Treasury Strategies for the period 2022/23 to 2025/26 for consideration and approval by Council. It

contained the Treasury Management Strategy, the Capital Strategy and the Investment Strategy.

Councillor D Hancock expressed concerns in relation to forecasting and investments given the economic uncertainties and the impact inflation had on consumer spending habits.

RESOLVED –

(1) That Council approve the Treasury Management Strategy at **Appendix 1** and in particular:

- a) Approve the Borrowing Strategy;
- b) Approve the Investment Strategy;
- c) Approve the use of the external treasury management advisors Counterparty Weekly List (or similar) to determine the latest assessment of the counterparties that meet the Council's Criteria before any investment is undertaken;
- d) Approve the Prudential Indicators

(2) That Council approve the Capital Strategy as set out in **Appendix 2** and in particular:

- a) Approve the Capital Financing Requirement;
- b) Approve the Minimum Revenue Provision Statement for 2022/23;
- c) Approve the Prudential Indicators for 2022/23, in particular:

Authorised Borrowing Limit £203,786,000
Operational Boundary £198,786,000
Capital Financing Requirement £193,786,000

That Council approve the Investment Strategy as set out in **Appendix 3**.

**COU
/94/2
0-21**

To answer any questions from Members asked under Procedure Rule No 9.2

In accordance with Council Procedure Rule No 9.2 to allow Members to ask questions about Council activities. The replies to any such questions will be given by the Chair of the Council or relevant Committee or 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.

The Chair confirmed that one question had been received.

Question from Councillor N Barker to Councillor A Powell

“Can I ask if and when will a car parking strategy for the whole District be produced?”

Councillor A Powell responded by explaining that Cabinet had considered and approved a Parking Strategy last week, and that parking was a District wide issue. Council heard that there had also been a Scrutiny Review of residential parking which had identified three locations of concern.

It was stated that the Strategy set out how the Council intended to address parking issues in the District going forward. Five sites had been identified and work was ongoing to get those projects underway. They would be funded through the Housing Revenue Account (HRA) and as such the work could only be conducted on HRA lands and assets. There were also trials of grass protection surfacing which were to be funded from any surplus funds.

Supplementary question

Councillor N Barker exercised his right to ask a supplementary question and asked if the Portfolio Holder could explain the rationale in spending £125,000 of HRA funds on 40 parking spaces in Apperknowle, when it already had provisions for 80 spaces and that there were only 45 properties managed by Rykneld Homes.

Councillor A Powell responded by informing Council that Apperknowle was one of the areas identified in the Scrutiny Review of residential parking, and that at the time the process was being managed by Rykneld Homes who wished to look at a number of areas including Apperknowle. This was carried forward by the Council when it developed its Parking Strategy.

COU **To consider any Motions from Members under Procedure Rule No 10**
/95/2
0-21 The following motions had been received:-

Motion submitted by Councillor R Shipman – Seconded by Councillor D Hancock

Council notes:

- The government is asking people to work from home wherever possible;
- In April 2020, local authorities were allowed to use video and telephone technology to carry out official Council meetings;
- Legislation is no longer in place to allow for remote/hybrid meetings;
- Remote meetings are efficient and better for the environment.

Council resolves:

- For the Leader of NEDDC to write to the Local Government Secretary asking them to introduce new legislation as soon as possible to permanently allow official Council meetings to take place remotely, if local authorities wish to make use of it.

Councillor R Shipman argued that there were a number of benefits to remote meetings, including environmental and ease of access benefits and that there should be an option for District Councillors to attend virtually. He urged Council to support the motion.

Councillor J Lilley spoke in favour of the motion and argued that his hearing difficulties meant that he struggled to fully participate in the meeting. He was supporting the motion to support reasonable adjustment. Members agreed that provisions should be made to accommodate those who had hearing difficulties so that they could fully participate in the meeting.

Councillor C Cupit argued that whilst she agreed on the principles behind the motion, she also welcomed Members attending in-person, and that there had already been dialogue with government about changing the law to permit virtual attendance. The Deputy Leader therefore could not support the motion.

