

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 25 APRIL 2022

Present:

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

Councillor Pat Antcliff	Councillor William Armitage
Councillor Nigel Barker	Councillor Jayne Barry
Councillor Joseph Birkin	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Alex Dale
Councillor Lilian Deighton	Councillor David Drabble
Councillor Peter Elliott	Councillor Angelique Foster
Councillor Mark Foster	Councillor John Funnell
Councillor David Hancock	Councillor Lee Hartshorne
Councillor Anthony Hutchinson	Councillor Maggie Jones
Councillor Jeremy Kenyon	Councillor Pat Kerry
Councillor Tony Lacey	Councillor Barry Lewis
Councillor Heather Liggett	Councillor Gerry Morley
Councillor Stephen Pickering	Councillor Alex Platts
Councillor Maureen Potts	Councillor Alan Powell
Councillor Tracy Reader	Councillor Carolyn Renwick
Councillor Jacqueline Ridgway	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Lee Stone	Councillor Bentley Strafford-Stephenson
Councillor Kevin Tait	Councillor Richard Welton
Councillor Philip Wheelhouse	Councillor Pam Windley
Councillor Brian Wright	Councillor Philip Wright

Also Present:

M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources & (Section 151 Officer)
L Hickin	Managing Director - Head of Paid Service
A Maher	Interim Governance Manager
S Sternberg	Assistant Director of Governance and Monitoring Officer

COU Councillor Ann Holmes

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20-21 Council observed a period of silence as a mark of respect, following the death of Councillor Ann Holmes. The Chair of the Council, Councillor Martin E Thacker MBE, the Leader of the Labour Group, Councillor N Barker, the Leader of the Council, Councillor A Dale and fellow local ward Member, Councillor A Cooper, expressed their condolences to her family on their sad loss. They praised Councillor Holmes' contribution to the Council, the Pilsley and Morton Community and to the District as a whole.

COU Apologies for Absence

/116/

20- Apologies for absence were received from Councillors M Emmens, O Gomez
21 Reaney, R Hall, J Lilley and P Parkin.

COU Declarations of Interest

/117/

20- Councillors A Dale, C Cupit, A Foster, M Foster and C Renwick declared an
21 interest in Item 10 – Vision Derbyshire, County Deal and Devolution as
Derbyshire County Councillors. They indicated that they would remain in the
meeting and participate in the Council's consideration and determination of the
item. Councillor B Lewis also declared an interest in Item 10, in his capacity as a
Derbyshire County Councillor. He indicated that he would remain in the meeting,
but not participate in Council's consideration of the item.

COU Minutes of Last Meeting

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20- The minutes of the meeting held on 7 March were agreed as a true record,
21 subject to clarification on Minute: COU/108/20-21 – The Level of Council Tax
2022-23. The report on this item was presented by the Leader of the Council,
Councillor A Dale, not the Portfolio Holder for Finance, Councillor P Parkin.
Councillor P Parkin had submitted his apologies and did not attend the meeting.

COU Chair of the Council's Announcements

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20- The Chairman of the Council, Councillor M E Thacker MBE, explained that he
21 had recently attended the funeral of Mrs Freda Walker. Members were
reminded that Mrs Walker died following an attack on her and her husband,
Mr Ken Walker at their home. Mr Walker had been a former Chair of Bolsover
District Council and Mrs Walker had served as his consort.

The Chairman informed Members that he had attended civic events at Amber
Valley Borough Council and Bolsover District Council to commemorate the
Queen's Platinum Jubilee. Members were informed of the Chairman's
forthcoming Civic Service, which would also celebrate the Queen's long reign.

Councillor M E Thacker MBE updated Council on his visit to 'Camp Inspire',
an initiative organised by Chesterfield Community Trust to help build the
confidence skills of children in Chesterfield and North East Derbyshire. He
also paid tribute to Councillor R Shipman, who had raised money for his
charitable appeal, the Ashgate Hospice, through a sponsored headshave.

RESOLVED – That Council noted the announcements of the Chairman of the
Council, Councillor M E Thacker MBE (by acclamation).