Councillor J Birkin spoke in favour of the motion and commented that Members should be permitted to attend virtually, particularly given that some Councillors were unable to attend due to concerns about Covid-19.

Councillor M Foster and R Hall argued that they could not support the motion as the government was no longer recommending that people work from home. Council heard that residents were being asked to return to work and that Councillors should also be expected to do the same.

Councillor B Lewis acknowledged that the Pandemic had transformed how local government operated, but that face-to-face meetings should remain for important meetings such as Council and Cabinet. Council heard about advancements in technology that allowed Members with hearing difficulties, such as himself, to participate in meetings.

Councillor A Dale agreed it would be useful to have the flexibility to conduct virtual or hybrid meetings, and that the government was supportive in this. It was, however, a matter of parliamentary time and that primary legislation needed to be changed to accommodate this. The Leader of the Council did not see the merit in writing another letter when there had already been dialogue with government ministers.

Councillor D Hancock argued that it was important to allow Members to participate from home and promote diversity, and that there were some circumstances that prevented Councillors from attending in person.

On being put to vote, the motion was defeated.

Motion submitted by Councillor D Hancock

Council notes:

- The challenges facing refuse collection in a district as large and as rural as North East Derbyshire;
- The impact additional bank holidays have on planning logistics for refuse collection;
- That many residents have only a 180 litre household waste bin as a result of previous policies adopted by Council and the significantly reduced capacity for excess waste to be stored;
- That not all residents can drive or have a working pattern that allows them to take excess rubbish to one of the recycling centres;
- The health and safety impact of heavier bins on our employees as a result of delayed collections;
- The potential health and safety problems a delay in collection of household waste poses to local residents.

Council believes:

- That no household should go more than two weeks between household

waste collections, save for an additional day to accommodate public holidays, except in cases of emergency.

Council resolves:

- To review its scheduling of household waste collections going forward to ensure that no part of the District has to wait in excess of 14 days (or 15 days over a bank holiday period) without their household waste being collected.

Councillor D Hancock presented the motion and explained that action needed to be taken to prevent such a situation from happening again. The motion was seconded by Councillor R Shipman.

Councillor C Cupit explained that the Christmas period was a challenging time due to high staff absences and a unique set of circumstances. The Deputy Leader thanked staff for their efforts and those who volunteered to maintain services. Council heard that there were steps being taken to mitigate such a situation occurring again, with plans already in place for the Jubilee bank holiday weekend, and looking again at current collection rounds. There were also potential changes to national waste legislation which could affect collections. Councillor C Cupit apologised to residents for the inconvenience that they had faced.

Councillor N Barker spoke in favour of the motion, but welcomed the explanation from the Deputy Leader and the mitigations that were to be put in place.

Councillor S Cornwell left the meeting.

Councillor C Renwick thanked staff and commented that the Council provided an excellent service, with Derbyshire as a whole being one of the best counties in the country. Council heard that she could not support the motion due to concerns over carbon reduction and that there was now a move to smaller bins and less frequent collections to reduce waste. Councillor B Lewis and R Hall also raised issues surrounding household waste and recycling.

On being put to a vote, the motion was defeated.

Councillor M Foster left the meeting.

COU **Exclusion of Public**

/96/2

0-21

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 2 & 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 **Sharley Park Development**

/97/2

0-21

Council received an update and presentation from the Director of Transformation in relation to the Sharley Park Development.

Council then considered a report from the Portfolio Holder for Leisure, Transformation and Climate Change. The report updated Council on the proposed re-development and requested funding approval for the Council's contribution towards the project.

RESOLVED – That Council agrees to the recommendations as outlined within the report.

COU **Councillor Dispensation**

/98/2

0-21

Council gave consideration to an application made by a Member of North East Derbyshire District Council for dispensation from the 'six month' rule that require them to attend meetings.

RESOLVED – That Council agrees to the recommendations as outlined within the report.

COU **Chair's Urgent Business**

/99/2

0-21

There was no urgent business considered at the meeting.