COU Leader of the Council's Announcements

/120/

20- The Leader of the Council, Councillor A Dale, highlighted the Council's
21 contribution to the national Homes for Ukraine scheme. In particular, he
highlighted the work of the Council's Environmental Health Service to develop
a standardised inspection process that could be used to assess
accommodation for guests housed as part of the Government's 'Homes for
Ukraine' scheme.

The Leader of the Council informed Members that he had visited the first Ukrainian family to arrive in the District. He gave thanks to the sponsor couple for hosting the family and all other local residents who had pledged to sponsor guests from Ukraine.

Councillor A Dale highlighted the funding that the Council would now receive £2.568M from the UK Shared Prosperity Fund. The fund was intended to help Councils to deliver on the Government's levelling-up objectives in order to improve life chances across the country. Members also heard that the Council had been praised by Friends of the Earth for its work on tackling climate change locally.

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

COU Public Participation

/121/

20- There were no questions from the public.

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COU Independent Review Panel (IRP): Members Allowance Scheme

/122/

20- The report of the Assistant Director of Governance and Monitoring Officer set out the findings and recommendations of the Independent Review Panel (IRP).

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Council heard that the Panel had considered the level of Basic Allowance, Special Responsibility Allowances (SRA), the Travel and Subsistence Scheme and other allowances for the 2022-23 financial year. As part of this, the Panel noted that Members Allowances were currently index-linked with staff pay. However, they had not been increased for the last two years they had not been increased in line with the increase in staff pay.

The Panel recommended that the current index line should now be applied. In particular, that the Basic Allowance ought to be raised, to bring into line with the increase in staff pay. The Panel also recommended that there be a blanket increase in all Special Responsibility Allowances, again to bring them into line with the increase in staff pay which had taken place.

Council discussed the report. Councillor A Dale emphasised the role of the Panel as an independent body, with responsibility for determining Allowances. The Council should respect the independence of the Panel and accept its recommendations. Other Members did not think it would be appropriate to increase the rate of Basic Allowances and Special Responsibility Allowances at this time.

At the conclusion of the discussion, Councillor A Dale and Councillor C Cupit moved and seconded a motion to formally approve the IRP recommendations as specified in the report.

The motion was put to the vote and was approved.

RESOLVED – That Council:

- (1) Agreed an increase to the Basic Allowance for Members reflective of the increase due already by way of index linking to staff pay increases to £5,738.01.
- (2) Agreed a blanket increase to all Special Responsibility Allowances (SRAs) reflective of the increase due by way of index linking to staff pay increases – 2.75% for 2020 and 1.75% for 2021.
- (3) Agreed to retain the level of remittance claimable by Co-optees.
- (4) Agreed to increase carer's allowance in line with national increases to the Minimum Wage.
- (5) To link mileage remittance to HMRC recommended levels for claims.
- (6) To link subsistence claim limits to NJC rates and mirror those set out for staff within the Travel and Subsistence Policy.
- (7) To adjourn consideration of claims for PC Consumables to a point whereby the review of Members' ICT is completed.
- (8) To continue to index link with staff pay awards for the 4-year duration of the Members' Allowance Scheme, to be reviewed in full for consideration in March 2026.
- (9) Subject to the changes suggested above, approved for the Members' Allowance Scheme to be amended accordingly for inclusion in the Council's Constitution.

COU /123/ 20-21 **Proposed Calendar of Meetings 2022-23**

Council considered the proposed calendar of meetings for the 2022-23 municipal year. Members heard that as in previous years, changes may be required to the proposed dates for specific meetings in response to circumstances.

Councillor A Dale and Councillor C Cupit moved and seconded a motion to adopt the proposed calendar of meetings for 2022/23.

The motion was put to the vote and was agreed.

RESOLVED -

- (1) The 2022/23 calendar of meetings, attached at Appendix 1 of the report, be approved and the points outlined in Paragraph 2.4 and 2.5 be noted.
- (2) Delegated authority be granted to the Governance Manager following consultation with the Chair of the relevant Committee(s)/Working Group(s) to amend the Calendar of Meetings 2022/23 as and when required.

COU **Review of the Constitution**

/124/

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The report of the Assistant Director of Governance and Monitoring Officer Council set out the proposed amendments to the Council's Constitution.

Members were reminded that the Constitution was the Council's Rule Book, setting out how the Council operated and how it would make its decisions. Council approved the latest version of the Constitution at the Annual Meeting in April 2021. Further, the Council was required by law to prepare and keep an up-to-date Constitution, and ensure that all procedures to be followed were efficient, transparent and accountable to local people.

Council was informed that under the guidance of the Monitoring Officer, the Standards Committee had undertaken an annual review of the Constitution to ensure that it was up-to-date and in line with legislation. Each of the areas of review had been set out in detail, along with a rationale for the amendments proposed within Appendix 1 to the report and a track changes version of the Constitution detailing all amendments was attached to the report at Appendix 2.

Councillor W Armitage and Councillor P Antcliff moved and seconded a motion to formally adopt the proposed Constitutional amendments.

The motion was put to the vote and agreed.

RESOLVED – That:

- (1) The amendments to the Constitution detailed in Appendix 1 and set out in Appendix 2 of the report be approved.
- (2) That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

COU Vision Derbyshire, County Deal and Devolution

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The report to Council provided an update from the Leader of the Council on the Vision Derbyshire initiative. The work explained the work which had taken place, with the aim of developing a collaborative model for councils to deliver non-structural reform across Derbyshire. Councillor A Dale recommended that the Council should continue to engage with other local authorities across Derbyshire on both the developing Vision Derbyshire programme and on a possible County Deal. Further update reports would then be brought back to Council to explain what progress had been made.

Council discussed the report. Concerns were raised by Councillors N Barker, R Shipman and D Hancock about the cumulative impact of Vision Derbyshire on the Council and the role which it can play in serving the District. They also questioned the dual role played by those Councillors who were Members of both the District and Derbyshire County Council in developing Vision Derbyshire. Councillor A Dale stressed that his involvement with the issue had been solely as Leader of the Council. He stressed the importance of taking a pragmatic approach, so that the Council could decide its position, based on the specific proposals which emerged, following the ongoing engagement with

other local authorities.

At the conclusion of the discussion Councillor A Dale and Councillor C Cupit moved and seconded a motion for Council to continue to engage with other Councils on developing Vision Derbyshire and the issue of devolution.

The motion was put to the vote and agreed.

RESOLVED – That Council noted:

- (1) The progress and work that has taken place with Derbyshire Councils on the development of Vision Derbyshire and the Vision Derbyshire Joint Committee.
- (2) The Government's intentions around Levelling Up and Devolution, as set out in the recent White Paper.
- (3) The progress and submission of Derbyshire County and Derby City Councils' submission for a County Deal across a wider geographical area than the County of Derbyshire which provides the opportunity to pursue a wider Combined Authority (CA) deal at a regional level.

And that Council:

Authorised the leadership and senior officers to continue to engage with other Councils across Derbyshire on both the developing Vision Derbyshire programme and the issue of devolution and County Deals and to report back to Council through update reports on progress of the above.

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Vision Derbyshire Climate Change Strategy 2022-25

The report of the Portfolio Holder for Economy, Transformation and Climate Change provided asked Council to formally endorse the Vision Derbyshire Climate Change Strategy 2022-25. Members heard how this Strategy, which had been developed by the Vision Derbyshire Climate Change Officers Group, sets out what needs to be done to achieve net zero carbon emissions across the county by 2050, or sooner, and how Derbyshire's councils will work towards achieving this goal. It was explained that it would influence the Council's forthcoming Climate Change Strategy 2022 – 2030, which was currently being developed.

Councillors N Barker, R Shipman and D Hancock praised the report as it highlighted the advantages of working together with other councils across the County. Councillor A Dale stressed that it was a good example of what was already being achieved through Vision Derbyshire to enable joint working across the Council.

Councillor D Hancock expressed an interest in a wider climate strategy that could also incorporate Councils outside of the County, such as in the Sheffield City region.

Councillors J Kenyon and A Dale moved and seconded a motion to formally endorse the Vision Derbyshire Climate Change Strategy 2022-25.

The motion was put to the vote and agreed.

RESOLVED – That Council endorsed the publication and delivery of the Vision Derbyshire Climate Change Strategy 2022-25.

COU Rykneld Homes Limited Presentations

/127/

20-21 Members received a presentation on the improvement works to non-traditional homes and other Council-owned properties, carried out by the Rykneld Homes Limited (RHL).

Council discussed the presentation at length and asked a number of questions. The RHL representatives agreed to respond to several of these outside of these meetings.

RESOLVED - That Council thanks to RHL for the presentations and its ongoing work to improve the Council's housing stock (by acclamation).

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

/128/

20-21 The Chairman of the Council confirmed that one question had been received.

Question from Councillor J Barry to Councillor J Kenyon

Councillor J Barry asked the Portfolio Holder for Economy, Transformation and Climate Change, Councillor J Kenyon the following question: "*Since the initial announcement about Electric charging points in NEDDC can the Portfolio Holder provide the following details: on delivery, meaningful implementation, monitoring, and siting of such chargers.*"

Councillor J Kenyon explained that charging points had been installed at Dronfield Leisure Centre and would also be installed as part of the redevelopment of the Sharley Park Leisure Centre. He went on to explain that additional car parks have also been assessed to determine if they were suitable for charging points and that the new Council housing at Pineview and hopefully all other new Council housing development would also be fitted with charging points. The Portfolio Holder referred to the Vision Derbyshire Climate Change Strategy and the important role that this would play in helping to increase the use of electric vehicles and the provision of charging points across the county.

Councillor J Barry asked a supplementary question as to whether any schemes were being brought forward that would assist private home owners to install charging points.

Councillor J Kenyon explained that various Government schemes had been introduced to help householders to do this.

COU To consider any Motions from Members under Procedure Rule No 10

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Council considered a motion, marked as Motion 'A' moved and seconded by Councillor R Shipman and Councillor D Hancock:

"Council notes:

- Planning application 20/00221/FL was approved for the erection of 34 dwellings on land opposite to 24 to 44 Clay Lane, Clay Cross.
- At the time of the original planning application decision, Derbyshire County Council carried out a desktop assessment and didn't submit any objections or concerns.
- At the time of the original application, concerns were raised by residents and Councillors about flooding from Smithy Brook.
- Planning enforcement issued a temporary stop notice on the site which ended at the beginning of August after the developer failed to comply with planning conditions.
- Subsequent planning applications to discharge conditions on the site has resulted in Derbyshire County Council raising flooding concerns about a part of the original planning application.
- The developer has declined to undertake a survey requested by Derbyshire County Council as it is outside the scope of their current application.
- After the last debate to revoke at full council, DCC have carried out an assessment of the levels, which agreed with what residents were saying all along, that Woodall Homes were using incorrect information.
- The duties and responsibilities of North East Derbyshire District Council as the planning authority.

Council resolves:

That planning application 20/00221/FL be referred back to the Planning Committee to determine whether permission be revoked in respect of the flooding concerns raised by Derbyshire County Council."

Members discussed the motion. Councillor R Shipman argued that the Planning Committee should be given the opportunity to reassess the application, but that it should be able to take into account additional information about the site, which had not been available when the Committee originally considered and determined the application. Councillor T Reader indicated that she would support for the motion. She stressed that Clay Cross Parish Council had supported local residents and shared their concerns about possible flood risks as a result of the application.

The Deputy Leader of the Council and Portfolio Holder for Environmental services, Councillor C Cupit, responded to the motion and the work which had taken place to address the concerns about possible flood risks. In this context, she highlighted the additional water tank which the developer had agreed to place on site. She made clear that the Council took the concerns of the residents seriously and would seek to encourage the provision of the additional information required, in a way which did not apportion blame for what had occurred.

Councillor C Cupit and A Dale then moved and seconded an amendment to the motion:

Council notes:

- *Planning application 20/00221/FL was approved for the erection of 34 dwellings on land opposite 24 to 44 Clay Lane, Clay Cross.*
- *at the time of the original planning application decision, Derbyshire County Council carried out a desktop assessment and didn't submit any objections or concerns.*
- *at the time of the original application, concerns were raised by residents and councillors about flooding from Smithy Brook.*
- *Planning enforcement issued a temporary stop notice on the site which ended at the beginning of August after ~~the developer failed to comply with planning conditions.~~*
- *Subsequent planning applications to discharge conditions on the site has resulted in Derbyshire County Council raising flooding concerns about a part of the original planning application.*
- *The developer has declined to undertake a survey requested by Derbyshire County Council as it is outside the scope of their current application.*
- *after the last debate to revoke at full council, DCC have carried out an assessment of the levels, ~~which agreed with what residents were saying all along, that Woodall Homes were using incorrect information~~*
- *the duties and responsibilities of North East Derbyshire District Council as the planning authority, which do not relate to flooding matters.*

Council resolves:

*To urge external parties to carry out a survey or hydraulic model of the adjacent Press Brook in light of the flooding concerns raised by residents. **If** that modelling is then completed, Council resolves to refer planning application 20/00221/FL ~~be referred back to the Planning Committee to review this data and discuss whether permission should be amended or revoked in respect of the flooding concerns raised by Derbyshire County Council~~*

Council discussed the amendment. Concern was raised by Councillor R Shipman, D Hancock and N Barker about the proposal in the amended motion to refer the application to Planning Contingent *if* a survey or hydraulic modelling exercise takes place. Councillor C Cupit, reiterated her aim that the amended motion should provide an effective way forward and to this end would be prepared to change the wording to when rather than if a survey or hydraulic modelling survey takes place.

The amendment was put to a vote and approved.

The amended substantive motion was put to the vote and was agreed.

RESOLVED

Council notes:

- *Planning application 20/00221/FL was approved for the erection of 34 dwellings on land opposite 24 to 44 Clay Lane, Clay Cross.*
- *at the time of the original planning application decision, Derbyshire County Council carried out a desktop assessment and didn't submit any objections or concerns.*
- *at the time of the original application, concerns were raised by residents and councillors about flooding from Smithy Brook.*
- *Planning enforcement issued a temporary stop notice on the site which ended at the beginning of August*
- *Subsequent planning applications to discharge conditions on the site has resulted in Derbyshire County Council raising flooding concerns about a part of the original planning application.*
- *The developer has declined to undertake a survey requested by Derbyshire County Council as it is outside the scope of their current application.*
- *after the last debate to revoke at full council, DCC have carried out an assessment of the levels.*
- *the duties and responsibilities of North East Derbyshire District Council as the planning authority, which do not relate to flooding matters.*

Council resolves:

To urge external parties to carry out a survey or hydraulic model of the adjacent Press Brook in light of the flooding concerns raised by residents. When that modelling is then completed, Council resolves to refer planning application 20/00221/FL

Council considered a motion moved and seconded by Councillor N Barker and Councillor T Reader marked as Motion 'B' That:

"Council notes:

That residents of NED are facing the worst cost of living crisis in decades. Rising food, utilities and petrol bills together with the governments freeze to income tax allowances, rise in national insurance, cuts to Universal Credit and rises in council tax are placing many families in financial difficulties.

Council resolves to:

- a) Call upon the Cabinet to undertake a review of all current charges and fees to determine whether any assistance can be given to families

- struggling financially.
- b) Call upon the Cabinet to support local welfare rights and debt management services in NED to increase their capacity to help residents living within the District.
 - c) Call upon the Leader of the Council to write to Lee Rowley MP and Mark Fletcher MP expressing Council's belief that the government's response to the cost-of-living crisis has been inadequate and to request that they lobby the government to take further measures to prevent people falling into poverty"

Council discussed the motion. Councillor N Barker highlighted the cost of living difficulties facing many people in the District. He felt it important that local Councillors should express these concerns to Government and the need for further action to assist residents.

Councillors R Shipman, D Hancock, J Ridgway, L Hartshorne and J Barry indicated their support for this motion. Some Members raised concerns over residents that were unable to pay their rent and Council tax.

Councillor A Dale responded to the motion. He highlighted the extensive support which the Council provides to community groups in the District and the specific help focused on those most in need. In this context, he explained the support provided to the Citizens Advice Bureau. He also highlighted that many of the Council's services were provided free or at a reduced cost to those on low income.

Councillor M Foster expressed his concern that the motion was not clear about which Council fees and charges should be reassessed.

At the conclusion of the discussion the motion was put to a vote and was rejected.

COU Chair's Urgent Business

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There was no Chair's urgent business. The Chairman declared the meeting closed.